

<b>TCP/11/16(482) – 17/00831/FLL – Siting of 2 storage containers on land 80 metres North of Old Church, Lawers</b>
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**TCP/11/16(482) – 17/00831/FLL – Siting of 2 storage  
containers on land 80 metres north of Old Church, Lawers**

**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)

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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 & KINROSS

Planning authority's application reference number 17/00831/FLL

Site address LAND BORN NORTH OF OLD CHURCH,  
LAWERS

Description of proposed development SITING OF 2 NO. STORAGE CONTAINERS

Date of application 05/05/17

Date of decision (if any) 27/06/17

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:

THE PLANNING AUTHORITY HAS SHOWN FLAUS IN ITS ASSESSMENT AND IN ITS EXERCISE OF PROFESSIONAL JUDGEMENT

**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:

N/A

**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.

PLEASE SEE ATTACHED APPEAL  
STATEMENT + DOCUMENTS

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising 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.

N/A

**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.

1. PLANNING APPLICATION FORMS + REPORTS
2. APPLICATION DRAWINGS
3. DECISION NOTICE
4. REPORT OF HANDLING
5. PRE APPLICATION CORRESPONDENCE WITH PLANNING OFFICE
6. POST APPLICATION CORRESPONDENCE WITH THE PLANNING OFFICE
7. ADDITIONAL INFORMATION
  - OBJECTION REBUTTAL
  - STATEMENT OF NEED

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



Date

13/07/2019

PHILIP NEAVES  
FELSHAM PD

**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 2008**

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

**PLANNING APPLICATION 17/00831/FLL**

**APPLICATION FOR SITING OF TWO STORAGE HUTS, LAND 60 METRES NORTH EAST OF OLD  
CHURCH LAWERS**

**THE OLD VILLAGE OF LAWERS, LOCH TAY, PERTHSHIRE**

**Appeal to Local Review Body**

**Appeal Statement on Behalf of Mr Angus Thomson**

**July 2017**

**1.0 Introduction**

Felsham is planning adviser to Mr Angus Thomson. We are instructed by our client to submit an appeal following the refusal of the application for:

*APPLICATION FOR SITING OF TWO STORAGE HUTS, LAND 60 METRES NORTH EAST OF OLD CHURCH LAWERS*

*THE OLD VILLAGE OF LAWERS, LOCH TAY, PERTSHIRE*

The application (Documents 1 and 2) was refused on 27<sup>th</sup> June 2017 for the following reasons:

1. *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 Old Lawers Village through the siting of the proposed containers not being respective of the sensitive location.*
2. *The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the provision of two storage containers would erode and dilute the area's landscape character.*
3. *The proposal is contrary to Policy PM1B, criterion (c) of the Perth and Kinross Local Development Plan 2014, as the design and density of the proposed storage containers does not complement its surroundings in terms of height, scale and massing.*
4. *The development would establish a precedent for development of a similar nature to the detriment of the overall 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*
5. *The proposal is contrary to policy HE1 of the Perth and Kinross Local Development Plan 2014 as the development would have an adverse effect on the integrity and setting of the Old Lawers Viillage Scheduled Ancient Monument and there is no sound justification or exceptional circumstances to grant this application, as required by policy*
6. *The proposal is contrary to policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and the quality of Perth and Kinross' landscape character, visual, scenic qualities of the landscape and the quality of the landscape experience through the siting of the proposed containers in this sensitive location*

There are a number of sweeping statements in the decision notice (Document 3) but there is no evidence to support these conclusions or to show how they were arrived at in the Report of Handling (Document 4). This is a serious omission. In our submission the reasons for refusal have been drawn up to support a conclusion intended to appease objectors. There is no explanation about the difference in the Council's assessment shown in the reasons for refusal and its positive engagement in pre-application discussions with the applicant (Document 5).

The Town and Country Planning (Scotland) Act requires full disclosure of an appeal case at the outset. The reasons for refusal cannot be added to or amended. The Council must rely on these reasons for refusal and cannot introduce any further arguments. Having regard to the above, we consider the main determining issues to be:

- The Local Plan policies covering the site
- The effect on the SAM
- The effect on the landscape character of the area
- The need for the proposal

The site is situated close to the site of the Old Village of Lawers, which is a Scheduled Ancient Monument (SAM). It is bounded to the east by Loch Tay; to the south and west by grazing; and to the north by Lawers Burn. There are ruins at each end of the site and the open ground in between is the 'in-field', which the villagers farmed. The in-field runs down to Loch Tay, where the owners have the right to launch a boat. The application is for structures to support the recreational use of this land. Care has been taken to site these structures in discrete locations and away from the SAM. The proposed stores are situated in the south west corner of the site, close to the field gate. They are each more than 100m away from either SAM.

Despite the presence of the SAM it should be noted that this is an area where there has been considerable human activity in the past, associated with the Loch and with farming. The 1841 census noted 17 households. The area was finally abandoned in 1926. There are rights to use the land for agriculture and recreation. Therefore, the application does not introduce human activity where none has existed previously nor does it envisage a new form of activity that is not already permitted. It simply proposes structures to support the already permitted activity.

The site is large and capable of accommodating these structures without negatively impacting upon the character and setting of the Scheduled Monument Site. The small scale of the containers and the large scale of the site means that it is possible to accommodate the proposal in a sensitive location, as far as practical away from the Scheduled Monument Site and utilising the screening provided by the existing trees.

The stores comprise containers one 20 foot long standard container and one 10 foot long standard container. These will be wood clad and will be used as follows:

- 20 foot – storage of building materials, small tools, fuel, equipment etc.
- 10 foot – storage of PPE equipment, messing facility and toilet (chemical). The toilet will have a sealed unit, which will be removed from site periodically. There will be no disposal into existing drainage and no septic tank.

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The stores will be removable and will have no foundations. When removed they will leave no trace of their presence, which is in accord with the definition of a hut given in national policy.

## 2.0 Background

The application is a resubmission of application ref 17/00251/FLL. That application was withdrawn following discussion with the your officers about the location of the proposed structures and agreement of a location that the planning authority would be better able to support (Document 5).

In 2012 a planning application for a dwelling house (ref 12/00628/IPL) was refused because of its impact on the SAM, listed building and the landscape; flood risk associated with residential use; and the failure to comply with the housing in the countryside policy. In our submission the current proposal is significantly different and the 2012 decision should not be seen as setting a precedent for how this application should be determined.

This supporting statement sets out the case for the proposed structures in this location and makes the case that they are appropriately sited and can be viewed as satisfying the design criteria of the development plan policies.

The application was submitted following extensive pre-application discussions with the Council's planning officer, Sean Panton. Mr Panton gave extensive and unequivocal advice about where would be a suitable location for the application proposals to be relocated and went so far as to provide a plan with a suitable location clearly specified. This correspondence is attached as Document 5. It is worth quoting extensively from this correspondence to give the Local Review Body an indication of the planning authority's thinking:

*Dear Mr Neaves,...*

*I must point out that I am aware of the relatively small scale of this proposal and I believe an acceptable scheme can be achieved, hence why I am suggesting the withdrawal and re-submission. The site is large and capable of accommodating these structures without negatively impacting upon the character and setting of the Scheduled Monument Site. The position of these containers at present however is not considered to be appropriate. (25<sup>th</sup> April 2017 11.59)*

*Yes, as discussed, I believe that due to the small scale of the containers and the large scale of the site you have provided we can accommodate the proposal in a more sensitive location than at present. As mentioned before, I am happy to work with you on this one. (25<sup>th</sup> April 2017 12.09)*

*Further to our telephone discussion earlier today, I attach a map of where on the site may be suitable for the relocation of the storage units which is more sensitive in relation to the Scheduled Monument. I would encourage you to go within the green zone in an area where existing screening can be utilised. I have suggested the yellow dot may be an appropriate site. I am open to suggestions however as I want to achieve something that is both practical for your client and sensitive to the site. (25<sup>th</sup> April 2017 14.39)*

*It is also my intention that if we withdraw and re-submit I can speak to the Community Council about the removal of their objection and hopefully they will not submit an objection second time around (26<sup>th</sup> April 2017 08.33)*

*Yes, we can recommend approval no matter how many objections are received if we feel the application complies with relevant policies. Depending on how many objections are received however, it may be required to go to full Committee. If this is the case, it will go to Committee along with a report recommending that the Committee approve the application. (26<sup>th</sup> April 2017 08.59)*

To summarise, the planning officer directed us to submit this application in this location. In doing so he was fully aware of:

1. The nature of the application
2. The terms of planning policy
3. The nature of objections that had been received to the earlier application and the points raised
4. The likelihood that any application in this location would receive objection and the points likely to be raised

BUT he considered in his pre-application advice, which was quite categorical, that this was an acceptable location and he actively urged the appellant to submit an application with the proposed stores located where he had directed on a plan that he had supplied. To now sign a decision notice and Report of Handling expressing a contrary view calls into question the professional judgement of the officers responsible.

## 3.0 Planning Policy

The site is situated in the Highland Area of Perth and Kinross. Relevant policies of the Perth and Kinross Local Development Plan 2014 are as follows:

PM1 Placemaking - PM1A states that development should contribute positively to its surroundings and that design, density and siting should respect the character and amenity of the area.

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PM4 Settlement Boundaries – where a settlement boundary is defined development will not be permitted outside that boundary except in exceptional circumstances. There is no settlement boundary affecting the subject site.

ED3 Rural Business and Diversification – diversification of existing business and use will be supported where it can be satisfactorily accommodated by the landscape capacity of the site

HE1 Scheduled Ancient Monuments – there is a presumption against development that will have an adverse effect on a SAM.

HE2 Listed Buildings – the detail of any development that would affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

ER6 – Managing Future Landscape Change to Conserve and Enhance - 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.

Regard must also be had to SPP Revised June 2014. Paragraph 137 states the planning system should:

*Enable positive change in the historic environment which is informed by a clear understanding of the importance of heritage affected....change should be sensitively to avoid or minimise adverse impacts on the fabric and setting of the asset and ensure that its special characteristics are protected, conserved and enhanced*

Paragraph 141 deals with listed buildings and states:

*...the materials...scale and setting...of any development which will affect the setting of a listed building...should be appropriate to the character and appearance of the building...*

SPP defines a hut development as a simple building used intermittently as recreational accommodation (i.e. not a permanent residence) having an internal area of no more than 30 sq.m; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life

#### 4.0 Assessment

##### ***Basis for Determining a Planning Application***

The Town & Country Planning Act requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that:

*'Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.'*

This judgement sets out a clear approach to determining a planning application and clarifies how the development should be used:

1. Identify any provisions of the Development Plan that are relevant to the decision.
2. Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies.
3. Consider whether or not the proposal accords with the Development Plan.
4. Identify and consider relevant material considerations for and against the proposal.
5. Assess whether these considerations warrant a departure from the Development Plan.

The determining authority must first consider whether the proposal accords with the development plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the development plan, it follows that consent should be granted unless material considerations preclude consent.

The House of Lords has ruled that material considerations must satisfy two tests:

1. They must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
2. They must be material to the circumstances of the case and they must relate to the proposed development.

In assessing this proposal we believe that it is also relevant to refer to the Court decision Tesco Stores v. Dundee [2012] PTSR 983. Paragraph 18 states:

*The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by the planning authority in its decision making unless there is good reason to depart from it. It is*



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*intended to guide the behaviour of developers and the planning authority....the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, whilst allowing a measure of flexibility to be retained.*

Paragraph 19 continues:

*The development plan should be interpreted objectively in accordance with the language used...that is not to say that such statements should be construed as if they are statutory or contractual provisions. Although a development plan has a legal status and legal effects it is not analogous in its nature or purpose to a statute or contract...development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another...many of the provisions of the development plan are framed in language whose application to a given set of facts requires the exercise of judgement. Such matters fall within the jurisdiction of planning authorities.*

The Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination.

### **Assessment of the Application Proposal**

In assessing the proposal we have followed the step by step process laid down by the House of Lords:

1. **Identify any provisions of the Development Plan that are relevant to the decision** – the key development plan policies relevant to determination of this application are PM1A Placemaking, ED3 Rural Diversification, HE1 Scheduled Ancient Monuments, and HE2 Listed Buildings and ER6 Managing Future Landscape Change. There is no settlement boundary therefore policy PM4 is not relevant to this application.
2. **Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies** - the aims and objectives of the development plan are to preserve the character and appearance of the SAM, listed buildings and the landscape whilst supporting social and economic well-being in the Council's area. Notwithstanding the SAM it is also a working landscape. Recognition needs to be given to the need for infrastructure to support agriculture and that agriculture is a primary industry in the countryside whose needs are often quite basic and resources limited. The environmental objectives of the development plan need to be balanced against the economic objectives in order to support the local economy and the social well-being of the communities within the LDP area.

The Dundee decision referred to above gives the planning authority discretionary powers to interpret its development plan ...*development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another.* Even in the proximity of the SAM there may be circumstances where the needs of those using the land should take precedence over environmental and visual considerations. This can occur without setting a precedent or undermining the aims and objective of the development plan. The storage units have been discretely located as far away as possible from the SAM to minimise any impact.

The Council suggested in its discussions with the selling agent that small structures associated with agriculture or recreation could be acceptable. In making this suggestion the Council must be satisfied that the use is acceptable in close proximity to its neighbours. This narrows down the policy considerations to design and impact on amenity.

3. **Consider whether or not the proposal accords with the Development Plan** – we note that the majority of the objections to application ref 17/00251/FLL had one primary concern and that is in relation to the impact of the proposal upon the Scheduled Monument Site. In relocating the containers within the site we consider that the proposal complies with Policy HE1 (Scheduled Monuments and Non-Designated Archaeology) of the adopted Perth & Kinross Local Development Plan 2014. In our submission the location of the storage huts are appropriate for the reasons given at point 2 above. These reasons include distance from neighbours; distance from the road; screening provided by the trees; and setting within the site, which will be seen from very few viewpoints.

It should be noted that none of the expert bodies charged with providing consultee responses has objected to the proposal. Historic Environment Scotland, SNH and SEPA have not objected. The Council's policy assessment needs to be viewed in the context of the responses received from these bodies.

Crucially policy HE1 applies an *adverse impact* test when assessing the effect on the SAM. We note that Historic Scotland did object to the previous application for a dwelling house because they felt that it could be satisfactorily accommodated on this

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site. This was not a view that the Council accepted but it demonstrates that there is an argument that some development can occur without adverse impact on the SAM.

The storage units are significantly smaller than the previously proposed dwelling house. They are discretely located and require none of the infrastructure associated with a house and its gardens. The subject site is a working field where activity is permitted and is to be expected. Small scale and discrete structures associated with the permitted uses can be allowed without adverse impact on the SAM or listed building. The proposed location and scale of the storage huts are such that it will still allow the infield to remain capable of being understood and for the infield to be largely undisturbed.

There are no houses in close proximity. It follows that the impact of the location and design is limited to those who are transient and simply passing through the landscape. Permanent residents have not been identified who could be impacted. Having regard again to the Dundee decision this is a further circumstance where discretion is needed, to balance the needs of transient walkers against those who are using the land. The question of design needs to be seen in this context. The proposed structures are seen throughout the countryside and the majority of the general public, if they see the structures at all, are unlikely to be surprised or offended by their presence because they are discrete and remove none of the context of the SAM and they do not harm the ability to appreciate the landscape, which means that there is no harmful amenity impact.

Therefore, we conclude that the proposal satisfies the development plan criteria. In our view few people will see the structures and it cannot be said to have a *significant adverse effect*, which is the policy HE1 test. The Dundee decision gives the Council discretion over its policies and we would urge your Council to use such discretion given the fact that few people are likely to be directly impacted.

4. **Identify and consider relevant material considerations for and against the proposal** – material considerations are access and parking, and drainage and water supply:

- access and parking - permanent storage and shelter will reduce traffic movements. Therefore, this is a material consideration in support of the proposal.
- drainage and water supply – there is no requirement for a drainage connection.

Whilst flooding was raised as an objection to the proposed dwelling it is not a relevant consideration when assessing storage huts because there is no threat to life and the decision to store property is a matter of judgement for the landowner.

## 5.0 Assessment of Reasons for Refusal

In the light of the above assessment it is clear to us that planning permission should have been granted. The next step is to consider the proposal against the reasons for refusal:

1. ***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 Old Lawers Village through the siting of the proposed containers not being respective of the sensitive location*** - As we have previously noted the officer directed us to this location in extensive pre-application correspondence. Nothing has changed in terms of planning policy since that correspondence and it is difficult to see how the planning authority can now take a different view without their competence being called into question.

We note that no objective expert analysis has been provided by the planning authority to substantiate their assertion. The location was chosen in consultation with the planning officer because it is hidden and discrete.

2. ***The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the provision of two storage containers would erode and dilute the area's landscape character*** - We note that no objective expert analysis has been provided by the planning authority to substantiate their assertion. The location was chosen in consultation with the planning officer because it is hidden and discrete.
3. ***The proposal is contrary to Policy PM1B, criterion (c) of the Perth and Kinross Local Development Plan 2014, as the design and density of the proposed storage containers does not complement its surroundings in terms of height, scale and massing*** - the planning officer appears to have been swayed by objectors. He was well aware of what was proposed when the location was discussed in the correspondence of 25<sup>th</sup> and 26<sup>th</sup> April 2017 (Document 5) and expressed no objection. In fact he stated that:

*Yes, as discussed, I believe that due to the small scale of the containers and the large scale of the site you have provided we can accommodate the proposal in a more sensitive location than at present*

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The views expressed in the Report of Handling (Document 4) are seriously at odds with the views expressed in the pre-application advice (Document 4). An officer should not be swayed by objectors particularly when they raise no issue that the officer was not aware of in giving the application advice over 25<sup>th</sup> and 26<sup>th</sup> April 2017 (Document 4)

4. ***The development would establish a precedent for development of a similar nature to the detriment of the overall 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-*** it is a matter of planning law that all application must be determined afresh against the relevant planning policies at the point at which the application is made. Therefore, there is no such thing as precedent in planning law. A competent planning authority should have confidence to use its planning policies to refuse what it considers to be inappropriate development, even if it has previously approved a similar proposal, and to back its judgement in defending its decision. It is open to the Local Review Body to allow this appeal confident in the knowledge that the planning authority has sufficient powers to resist any future development it considers to be inappropriate. We would reiterate that our client has stated on several occasions that he does not intend to submit any other planning applications. The planning authority has given undue weight on the ill-founded speculation of objectors and has sought to use precedent to justify its position.

To rely on precedent is to fail to recognise that each application may raise material considerations that may be applicable to this proposal but not to others. To fail to take account of material considerations, as the planning officer has done in his assessment, is to fail to follow the step-by-step process laid down by the House of Lords. Such a failure leaves the decision of the planning authority open to challenge.

5. ***The proposal is contrary to policy HE1 of the Perth and Kinross Local Development Plan 2014 as the development would have an adverse effect on the integrity and setting of the Old Lawers Village Scheduled Ancient Monument and there is no sound justification or exceptional circumstances to grant this application, as required by policy –*** the planning policy test in HE1 is significant adverse effect. This allows for development which may have some effect, even an adverse effect. Given the nature of the pre-application correspondence it is clear that the planning officer did not consider there to be an adverse effect. To now take a decision that relies on adverse effect is to mis-read the Council's policy and to show a lack of professional judgement. We would draw your attention to the House of Lords' requirement to consider the aims and objectives of policy. In this case there is a recognition that whilst ancient monuments need to be protected there are circumstances where development will be acceptable.

An extensive case has been submitted in support of the need for this proposal (Document 7). Notwithstanding the fact that it is our case that this proposal does not have a *significant adverse effect* and therefore does not contravene policy we also believe that this provides a significant material consideration in support of the proposal. Document 7 illustrates that our client only wants these to benefit the SAM and the area for the long term

6. ***The proposal is contrary to policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and the quality of Perth and Kinross' landscape character, visual, scenic qualities of the landscape and the quality of the landscape experience through the siting of the proposed containers in this sensitive location –*** we reiterate the points we have previously made. These did not seem to be concerns to the planning officer when directing the appellant to resubmit the earlier application and to site the structures in this location. The planning authority has produced no assessment of landscape quality and is in no position to substantiate this reason for refusal. We reiterate the fact that all the conservation bodies and consultee charged with overseeing this site and the wider landscape has objected. Policy ER6 states that 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 lack of an objection from statutory consultees and the failure of the planning authority to produce any landscape assessment means that this proposal has to be considered to satisfy policy ER6 because there is no basis for reaching any other conclusion.

There are serious flaws in the planning authority's assessment and exercise of judgement. For these reasons we consider that a hearing is essential before the Local Review Body determines this proposal.

Having regard to the above, we conclude that there is no basis to support the reasons for refusal and respectfully request that they be overturned and the appeal be granted.

#### Documents

- Document 1 Planning Application Forms and Reports
- Document 2 Application Drawings
- Document 3 Decision Notice
- Document 4 Planning Officer's Report of Handling
- Document 5 Correspondence with the planning officer prior to submission of the application
- Document 6 Correspondence with the planning officer post submission of the application
- Document 7 Additional Information comprising Rebuttal of Objections and Statement of Need



## Document 1 Planning Application Forms and Reports



Director of Planning

Perth and Kinross Council

Pullar House

35 Kinnoull Street

Perth PH1 5GD

5<sup>th</sup> May 2017

Dear Sirs

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008  
APPLICATION FOR SITING OF TWO STORAGE HUTS, LAND 60 METRES NORTH EAST OF OLD CHURCH LAWERS  
THE OLD VILLAGE OF LAWERS, LOCH TAY, PERTHSHIRE**

#### 1.0 Introduction

Felsham is planning adviser to Mr Angus Thomson. We are instructed to submit an application for two stores on land 60m north east of Old Church Lawers. The application is a resubmission of application ref 17/00251/FLL. That application was withdrawn following discussion with the your officers about the location of the proposed structures and agreement of a location that the planning authority would be better able to support.

The site is large and capable of accommodating these structures without negatively impacting upon the character and setting of the Scheduled Monument Site. The small scale of the containers and the large scale of the site means that it is possible to accommodate the proposal in a sensitive location, as far as practical away from the Scheduled Monument Site and utilising the screening provided by the existing trees.

The stores comprise containers one 20 foot long standard container and one 10 foot long standard container. These will be wood clad and will be used as follows:

- 20 foot – storage of building materials, small tools, fuel, equipment etc.
- 10 foot – storage of PPE equipment, messing facility and toilet (chemical). The toilet will have a sealed unit, which will be removed from site periodically. There will be no disposal into existing drainage and no septic tank.

The stores will be removable and will have no foundations. When removed they will leave no trace of their presence, which is in accord with the definition of a hut given in national policy.

Accordingly, please find enclosed:

1. 4 copies of application forms and land ownership certificate;
2. 4 copies of site location plan drawing no 1074/PL/01;
3. 4 copies of proposed site plan drawing no 1074/PL/02;
4. 4 copies of plans and elevations of proposed dry stores drawing number 1074/PL/03
5. 4 copies of location plan showing the site in its wider context drawing number 1074/PL/04;
6. 4 copies of Tree and Scrub Control Schedule of Works prepared by HES;
7. A cheque for £61.50 made payable to Perth & Kinross Council to cover the advertisement fee.

No application fee is submitted because this is a resubmission of an application withdrawn within the past twelve months.

## 2.0 Site Description

The site is situated close to the site of the Old Village of Lawers, which is a Scheduled Ancient Monument (SAM). It is bounded to the east by Loch Tay; to the south and west by grazing; and to the north by Lawers Burn. There are ruins at each end of the site and the open ground in between is the 'in-field', which the villagers farmed. The in-field runs down to Loch Tay, where the owners have the right to launch a boat. The application is for structures to support the recreational use of this land. Care has been taken to site these structures in discrete locations and away from the SAM. The proposed stores are situated in the south west corner of the site, close to the field gate. They are each more than 100m away from either SAM.

Despite the presence of the SAM it should be noted that this is an area where there has been considerable human activity in the past, associated with the Loch and with farming. The 1841 census noted 17 households. The area was finally abandoned in 1926. There are rights to use the land for agriculture and recreation. Therefore, the application does not introduce human activity where none has existed previously nor does it envisage a new form of activity that is not already permitted. It simply proposes structures to support the already permitted activity.

In 2012 a planning application for a dwelling house (ref 12/00628/IPL) was refused because of its impact on the SAM, listed building and the landscape; flood risk associated with residential use; and the failure to comply with the housing in the countryside policy. In our submission the current proposal is significantly different and the 2012 decision should not be seen as setting a precedent for how this application should be determined.

This supporting statement sets out the case for the proposed structures in this location and makes the case that they are appropriately sited and can be viewed as satisfying the design criteria of the development plan policies.

## 3.0 Planning Policy

The site is situated in the Highland Area of Perth and Kinross. Relevant policies of the Perth and Kinross Local Development Plan 2014 are as follows:

**PM1 Placemaking** - PM1A states that development should contribute positively to its surroundings and that design, density and siting should respect the character and amenity of the area.

**PM4 Settlement Boundaries** - where a settlement boundary is defined development will not be permitted outside that boundary except in exceptional circumstances. There is no settlement boundary affecting the subject site.

**ED3 Rural Business and Diversification** - diversification of existing business and use will be supported where it can be satisfactorily accommodated by the landscape capacity of the site

**HE1 Scheduled Ancient Monuments** - there is a presumption against development that will have an *adverse* effect on a SAM.

**HE2 Listed Buildings** - the detail of any development that would affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Regard must also be had to SPP Revised June 2014. Paragraph 137 states the planning system should:

*Enable positive change in the historic environment which is informed by a clear understanding of the importance of heritage affected....change should be sensitively to avoid or minimise adverse impacts on the fabric and setting of the asset and ensure that its special characteristics are protected, conserved and enhanced*

Paragraph 141 deals with listed buildings and states:

*...the materials...scale and setting...of any development which will affect the setting of a listed building...should be appropriate to the character and appearance of the building...*

SPP defines a hut development as *a simple building used intermittently as recreational accommodation (i.e. not a permanent residence) having an internal area of no more than 30 sq.m; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life*



#### 4.0 Assessment

##### ***Basis for Determining a Planning Application***

The Town & Country Planning Act requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that:

*'Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case.'*

This judgement sets out a clear approach to determining a planning application and clarifies how the development should be used:

1. Identify any provisions of the Development Plan that are relevant to the decision.
2. Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies.
3. Consider whether or not the proposal accords with the Development Plan.
4. Identify and consider relevant material considerations for and against the proposal.
5. Assess whether these considerations warrant a departure from the Development Plan.

The determining authority must first consider whether the proposal accords with the development plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the development plan, it follows that consent should be granted unless material considerations preclude consent.

The House of Lords has ruled that material considerations must satisfy two tests:

1. They must be planning considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
2. They must be material to the circumstances of the case and they must relate to the proposed development.

In assessing this proposal we believe that it is also relevant to refer to the Court decision Tesco Stores v. Dundee [2012] PTSR 983. Paragraph 18 states:

*The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by the planning authority in its decision making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and the planning authority....the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, whilst allowing a measure of flexibility to be retained.*

Paragraph 19 continues:

*The development plan should be interpreted objectively in accordance with the language used...that is not to say that such statements should be construed as if they are statutory or contractual provisions. Although a development plan has a legal status and legal effects it is not analogous in its nature or purpose to a statute or contract...development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another...many of the provisions of the development plan are framed in language whose application to a given set of facts requires the exercise of judgement. Such matters fall within the jurisdiction of planning authorities.*

The Court ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination.

##### ***Assessment of the Application Proposal***

In assessing the proposal we have followed the step by step process laid down by the House of Lords:

1. Identify any provisions of the Development Plan that are relevant to the decision – the key development plan policies relevant to determination of this application are PM1A Placemaking, ED3 Rural Diversification, HE1 Scheduled Ancient Monuments, and HE2 Listed Buildings. There is no settlement boundary therefore policy PM4 is not relevant to this application.
2. Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies - the aims and objectives of the development plan are to preserve the character and appearance of the SAM, listed buildings and the

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landscape whilst supporting social and economic well-being in the Council's area. Notwithstanding the SAM it is also a working landscape. Recognition needs to be given to the need for infrastructure to support agriculture and that agriculture is a primary industry in the countryside whose needs are often quite basic and resources limited. The environmental objectives of the development plan need to be balanced against the economic objectives in order to support the local economy and the social well-being of the communities within the LDP area.

The Dundee decision referred to above gives the planning authority discretionary powers to interpret its development plan *...development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another.* Even in the proximity of the SAM there may be circumstances where the needs of those using the land should take precedence over environmental and visual considerations. This can occur without setting a precedent or undermining the aims and objective of the development plan. The storage units have been discretely located as far away as possible from the SAM to minimise any impact.

The Council suggested in its discussions with the selling agent that small structures associated with agriculture or recreation could be acceptable. In making this suggestion the Council must be satisfied that the use is acceptable in close proximity to its neighbours. This narrows down the policy considerations to design and impact on amenity.

3. Consider whether or not the proposal accords with the Development Plan – we note that the majority of the objections to application ref 17/00251/FLL had one primary concern and that is in relation to the impact of the proposal upon the Scheduled Monument Site. In relocating the containers within the site we consider that the proposal complies with Policy HE1 (Scheduled Monuments and Non-Designated Archaeology) of the adopted Perth & Kinross Local Development Plan 2014. In our submission the location of the storage huts are appropriate for the reasons given at point 2 above. These reasons include distance from neighbours; distance from the road; screening provided by the trees; and setting within the site, which will be seen from very few viewpoints.

Crucially policy HE1 applies an *adverse impact* test when assessing the effect on the SAM. We note that Historic Scotland did object to the previous application for a dwelling house because they felt that it could be satisfactorily accommodated on this site. This was not a view that the Council accepted but it demonstrates that there is an argument that some development can occur without adverse impact on the SAM.

The storage units are significantly smaller than the previously proposed dwelling house. They are discretely located and require none of the infrastructure associated with a house and its gardens. The subject site is a working field where activity is permitted and is to be expected. Small scale and discrete structures associated with the permitted uses can be allowed without adverse impact on the SAM or listed building. The proposed location and scale of the storage huts are such that it will still allow the infield to remain capable of being understood and for the infield to be largely undisturbed.

There are no houses in close proximity. It follows that the impact of the location and design is limited to those who are transient and simply passing through the landscape. Permanent residents have not been identified who could be impacted. Having regard again to the Dundee decision this is a further circumstance where discretion is needed, to balance the needs of transient walkers against those who are using the land. The question of design needs to be seen in this context. The proposed structures are seen throughout the countryside and the majority of the general public, if they see the structures at all, are unlikely to be surprised or offended by their presence because they are discrete and remove none of the context of the SAM and they do not harm the ability to appreciate the landscape, which means that there is no harmful amenity impact.

Therefore, we conclude that the proposal satisfies the development plan criteria. In our view few people will see the structures and it cannot be said to have a *significant adverse effect*, which is the policy HE1 test. The Dundee decision gives the Council discretion over its policies and we would urge your Council to use such discretion given the fact that few people are likely to be directly impacted.

4. Identify and consider relevant material considerations for and against the proposal – material considerations are access and parking, and drainage and water supply:
- access and parking - permanent storage and shelter will reduce traffic movements. Therefore, this is a material consideration in support of the proposal.
  - drainage and water supply – there is no requirement for a drainage connection.

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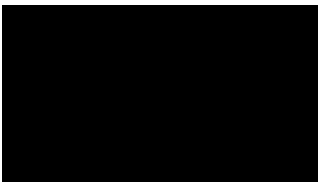
Whilst flooding was raised as an objection to the proposed dwelling it is not a relevant consideration when assessing storage huts because there is no threat to life and the decision to store property is a matter of judgement for the landowner.

## 5.0 Conclusions

There are no material considerations that indicate that consents should not be granted. Given the policy argument and the fact that material considerations are addressed we believe that the proposal meets the policy assessment requirements of sections 25 and 37 of the Planning Act. In light of the above, we respectfully request that planning permission be granted.

We would like to arrange a meeting with you once the period for consultation has expired. In the meantime, please do not hesitate to contact me if there are any matters you wish to discuss.

Yours faithfully



Philip Neaves

Director



# APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997  
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying Guidance Notes when completing this application  
**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Angus	Forename	Philip
Surname	Thomson	Surname	Neaves
Company Name		Company Name	Felsham PD
Building No./Name	28 Stafford Street	Building No./Name	1
Address Line 1		Address Line 1	Western Terrace
Address Line 2		Address Line 2	
Town/City	Edinburgh	Town/City	Edinburgh
Postcode	EH3 7BD	Postcode	EH12 5QF
Telephone		Telephone	0131 337 9640
Mobile		Mobile	07446 897144
Fax		Fax	
Email		Email	philip@felshampd.co.uk

**3. Postal Address or Location of Proposed Development (please include postcode)**  
  
 LAND 60 METRES NORTH EAST OF OLD CHURCH LAWERS  
 THE OLD VILLAGE OF LAWERS, LOCH TAY, PERTHSHIRE

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

**4. Type of Application**  
 What is the application for? Please select one of the following:
 

Planning Permission	<input checked="" type="checkbox"/>
Planning Permission in Principle	<input type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

\*Please provide a reference number of the previous application and date when permission was granted:

Reference No: <input style="width: 150px;" type="text"/>	Date: <input style="width: 150px;" type="text"/>
--	--

**\*\*Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

### 5. Description of the Proposal

Please describe the proposal including any change of use:

APPLICATION FOR SITING OF TWO STORAGE HUTS

Is this a temporary permission?

Yes ☐ No ☒

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

### 6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☒ Letter ☐ Email ☒

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☒

Please provide a description of the advice you were given and who you received the advice from:

Name: Sean Panton

Date: various

Ref No.:

Various discussions following feedback received regarding previous application ref 17/00251/FLL and the suggestion that it should be withdrawn and resubmitted

### 7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

1.141

Square Metre (sq.m.)

## 8. Existing Use

Please describe the current or most recent use:

Grazing land

## 9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes ☐ No ☒

*If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.*

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes ☐ No ☒

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

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

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

0

*Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)*

## 10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes ☐ No ☒

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network ☐  
No, proposing to make private drainage arrangements ☐  
Not applicable – only arrangement for water supply required ☒

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway ☐  
Discharge to watercourse(s) (including partial soakaway) ☐  
Discharge to coastal waters ☐

*Please show more details on your plans and supporting information*

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed) ☐  
Other private drainage arrangement (such as a chemical toilets or composting toilets) ☒

*Please show more details on your plans and supporting information.*

Do your proposals make provision for sustainable drainage of surface water? Yes ☐ No ☒

*Note:- Please include details of SUDS arrangements on your plans*

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

Yes ☐ No ☒

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

### 11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

Do you think your proposal may increase the flood risk elsewhere? Yes ☐ No ☒ Don't Know ☐

If yes, briefly describe how the risk of flooding might be increased elsewhere.

### 12. Trees

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

Yes ☐ No ☒

*If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.*

### 13. Waste Storage and Collection

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

Yes ☐ No ☒

*If yes, please provide details and illustrate on plans.*

*If no, please provide details as to why no provision for refuse/recycling storage is being made:*

### 14. Residential Units Including Conversion

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

Yes ☐ No ☒

If yes how many units do you propose in total?

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



### 5. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes ☒ No ☐

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

### 16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes ☐ No ☒ Don't Know ☐

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

### 17. Planning Service Employee/Elected Member Interest

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

Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes ☐ No ☒

If you have answered yes please provide details:

### DECLARATION

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

☒

I, the applicant /agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes ☐ No ☐ N/A ☒

Signature:



Name:

Felsham PD

Date:

05.05.17

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

# LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997  
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

## CERTIFICATE A, B, C OR CERTIFICATE D MUST BE COMPLETED BY ALL APPLICANTS

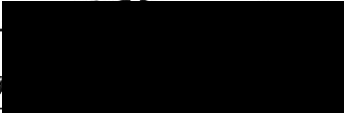
### CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☒

Signed:



On behalf of:

Mr A Thomson

Date:

05.05.17

### CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land ☐
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

**SM 5580 Old Lawers Village, deserted settlement, Lawers Acres**  
**Tree and scrub control as part of positive monument management works**

**Schedule of works and method statement**  
**Prepared by HES in April 2016**

**Background**

Old Lawers Village comprises the remains of a village of 17<sup>th</sup> century and later date, containing a number of key buildings with strong cultural associations (the Old House of Lawers and the former Lawers Church). It has been subject to a number of detailed surveys, and is designated as a scheduled monument - see <http://portal.historic-scotland.gov.uk/designation/SM6280> for details.

Abandoned in the later 19<sup>th</sup> century, the village has gradually decayed and whilst the more substantial buildings remain in places to gable height, others have been less fortunate. Vigorous tree and scrub regeneration is present on and within structures, and this is causing ongoing damage to structural elements of the monument. However, Old Lawers Village has a distinct sense of place in the public conscience that the trees contribute to, so any works that benefit the archaeological preservation of the monument need to be balanced against any impact on the landscape amenity.

It is therefore proposed to reduce or halt this ongoing decay by removing trees and scrub where it is directly affecting structural elements of the monument. This is not wholesale removal of all trees on the monument, but rather selective removal of those that are dead or dying, those that are at the greatest risk of causing most damage, and those where their removal can benefit the preservation of the monument without detriment to the sense of place and contribution to the wider landscape that the trees make.

The scheduled area comprises three separate areas. The southern area contains the Old House of Lawers and the former Lawers Church. The central area by the Lawers Burn contains a series of mill buildings. The northern area is in separate ownership and contains a series of domestic ancillary buildings on the other side of the burn to the mill buildings. This proposal is for the southern and central areas.

The southern and central areas of the monument are also subject to a Conservation Agreement between the National Trust for Scotland and the landowner, which was set up in 1983 and is binding on successors of the title. This agreement states that the subjects must be conserved in their 1983 condition for amenity reasons but also prevents any felling or lopping of trees without the prior express permission of the NTS.

This schedule of works therefore sets out a series of tree and scrub control works that should meet the landowners aspirations of being able to better manage the monument, meet the requirements of Historic Environment Scotland in terms of preserving the monument, and meet the requirements of NTS in terms of ensuring the amenity value of the monument is retained as per the Conservation Agreement. It is similar to the schedule of works for a NTS Thistle Camp in 1999 for the monument, although the 1999 proposals were never fully enacted.

### **General methodology**

Trees and scrub should be cut by hand as close to ground level as possible, with the stumps then poisoned using an appropriate herbicide (being mindful of the River Tay Special Area of Conservation immediately adjacent).

Arisings should either be removed from the scheduled area for disposal, or stacked away from upstanding structures and allowed to rot down for biodiversity purposes.

Larger limbs or trees that cannot safely be felled/lopped in one go should be sectionally felled by an experienced tree surgeon, using ground protection if necessary and/or with limbs being lowered to the ground.

Where trees or limbs are close to masonry walls, protection (ie a small piece of sheet timber) shall be placed between the tree and the masonry so that the chances of accidental damage by the saw to the masonry are lessened.



The likelihood of bats being present on site should also be assessed; whilst most of the proposed works are to younger saplings and tree limbs rather than wholesale removal of mature trees, checks should be made that bats are not utilising any of the limbs or trees proposed for removal.

A brief photographic record should be made of the works so as to aid future management of the monument.

Naming convention below follows the ACFA 1998 survey and subsequent 1999 condition statement.

## Detailed schedule of works – photos as a guide only

### Feature 2: Old House of Lawers

	<p>Large rowan tree in SW corner (2.1). Some dead limbs already shed. Adjacent trees leaning over walls. Although a key specimen, fell or remove any limbs which are dead or dying or leaning over walls. Remove fallen timber.</p>
	<p>As above. (2.7)</p>





Elder (2.6). Fell, and also coppicing multi stem growing out of wall. Cut back blackthorn growing closest to building exterior S wall, but leave the remainder as it is probably discouraging cattle from approaching the building.



Leave large tree in N corner (2.9), but trim back limbs where they over hang E gable. This tree should be monitored due to its proximity to the gable. Leave blackthorn in interior.

### Feature 3



Cut down all young ash saplings growing out of spread walls.

### Feature 5: Lawers Church



Cut down all young ash saplings within and close to building (5.1).



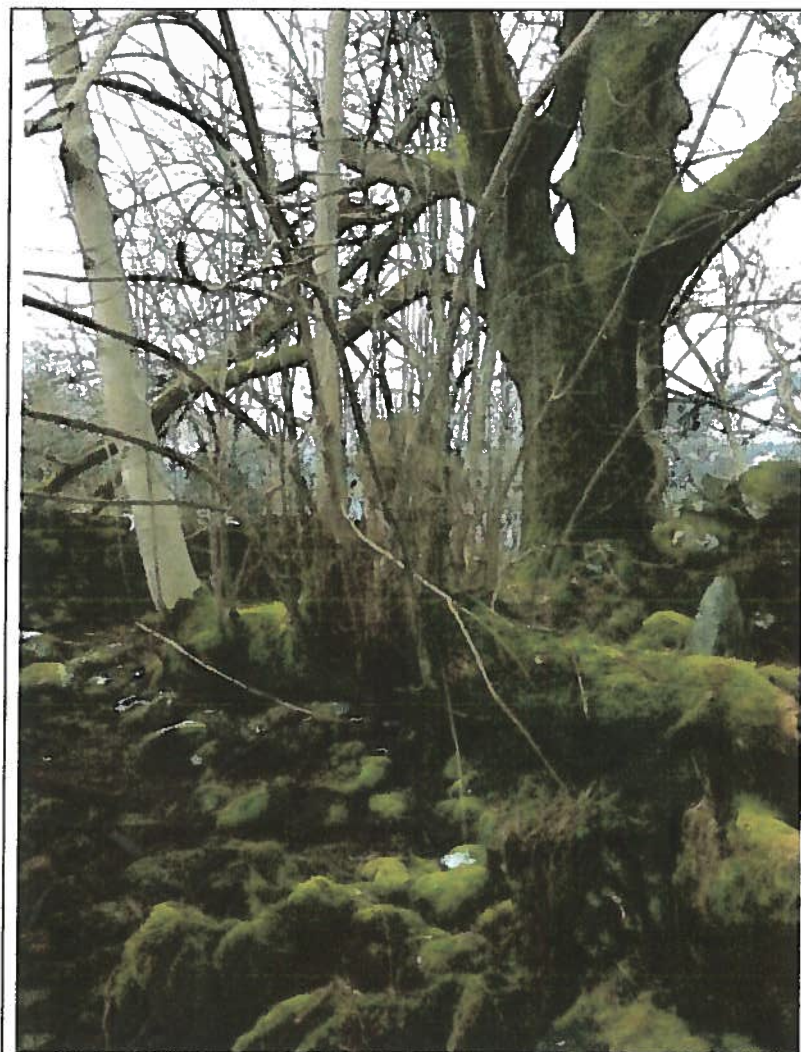


As above (5.5).

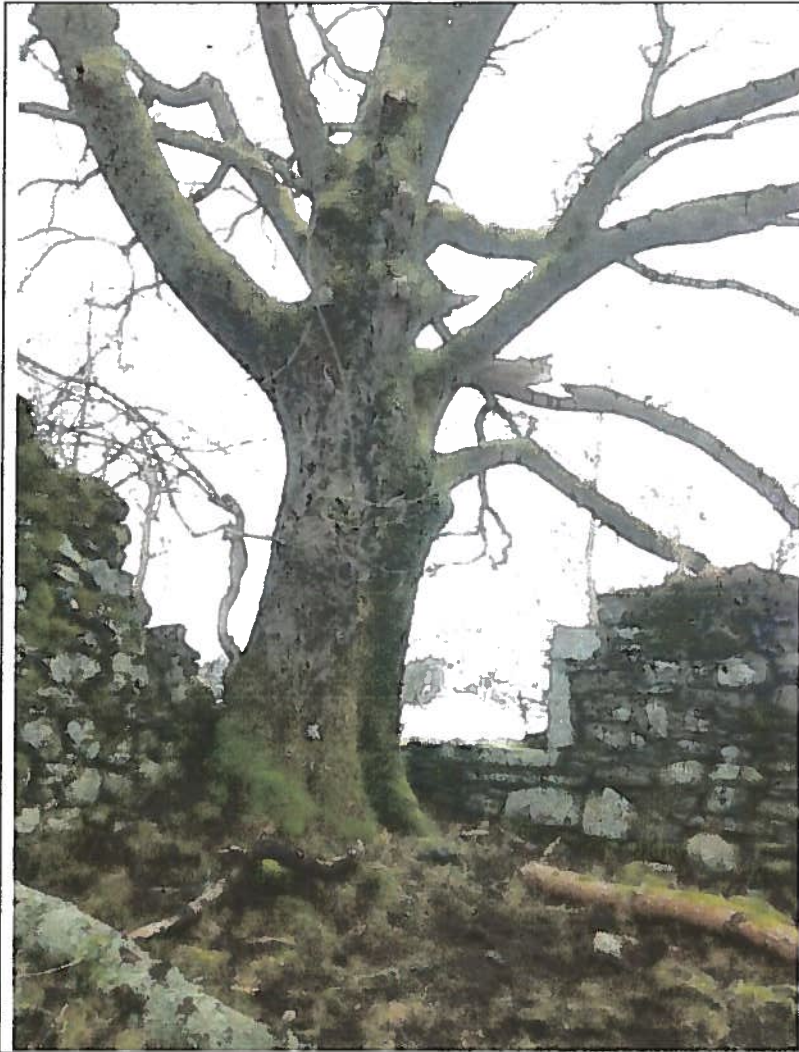


Take down sapling on  
W gable.





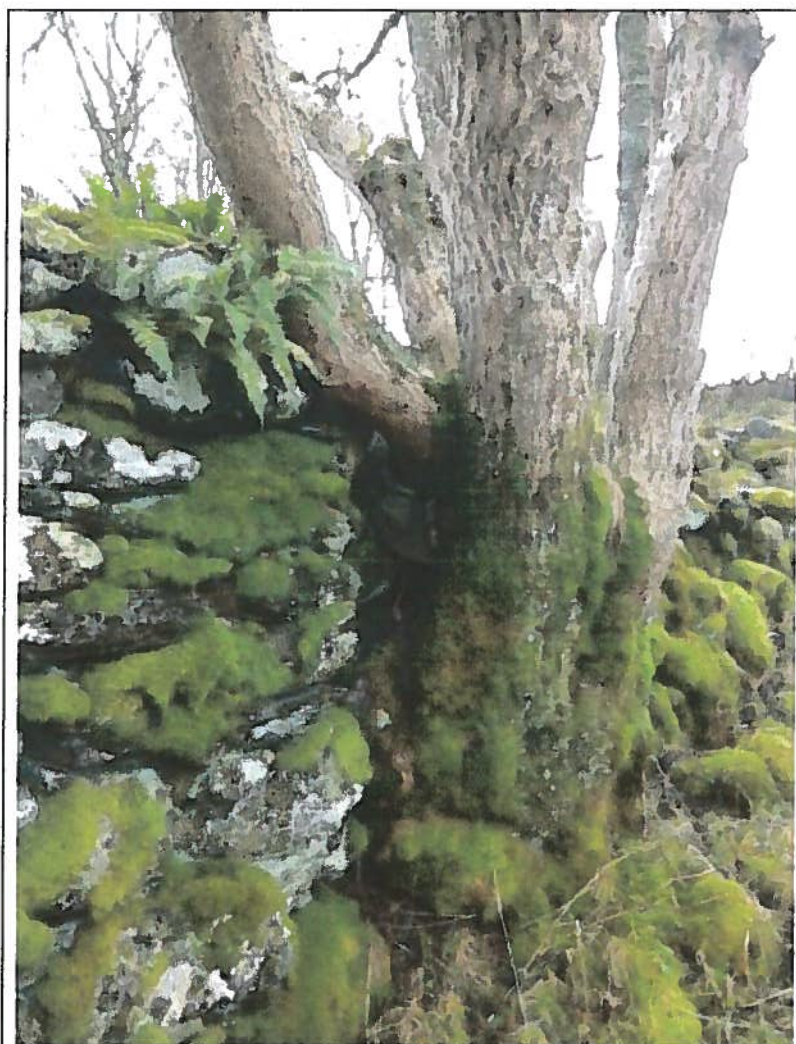
Take down coppicing ash growing at angle out of SW wall into interior (5.3).



Trim back any limbs from mature tree in interior which are crossing walls or which are dead/dying (5.6).



**Feature 6: Mill**






Cut back limb growing  
on top of N wall (6.2).






Cut back and treat  
coppicing ash at end of  
wheel pit (6.4 and 6.5).



	<p>As above (6.4 and 6.5).</p>
	<p>Cut back any young ash saplings and dead limbs crossing walls (6.8).</p>
	<p>On the edge of the track to the W of Building 4, fell young ash on edge of retaining wall (6.14, 6.15, 6.18).</p>



## Feature 8

	<p>Fell limbs crossing walls and saplings growing close to wall bases (8.8).</p>
	<p>As above (8.1 to 8.6).</p>
	<p>As above (8.1 to 8.6).</p>




### Feature 9 and Feature 10

	<p>Fell saplings in building interior.</p>
--	--

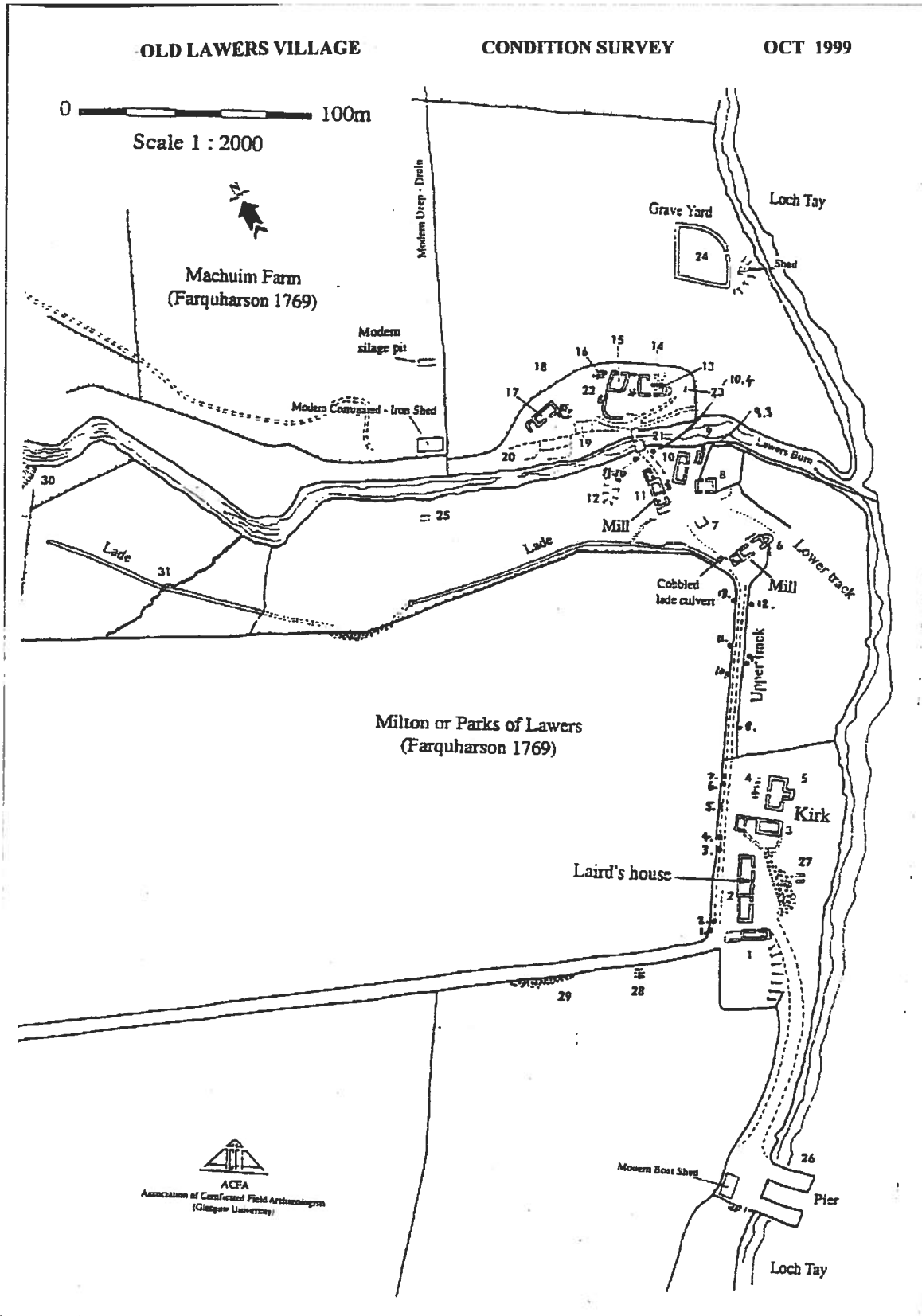
### Feature 11: Mill

	<p>Cut and treat coppicing ash on E wall (11.7 and 11.8).</p>
---	---

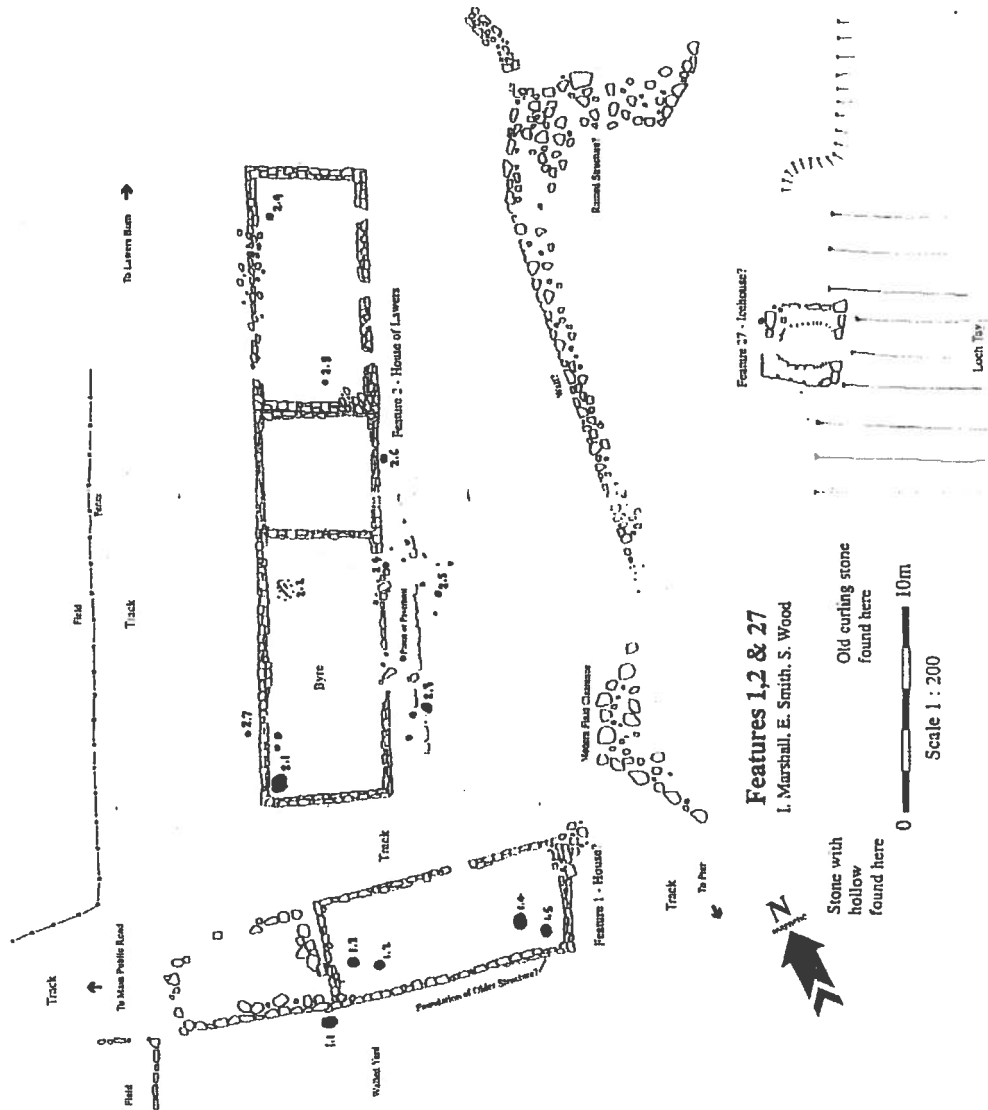


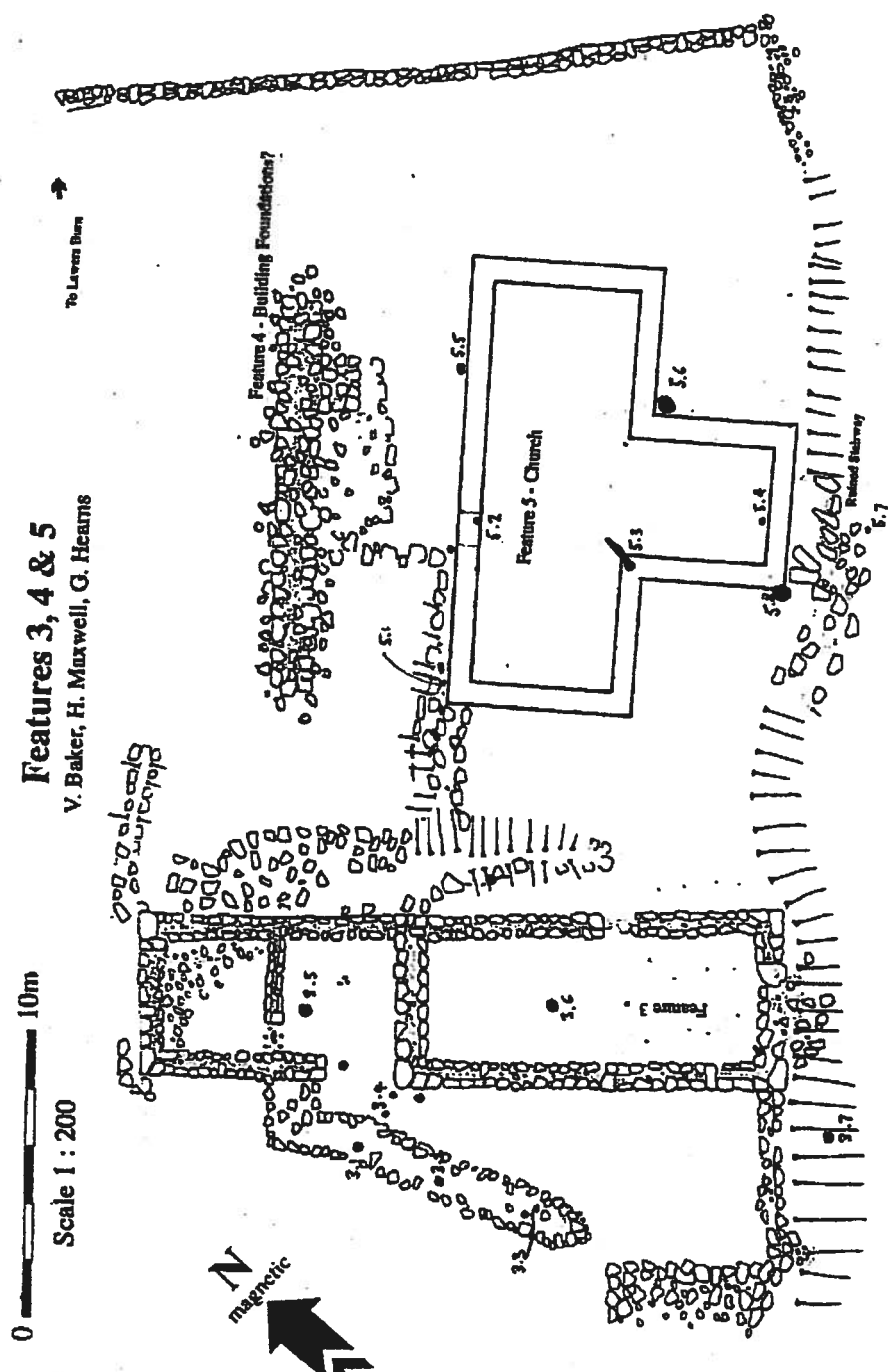
	<p>Cut and treat coppicing ash on W wall (11.9).</p>
	<p>Take down dead limbs and those crossing gable walls or leaning at S end of building (11.5 and 11.6).</p>
	<p>As above (11.5 and 11.6).</p>

# Maps

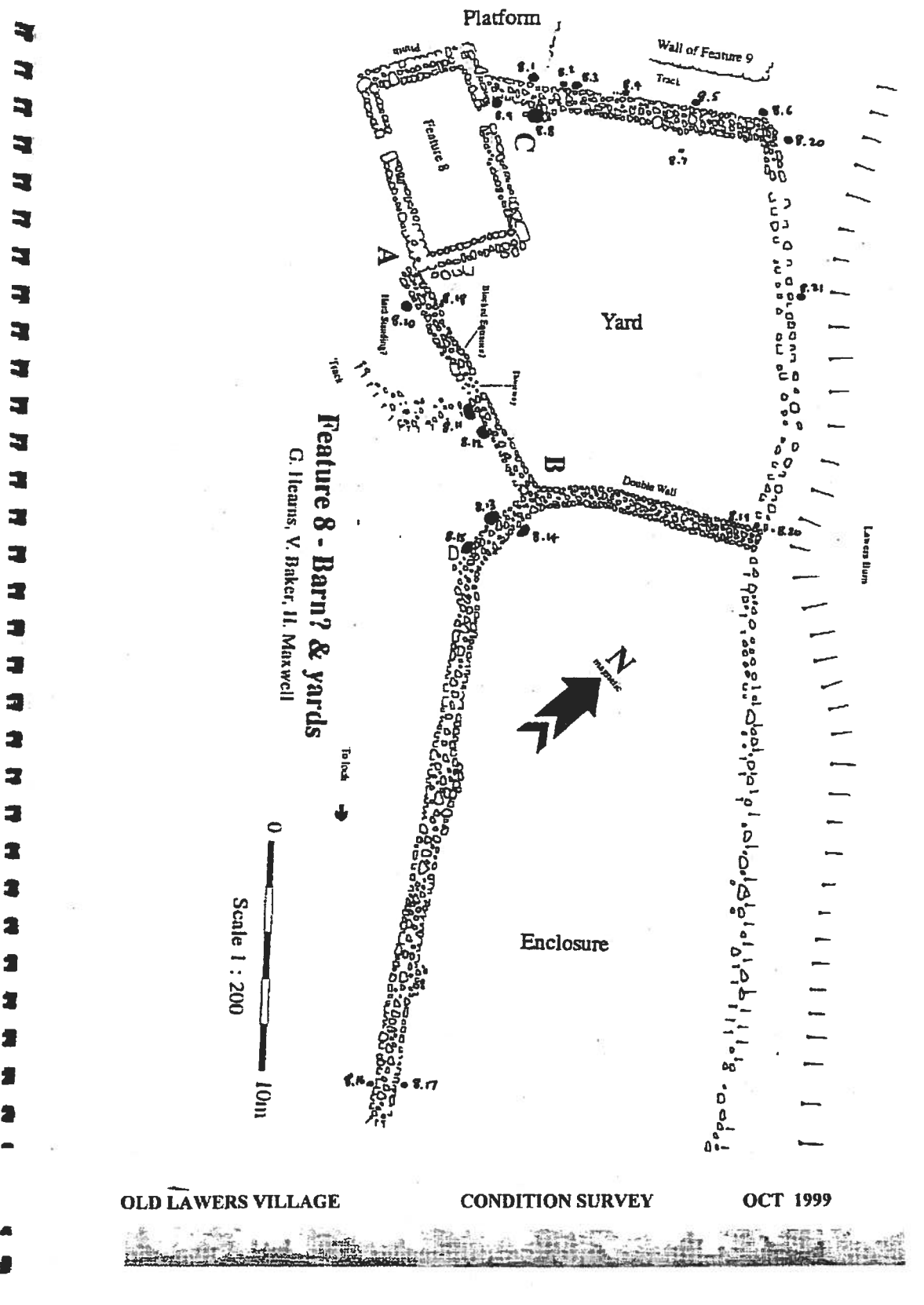


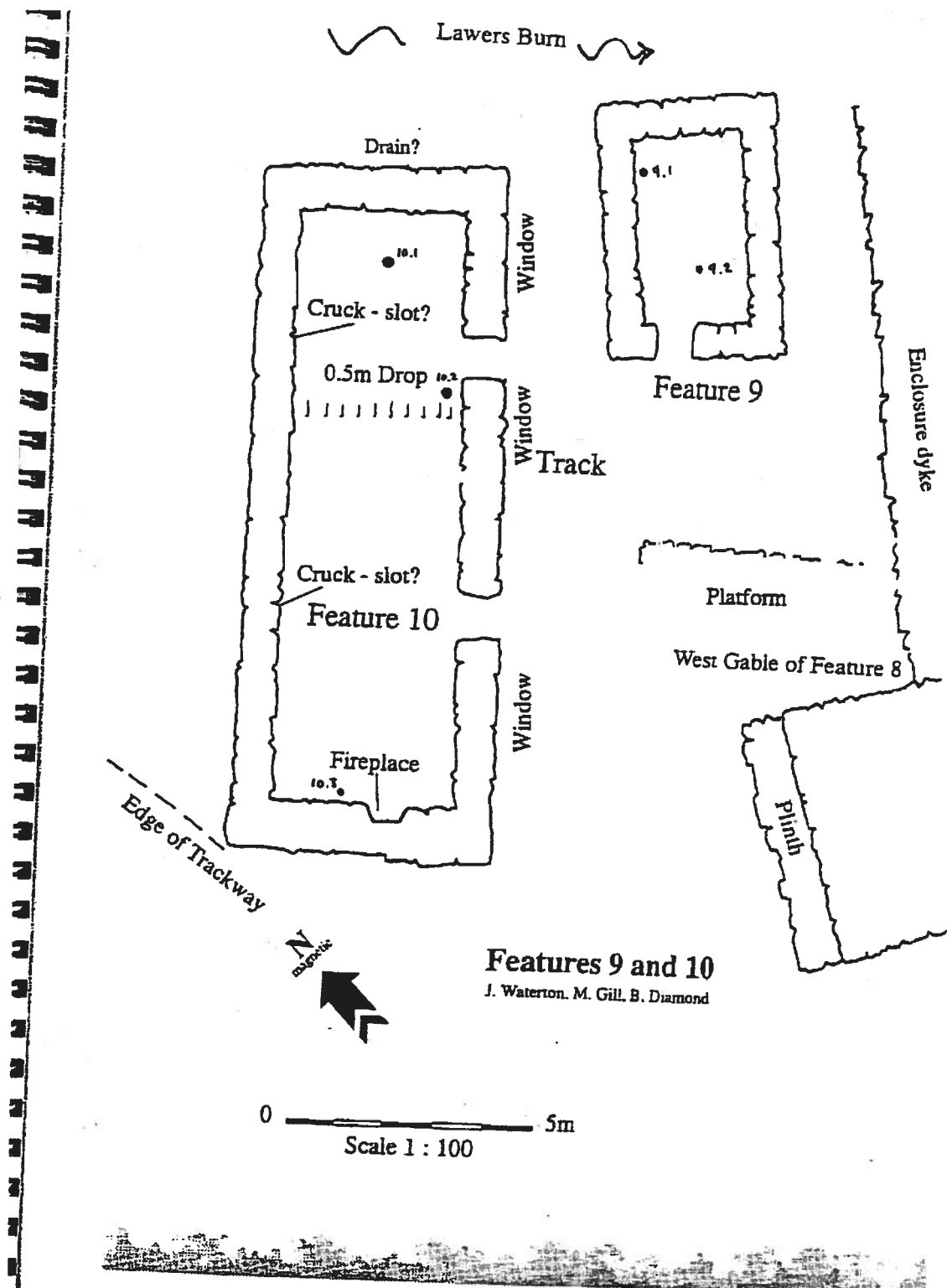










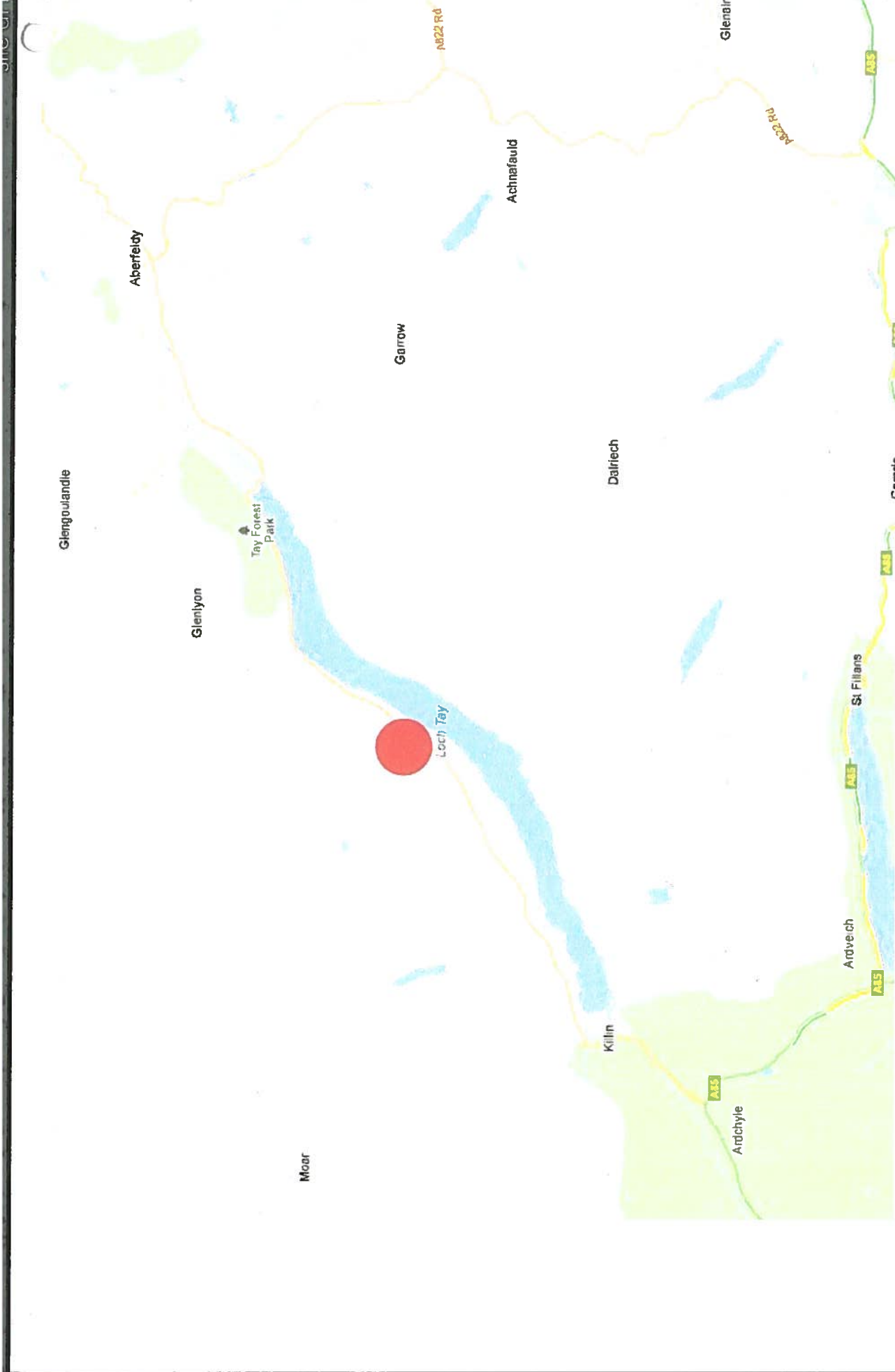




## Document 2 Application Drawings







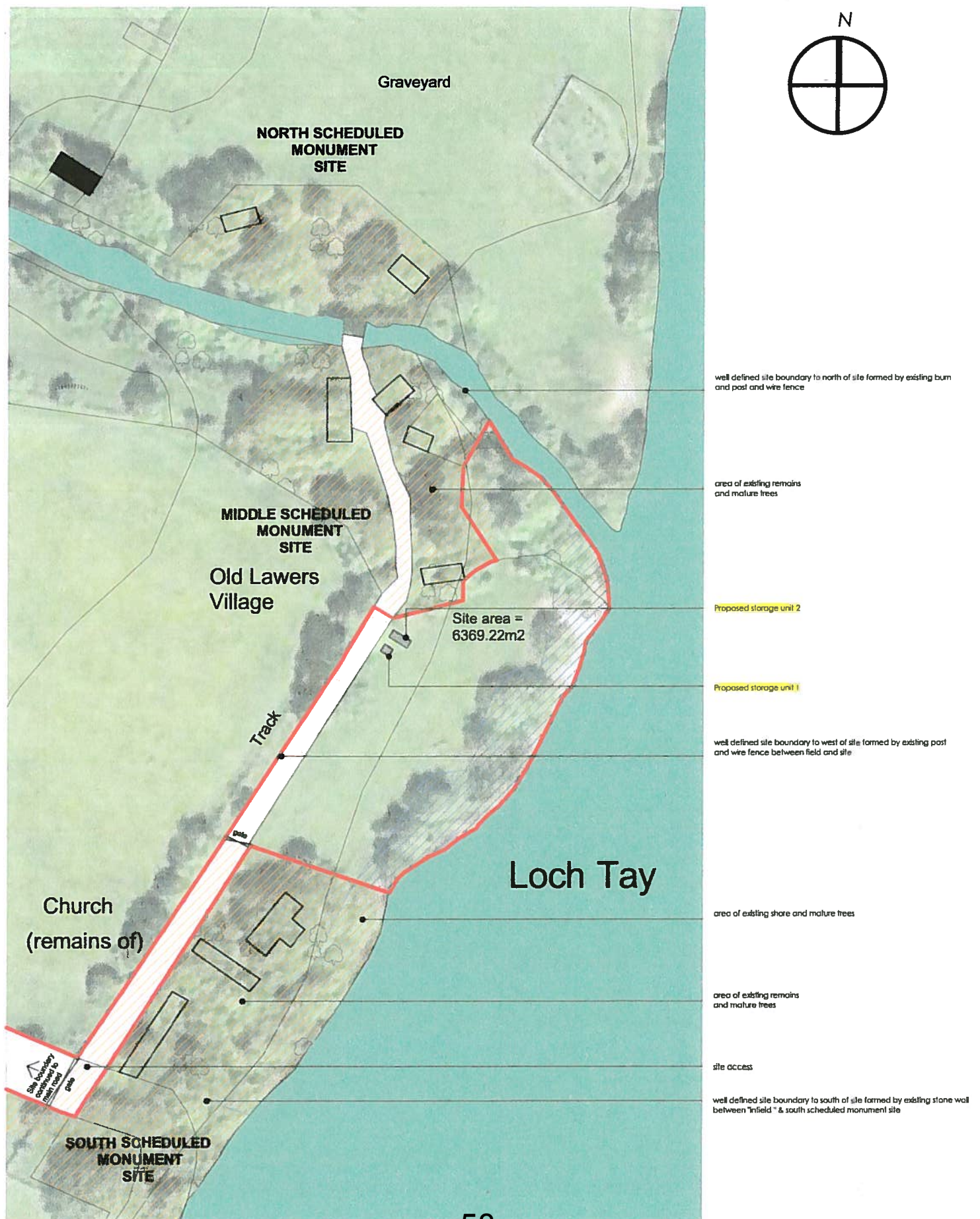
Location Plan - not to scale.

rev	date	description
A	14/03/17	Drawing Issue

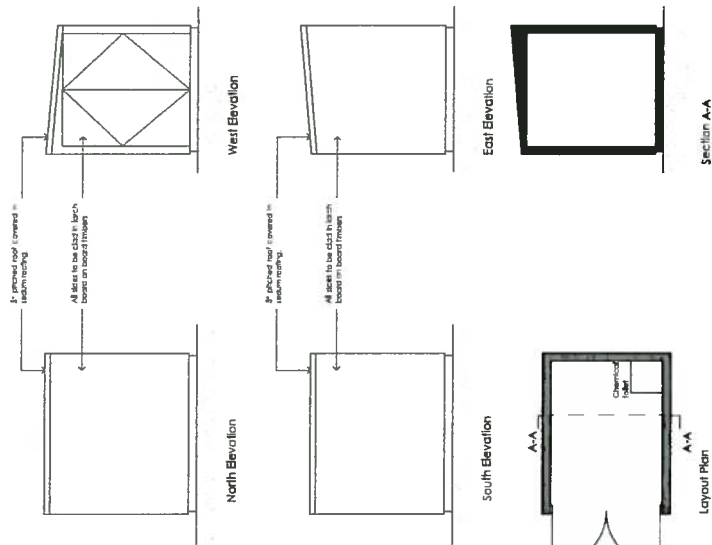


JOB TITLE: <b>Site at Lavers Village</b>	
DRAWING TITLE: <b>Location</b>	SCALE: <b>@A3</b>
DRAWING NUMBER: <b>1074/PL/04</b>	REVISION: <b>A</b>

23 Bank Street, Aberfeldy PH15 2BB T: 01887 879 228 158 Dunkeld Road, Perth, PH1 5AS T: 01738 445 983 All Content 21, Camie Street



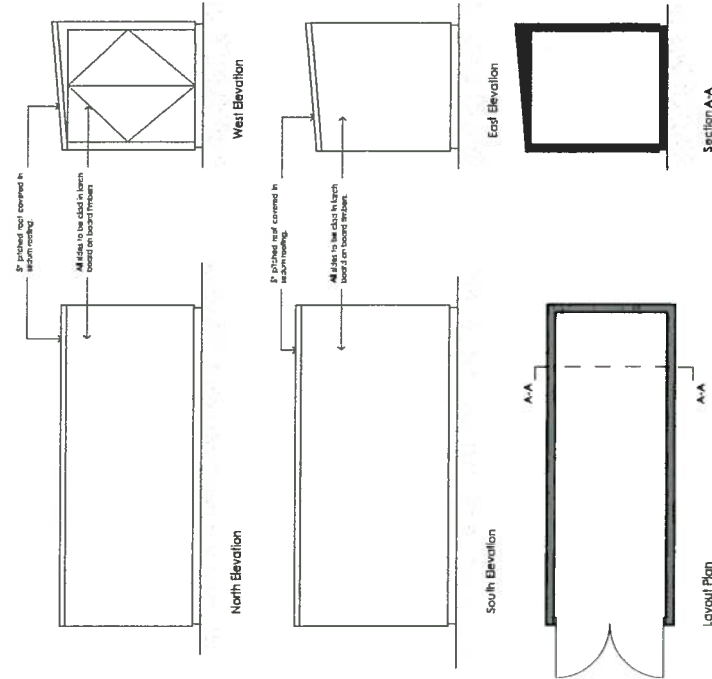
Proposed Storage Unit 1



Dry Store for storage of chemical toilet, drying area and nesting facilities.

Roof Plan

Proposed Storage Unit 2



Secure store for building materials, light machinery and handtools.

Proposed structures made from standard shipping containers.

Roof Plan



JOB TITLE:  
**Site at Lavers Village**

DRAWING TITLE:  
**Proposed Dry Stores**

DRAWING NUMBER:  
**1074/PL/03**

SCALE:  
**1:100 @A3**

DRAWING STATUS:  
**Planning**

REVISION:



**Document 3 Decision Notice**





# PERTH AND KINROSS COUNCIL

Mr Angus Thomson  
c/o Felsham PD  
Philip Neaves  
1 Western Terrace  
Edinburgh  
EH12 5QF

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 27th June 2017

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/00831/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 12th May 2017 for permission for **Siting of 2no. storage containers Land 80 Metres North Of Old Church Lawers** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. 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 Old Lawers Village through the siting of the proposed containers not being respective of the sensitive location.
2. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the provision of 2 storage containers would erode and dilute the areas landscape character.
3. The proposal is contrary to Policy PM1B, criterion (c) of the Perth and Kinross Local Development Plan 2014, as the design and density of the proposed storage containers does not complement its surroundings in terms of height, scale and massing.

4. 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.
5. The proposal is contrary to Policy HE1 of the Perth and Kinross Local Development Plan 2014 as the development would have an adverse effect on the integrity and setting of the Old Lawers Village Scheduled Ancient Monument and there is no sound justification or exceptional circumstances to grant this application, as required by the policy.
6. 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 through the siting of the proposed containers in this sensitive location.

### **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](http://www.pkc.gov.uk) "Online Planning Applications" page

#### **Plan Reference**

17/00831/1  
17/00831/2  
17/00831/3  
17/00831/4  
17/00831/5  
17/00831/6  
17/00831/7  
17/00831/8



## Document 4 Planning Officer's Report of Handling



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	17/00831/FLL	
Ward No	P4- Highland	
Due Determination Date	11.07.2017	
Case Officer	Sean Panton	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Siting of 2no. storage containers.

**LOCATION:** Land 80 Metres North of Old Church, Lawers.

#### 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:** 26<sup>th</sup> May 2017

#### SITE PHOTOGRAPHS



#### BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is on land 80metres North of Old Church, Lawers. The site forms part of the Breadalbane Environmentally Sensitive Area, The River Tay Special Area of Conservation and the Loch Tay Special Landscape Area. The site is also adjacent to Old Lawers Village, which is a Scheduled Ancient Monument. The application seeks detailed planning permission for the siting of 2 storage containers.

The storage containers will both differ in size. The smallest of the units, which includes a chemical toilet, measures approximately 2.5metres in width and 3metres in length. The larger of the units will measure approximately 2.5metres in width and 6metres in length. The maximum height of both units is approximately 3metres.

Both units will have a 5° pitched sedum roof and all sides will be clad in larch board on board timbers. It is indicated that the proposed structures will be made from standard shipping containers.

This application forms the resubmission of a previously withdrawn application (17/00251/FLL). The previous application was withdrawn in May 2017 for issues relating to the siting of the containers. This will be discussed further within this report.

## **SITE HISTORY**

12/00628/IPL – Erection of a dwellinghouse (in principle): Application Refused

17/00251/FLL - Siting of 2no. storage containers: Application Withdrawn

## **PRE-APPLICATION CONSULTATION**

No pre-application consultation was undertaken however as discussed above there has been a previous application for the site where there have been discussions with the applicant relating to the siting of the units.

## **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**

Within the approved Strategic Development Plan, TAYplan 2012, the primary policies of specific relevance to this application are Policies 2 and 3.

#### **Policy 2: Shaping Better Quality Places**

Part F of Policy 2 seeks to 'ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic

assets... and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets'.

Policy 3: Managing TAYplan's Assets states that 'Land should be identified through Local Development Plans to ensure responsible management of TAYplan's assets by understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through safeguarding historic buildings.

### **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.

#### **Policy PM2 – Design Statements**

Design Statements will normally need to accompany a planning application if the development comprises of 5 or more dwellings; or, is a non-residential use greater than 0.5ha in area; or, affects the character and/or appearance of a Conservation Area, Historic Garden, Designed Landscape, or the setting of a Listed Building or Scheduled Monument.

#### **Policy HE1 – Scheduled Monuments and Non-Designated Archaeology**

The Council will seek to protect areas or sites of known archaeological interest and their setting. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ. Where, in exceptional circumstances, preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to the granting of planning permission, will be required to make provision for the survey, excavation, recording and analysis of threatened features prior to development commencing.

#### **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 EP2 – New Development and Flooding**

C

There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source, or where the proposal would increase the probability of flooding elsewhere.

## **OTHER POLICIES**

None.

## **CONSULTATION RESPONSES**

### Internal

Local Flood Prevention Authority (LFPA):

Notes that the site is in a 1 in 200year flood zone however has no objection to the proposed development, subject to an informative being added to any consent.

### External

Historic Environment Scotland (HES):

Highlighted that the proposals have the potential to affect Old Lawers Village Scheduled Monument however have no comment to make on the proposals.

Scottish Natural Heritage (SNH):

SNH assessed this proposal in relation to the Forest of Clunie Special Protection Area and considered that an Appropriate Assessment is not required. SNH also assessed the proposal in relation to the Loch Tay (River Tay Special Area of Conservation) and conclude that the storage containers are located a sufficient distance to present no risk to the qualifying features.

### Community Councils

Glen Lyon & Loch Tay Community Council:

The local Community Council are concerned at a number of factors with the application. This is particularly due to the impact upon the Scheduled Monument Site. There are also concerns in relation to materials, no justifiable need, potential pollution, and erosion of sense of place. Glen Lyon & Loch Tay Community Council also submitted a further response once further documentation was received which confirmed that their concerns had not been addressed.

Dull & Weem Community Council:

Concerned at the frequency of applications being resubmitted and feel strongly that the historic site should be protected. *(Please note that Dull & Weem Community Council's area of remit does not cover the application site)*

## **REPRESENTATIONS**

56 letters of representations were received regarding this proposal. Of these letters, 28 are objecting to the proposal (including 2 Community Councils and 2 x the Breadalbane Heritage Trust), and 28 are in support of the proposal. 3 late comments were also received. In summary, the letters of representation highlighted the following points:

#### In Support

- Minimal impact and essential for maintenance
- Sensitive materials
- No trace of existence once removed
- Positive for the restoration of the area
- Of benefit to the site (reference to long term management)
- No impact upon visitors and tourists to the site

#### Objecting

- Adverse impact on visual amenity
- Inappropriate land use
- Impact upon Scheduled Monument Site
- Out of character with the area
- No suitable justification for proposal
- Concerns in relation to future development
- Proposed use is not clear
- Contrary to policy
- Concern to the siting
- Errors in supporting statement
- Groundworks required to accommodate the development
- Dangerous and poor access (and road safety)
- Precedent being set
- Length of time units are required is not clear

Many of the objections received refer to late comments and objections received to the previous application for the site (17/00251/FLL).

Although not a planning consideration, it is noted that not all of the letters of representations received are local addresses, particularly from the letters of support.

#### **ADDITIONAL STATEMENTS RECEIVED:**

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and	Submitted (Supporting Information)

Access Statement	
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 proposal is for the siting of 2 storage containers adjacent to Old Lawers Village, which is a Scheduled Ancient Monument. The Placemaking Policies PM1A and PM1B, in addition to Policy HE1 – Scheduled Monuments and Non-Designated Archaeology, are therefore directly applicable.

The site forms part of the Breadalbane Environmentally Sensitive Area, The River Tay Special Area of Conservation and the Loch Tay Special Landscape Area, therefore Policy ER6 – Managing Future Landscape Change to Conserve and Enhance will also be applied.

As the site is also within a flood risk zone, Policy EP2 – New Development and Flooding will consequently be applied.

For reasons mentioned throughout this report, it is considered that the proposal does not comply with the relevant policies of the identified Local Development Plan.

### **Design and Layout**

As discussed within the 'Background and Description of Proposal' section of this report, this application forms the resubmission of a previously withdrawn application (17/00251/FLL). The previous application was withdrawn in May 2017 for issues relating to the siting of the containers. The containers were previously sited to the south west corner of the site and I, as Case Officer for the previous application also, advised that the application was withdrawn and resubmitted with the containers in a more appropriate location on the site. This was due to the siting of the proposal being considered too sensitive a location upon the adjacent Scheduled Ancient Monument and the application would therefore be recommended for refusal.



Consequently, prior to withdrawing, the agent and I liaised about where may be a more sensitive location on the site for the containers. As such, a revised location was identified which incorporated more available screening that should be utilised. It was made clear to the agent that this site 'may' be more supportable and it was not confirmed that this location would result in the application being recommended for approval. Having had the opportunity to fully assess the revised proposal, it is considered that the siting of the containers is still not compliant with the relevant policies of the Local Development Plan. Whilst I acknowledge that the location is more suitable, the layout and the scheme presented remains inappropriate.

In this instance, I remain concerned at the layout of the proposed containers and its impact upon the adjacent Scheduled Ancient Monument. Although this siting in the north-west corner of the site is considered much more appropriate than the previous submission, it is still not fully respectful of its surroundings. The available screening which was identified to be utilised has not been satisfactorily incorporated and as such, little screening has been incorporated into the proposal. The agent has simply relocated the containers compared to the previous submission and although has identified a more appropriate area, has not considered the siting of the units in relation to the available screening. It is therefore considered that the overall layout of the proposal and scheme presented does not contribute positively to the quality of place, as required by the Placemaking Policies PM1A and PM1B, and as such, this will be reasons 1 and 2 for refusal for this application.

In relation to design, the general nature and design of the storage containers are industrial in nature and thus are not appropriate for this rural setting. Whilst the materials utilised reduce the impact of the proposal, I remain concerned at the provision of these within this sensitive rural environment. The storage containers both measure approximately 3 metres at maximum height with the largest container measuring 6 metres in length. This largest elevation therefore covers an area of approximately  $18m^2$ , which is considered to be a significant elevation (acting as a visual barrier) to be constructed in such close proximity to the Scheduled Ancient Monument. The overall massing and scale of the storage containers is also considered to be too significant for the requirements of the applicant. As such, this will be reason 3 for refusal on this application.

### **Justification for Proposal**

On assessing the application, it became clear that there was little justification for this proposal to satisfy the need for placing the containers in such a sensitive area. In some of the letters of representation received objecting to the proposal, there were also concerns in relation to the precedent that would be set of allowing a development such as this in this location.

Consequently, I felt it was appropriate to request further justification from the agent in order to fully assess the requirement for the proposal in this location, as I agree, in my professional opinion, that this would potentially set a precedent for future development on the site. I am also aware of the site

history where there has been an application for the erection of a dwellinghouse in principle (refer to 12/00628/IPL) which was refused.

This further justification document was submitted on the 21<sup>st</sup> June 2017 and highlighted that the proposal was required in order to store equipment that is required for the preservation and conservation of the Scheduled Ancient Monument.

Whilst it is appreciated that tools may be required for the preservation of these structures, any works carried out to the Scheduled Ancient Monument would require Scheduled Monument Consent from Historic Environment Scotland (HES). It has not been demonstrated that the appropriate consents are in place and the Planning Authority has no record of any consent being obtained. It would therefore be unauthorised should any works be carried out to these structures. The land ownership of this monument site is also not satisfactorily demonstrated through the justification statement.

On reviewing the justification further, the applicant has stated that the containers are required to store equipment for tree and scrub control on the Scheduled Ancient Monument. I then contacted HES directly on the 26<sup>th</sup> June 2017 and it was further confirmed that the only authorisation given for works to this site relate to the tree and scrub control and there is no Scheduled Monument Consent in place to undertake any actual works to the site. As such, it is considered that the storage containers are not required to be in this location as the works that are authorised do not require a large amount of tools that are not transportable.

Taking into consideration that there is no Scheduled Monument Consent in place, the justification document does not suitably justify the requirement for the storage containers in this sensitive location and as such, this will be reasons 4 and 5 for refusal on this application.

### **Impact upon Scheduled Monument**

Old Lawers Village is a deserted settlement represented by a series of well-preserved stone buildings of 17th-century and later date, and likely to contain buried archaeology dating to earlier periods. The area scheduled is divided into three parts encompassing the visible remains and other areas in which significant associated deposits are likely to survive. The photographs below show some of the settlement:



Historic Environment Scotland (HES) were consulted as part of this application and whilst stated that they have no comment to make, advised that the proposals could place an impact upon Old Lawers Scheduled Ancient Monument.

On assessing the proposals further, it is clear that the site is a sensitive location and as such any development must be fully respectful of its surroundings in order not to detract from the qualities, character and integrity of the Scheduled Ancient Monument. It is considered that the provision of 2 storage containers would cause a detrimental harm to the scheduled site and consequently this will be reason 5 for refusal on this application.

### **Impact upon Land Designations**

The site forms part of the Breadalbane Environmentally Sensitive Area, The River Tay Special Area of Conservation and the Loch Tay Special Landscape Area. It is also in close proximity to the Forest of Clunie Special Protection Area.

Scottish Natural Heritage (SNH) assessed this proposal in relation to the Forest of Clunie Special Protection Area and considered that an Appropriate Assessment is not required. SNH also assessed the proposal in relation to the Loch Tay (River Tay Special Area of Conservation) and conclude that the storage containers are located a sufficient distance to present no risk to the qualifying features.

In relation to the other land designations identified on the site, I do not think that a proposal of this scale would have any major impact upon the land designations. Taking this into account in addition to the response from SNH, I have no concerns from this proposal upon the attributes that give rise to the land designations of the site.

### **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. In this case, the siting of 2 storage containers on this site is considered to erode

local distinctiveness, diversity and quality of the landscape due to being located on a highly prominent and distinctive site within the Loch Tay area. As such, this will be reason 6 for refusal on this application.

### **Residential Amenity**

The proposal is not in close proximity to any residential receptor. I therefore have no access in relation to residential amenity.

### **Roads and Access**

Although a number of objections received commented on road safety and access to the site, on assessing the application, and due to the nature of the proposal being for 2 storage containers, I have no concerns in relation to roads and access. The traffic likely to be generated by this proposal is likely to be minimal and there is an existing track which is suitable which leads directly to the site.

### **Drainage and Flooding**

The site falls within a 1 in 200 year flood zone. Consequently, the Local Flood Prevention Authority (LFPA) was consulted as part of this application and stated that they have no objection to the proposed development, subject to an informative being added to any consent. I therefore have no concerns in relation to drainage and flooding.

### **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 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

**Refuse the application.**

### **Conditions and Reasons for Recommendation**

- 1 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 Old Lawers Village through the siting of the proposed containers not being respective of the sensitive location.
- 2 The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the provision of 2 storage containers would erode and dilute the areas landscape character.
- 3 The proposal is contrary to Policy PM1B, criterion (c) of the Perth and Kinross Local Development Plan 2014, as the design and density of the proposed storage containers does not complement its surroundings in terms of height, scale and massing.
- 4 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.
- 5 The proposal is contrary to Policy HE1 of the Perth and Kinross Local Development Plan 2014 as the development would have an adverse effect on the integrity and setting of the Old Lawers Village Scheduled Ancient Monument and there is no sound justification or exceptional circumstances to grant this application, as required by the policy.
- 6 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 through the siting of the proposed containers in this sensitive location.

### **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**

Not Applicable.

**Procedural Notes**

Not Applicable.

**PLANS AND DOCUMENTS RELATING TO THIS DECISION**

17/00831/1  
17/00831/2  
17/00831/3  
17/00831/4  
17/00831/5  
17/00831/6  
17/00831/7  
17/00831/8

**Date of Report** 27<sup>th</sup> June 2017



**Document 5 Correspondence with the planning officer prior to submission of the application**





## Philip Neaves

---

**From:** Sean Panton [REDACTED]  
**Sent:** Wednesday, April 26, 2017 8:58 AM  
**To:** Philip Neaves  
**Subject:** RE: Land at Lawers 17/00251/FLL

Dear Mr Neaves,

Yes, we can recommend approval no matter how many objections are received if we feel the application complies with relevant policies. Depending on how many objections are received however, it may be required to go to full Committee. If this is the case, it will go to Committee along with a report recommending that the Committee approve the application.

I would anticipate that we would receive less objections next time round as it will clearly be a resubmission to address the concerns of objectors and to be more compliant with policy.

Hope this helps.

Kind Regards,

**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

*Comhairle Pheairt is Cheann Rois*



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**From:** Philip Neaves [mailto:philip@felshampd.co.uk]  
**Sent:** 26 April 2017 08:52  
**To:** Sean Panton  
**Subject:** RE: Land at Lawers 17/00251/FLL

Many thanks for your help. I will get this sorted in the next 24 hours. Presumably based on our discussions if we select a location in the areas specified your Council can support us even in the face of objections?

Kind regards

Philip

**Philip Neaves**  
Director  
Felsham Planning and Development  
1 Western Terrace  
Edinburgh  
EH12 5QF  
+44 131 337 9640  
+44 7446 897144  
[Philip@felshampd.co.uk](mailto:Philip@felshampd.co.uk)  
[www.felshampd.co.uk](http://www.felshampd.co.uk)



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---

**From:** Sean Panton [REDACTED]  
**Sent:** Wednesday, April 26, 2017 8:50 AM  
**To:** Philip Neaves  
**Subject:** RE: Land at Lawers 17/00251/FLL

Dear Mr Neaves,

I now await your response by close of day on Friday 28<sup>th</sup> on how you wish to proceed.

If you need any further information within this time please do not hesitate to contact me.

Kind Regards,

C  
**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

*Comhairle Pheairt is Cheann Rois*



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---

**From:** Philip Neaves [<mailto:philip@felshampd.co.uk>]  
**Sent:** 26 April 2017 08:48  
**To:** Sean Panton  
**Subject:** RE: Land at Lawers 17/00251/FLL

That is really helpful. I need to get the client to agree. He would prefer not to withdraw but if I can set out a clear path to a possible early consent that would help.

Regards

Philip

**Philip Neaves**  
Director  
Felsham Planning and Development  
1 Western Terrace  
Edinburgh  
EH12 5QF  
+44 131 337 9640  
+44 7446 897144  
[Philip@felshampd.co.uk](mailto:Philip@felshampd.co.uk)  
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---

**From:** Sean Panton [REDACTED]  
**Sent:** Wednesday, April 26, 2017 8:33 AM  
**To:** Philip Neaves  
**Subject:** RE: Land at Lawers 17/00251/FLL

Good Morning Mr Neaves,

Whilst I understand where you are coming from, this is considered to be a significant difference from the original application and would therefore require withdrawal.

It is also my intention that if we withdraw and re-submit I can speak to the Community Council about the removal of their objection and hopefully they will not submit an objection second time around. This will not only mean the community will be more in support of the application but the application itself will be less likely to be required to go to Committee. In turn, this means that if the application is supportable you are more likely to obtain an approval with less hurdles to cross.

I trust this addresses your query.

Kind Regards,

**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

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---

**From:** Philip Neaves [<mailto:philip@felshampd.co.uk>]

**Sent:** 26 April 2017 08:27

**To:** Sean Panton

**Subject:** RE: Land at Lawers 17/00251/FLL

Many thanks.

Surely as these are small structures within the same red line the change can be re-notified rather than requiring withdrawal. Registration was late March and so there is still one month of the 8 weeks to go. If timing is an issue we are happy to write extending the period for determination.

Regards

Philip

**Philip Neaves**

Director

Felsham Planning and Development

1 Western Terrace

Edinburgh

EH12 5QF

+44 131 337 9640

+44 7446 897144

[Philip@felshampd.co.uk](mailto:Philip@felshampd.co.uk)

[www.felshampd.co.uk](http://www.felshampd.co.uk)



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**From:** Sean Panton [REDACTED]  
**Sent:** Tuesday, April 25, 2017 2:39 PM  
**To:** Philip Neaves  
**Subject:** RE: Land at Lawers 17/00251/FLL

Dear Mr Neaves,

Further to our telephone discussion earlier today, I attach a map of where on the site may be suitable for the relocation of the storage units which is more sensitive in relation to the Scheduled Monument. I would encourage you to go within the green zone in an area where existing screening can be utilised. I have suggested the yellow dot may be an appropriate site. I am open to suggestions however as I want to achieve something that is both practical for your client and sensitive to the site.

I trust you will liaise this information to your client accordingly and inform me if your client would like to withdraw and resubmit or if they would prefer to go down the refusal route.

I await your response.

Kind Regards,

**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

*Comhairle Pheairt is Cheann Rois*

[REDACTED]  
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**From:** Philip Neaves [<mailto:philip@felshampd.co.uk>]

**Sent:** 25 April 2017 12:13

**To:** Sean Panton

**Subject:** RE: Land at Lawers 17/00251/FLL

That is really appreciated. I will relay that to the client. Are you able to mark suggested location on a plan? Could we arrange to meet you? Happy to do whatever we can to move this forward.

Regards

Philip

**Philip Neaves**

Director

Felsham Planning and Development

1 Western Terrace

Edinburgh

EH12 5QF

+44 131 337 9640

+44 7446 897144

[Philip@felshampd.co.uk](mailto:Philip@felshampd.co.uk)

[www.felshampd.co.uk](http://www.felshampd.co.uk)

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**From:** Sean Panton [REDACTED]  
**Sent:** Tuesday, April 25, 2017 12:05 PM  
**To:** Philip Neaves  
**Subject:** RE: Land at Lawers 17/00251/FLL

Dear Mr Neave,

Yes, as discussed, I believe that due to the small scale of the containers and the large scale of the site you have provided we can accommodate the proposal in a more sensitive location than at present. As mentioned before, I am happy to work with you on this one.

Kind Regards,

**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

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[REDACTED]  
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**From:** Philip Neaves [<mailto:philip@felshampd.co.uk>]  
**Sent:** 25 April 2017 12:02  
**To:** Sean Panton  
**Subject:** RE: Land at Lawers 17/00251/FLL

Thank you for the email below. My client is weighing up the options.

C  
The location was selected because it was considered to be the most discrete on the site. Is it your view that there may be an alternative location within the application red line that would be suitable?

Regards

Philip

**Philip Neaves**

Director

Felsham Planning and Development

1 Western Terrace

Edinburgh

EH12 5QF

+44 131 337 9640

+44 7446 897144

[Philip@felshampd.co.uk](mailto:Philip@felshampd.co.uk)

[www.felshampd.co.uk](http://www.felshampd.co.uk)



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**From:** Sean Panton [REDACTED]  
**Sent:** Tuesday, April 25, 2017 11:59 AM  
**To:** Philip Neaves  
**Subject:** RE: Land at Lawers 17/00251/FLL

Dear Mr Neaves,

Thank you for your prompt response.

Whilst I note the responses from our consultees, I must remind you that they are only consultees and it is the decision of the Planning Authority of whether to agree with consultees depending on their response. In this case, I would disagree that they have a 'clear support' for the proposal as you have suggested.

In my opinion, the majority of the objections are valid and will be taken into consideration accordingly. I am aware our website only shows 6 comments at the moment, however, as stated in my previous email, we are still receiving late comments therefore not all of the comments have been uploaded for public viewing yet.

I must point out that I am aware of the relatively small scale of this proposal and I believe an acceptable scheme can be achieved, hence why I am suggesting the withdrawal and re-submission. The site is large and capable of accommodating these structures without negatively impacting upon the character and setting of the Scheduled Monument Site. The position of these containers at present however is not considered to be appropriate.

I must also remind you that due to the number of objections (one of which from the Community Council) I am no longer able to make a delegated approval on this application. Any application recommended for approval would be subject to a full Committee consideration. However, as I have already indicated, I do not think this is an application which I think I will be in a position to support. A refusal can still be carried out under delegated powers and will not be required to go to Committee.

Please be aware that in this instance I am trying to get a compromise between your client and the local community whilst also complying with the relevant policies of the Local Development Plan. I am trying to seek the most appropriate proposal for this site and I do not consider what I have in front of me at present to be the most appropriate. I am willing to work with you on this matter in order for your client to achieve an approval which satisfies your needs.

I still remain to seek confirmation by close of day on Friday 28<sup>th</sup> April on how you wish to pursue this matter.

Kind Regards,

**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

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**From:** Philip Neaves [<mailto:philip@felshampd.co.uk>]  
**Sent:** 25 April 2017 11:43

**To:** Sean Panton  
**Subject:** RE: Land at Lawers 17/00251/FLL

I need to take instructions regarding the points you raise below. I doubt those instructions will be to withdraw the application.

I will be writing to you about the objections. You will note that neither Historic Environment Scotland or the National Trust has objected. Both organisations have in fact prepared a management plan to aid our client. This indicates clear support from those charged with protecting the SAM.

The fact of a large body of objections does not mean the points they make are valid. This morning your Council's website was showing only 6 objections. The points raised were in many cases supposition and conjecture. We will address these objections shortly.

Please do not determine this application until we have spoken in more detail about this matter.

Your sincerely

**Philip Neaves**  
Director  
Felsham Planning and Development  
1 Western Terrace  
Edinburgh  
EH12 5QF  
+44 131 337 9640  
+44 7446 897144  
[Philip@felshampd.co.uk](mailto:Philip@felshampd.co.uk)  
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**From:** Sean Panton [REDACTED]  
**Sent:** Tuesday, April 25, 2017 11:38 AM  
**To:** Philip Neaves  
**Subject:** Land at Lawers 17/00251/FLL  
**Importance:** High

Dear Mr Neaves (on behalf of Mr Thomson),

I am writing to you from Perth & Kinross Council Planning Department as Case Officer regarding an application you have submitted for the siting of 2 storage containers on land 30 metres north of Old Church, Lawers (17/00251/FLL).

The consultation period has now ended and I have received an objection from the Community Council in relation to this proposal, along with a large number of objections and late comments from the public. I am still receiving late comments even although the consultation period has ended.

I therefore have to review these objections and late comments and act accordingly.

The majority of the objections have one primary concern and that is in relation to the impact of the proposal upon the Scheduled Monument Site in which it stands. **I would therefore suggest that this existing application is withdrawn** and alternative sites are assessed in order to satisfy both the local community and the relevant policies of the adopted Local Development Plan. This is because, as it stands, I do not consider the existing proposal to comply with Policy HE1 (Scheduled Monuments and Non Designated Archaeology) of the adopted Perth & Kinross Local Development Plan 2014 and I also believe that the majority of objections raise valid points. I consider this proposal to be located too close to the boundary of the Scheduled Monument Site which will have a negative impact upon its character and setting.

Should you wish for this application to be withdrawn, you are entitled a free resubmission, provided it is within 12 months of the validation date of this application and the new application relates to the same site. I note on this application you have a large site boundary so you will be able to move the storage containers accordingly within this site. I am happy to discuss potential sites which may be acceptable. **Please note, I do believe an acceptable scheme can be achieved on this site due to the scale of the site you have identified and the relatively small scale of this proposal itself.** This current proposal however is not considered to be an acceptable scheme.

As it currently stands, I am minded to recommend refusal on this application under delegated powers for reasons mentioned above. It is not in my interest to refuse this however, therefore I suggest that you withdraw this application and we work towards a scheme that satisfies the requirements for your client, the relevant policies of the Local Development Plan and the community in which it would affect.

I trust the above clarifies my position on this application and I would appreciate your prompt response in this matter. Should I not hear from you by Friday 28<sup>th</sup> April 2017, I will proceed to make a decision on this application without any further discussion.

I look forward to hearing from you and trust you will withdraw this application and come forward with a revised scheme to avoid refusal.

Kind Regards,

Sean Panton,  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

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**Document 6 Correspondence with the planning officer post submission of the application**



## Philip Neaves

---

**From:** Sean Panton [REDACTED]  
**Sent:** Wednesday, June 21, 2017 10:34 AM  
**To:** Philip Neaves  
**Cc:** angus.thomson [REDACTED]  
**Subject:** RE: Old Village of Lawyers Planning Receipt 17/00831/FLL

Dear Mr Neaves,

Thank you for sending these through. I acknowledge receipt of them.

I will review these documents in due course, hopefully by the end of the week.

Once I have reviewed the documents, should they be satisfactory, the application will be required to go to the Development Management Committee for consideration. I will advise you of the dates and further details of this should it be necessary.

If however the documents do not eliminate my concerns, the application will be refused under delegated powers without any further discussion. A Report of Handling will accompany the decision where you can see how this decision has been arrived at. Of course, you can appeal any refusal to the Local Review Body should you think it is unreasonable.

I will be in contact should the application be recommended for approval.

Kind Regards,

**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

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---

**From:** Philip Neaves [mailto:philip@felshampd.co.uk]  
**Sent:** 21 June 2017 10:01  
**To:** Sean Panton  
**Cc:** angus.thomson [REDACTED]  
**Subject:** RE: Old Village of Lawyers Planning Receipt 17/00831/FLL

Please find attached a response to your request for additional information. This comprises:

1. A letter from Felsham Planning and Development dealing with the points raised by objectors
2. An Appendix prepared by the applicant dealing with need

Please do not hesitate to contact me if you wish to discuss.

Regards

Philip

**Philip Neaves**  
Director  
Felsham Planning and Development  
1 Western Terrace  
Edinburgh  
EH12 5QF  
+44 131 337 9640  
+44 7446 897144  
[Philip@felshampd.co.uk](mailto:Philip@felshampd.co.uk)  
[www.felshampd.co.uk](http://www.felshampd.co.uk)

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---

**From:** Sean Panton [REDACTED]  
**Sent:** Thursday, June 15, 2017 4:18 PM  
**To:** Philip Neaves  
**Cc:** [angus.thomson](mailto:angus.thomson@felshamplanning.co.uk) [REDACTED]  
**Subject:** RE: Old Village of Lawyers Planning Receipt 17/00831/FLL

Dear Mr Neaves,

I would like to remind you of my email of Monday 5<sup>th</sup> June 2017 which states the following:

*'Good Morning Mr Neaves,*

*I have not yet received any objections however the consultation for this application does not end until 9th June 2016.*

*I will confirm my position once the representation period is over. Please be aware that if I have any concerns I will be in contact with yourselves.*

*Kind Regards'*

I therefore now have concerns in relation to the proposal, hence why I contacted you to give you a further opportunity to address these concerns. Should you not wish to address these concerns then that is entirely up to yourselves, however I have now informed you of my position, which I said I would do in my previous email you refer to.

At this point, I would like to confirm that the proposal will be assessed fully in relation to National Guidance and our adopted Local Development Plan 2014, this is in addition to any other material considerations. Some of the objections received have raised material considerations which require to be addressed in order to support the application. I would say it is highly unreasonable to state that the Council 'bow' down to objectors.

Kind Regards,

**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,

C  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

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[REDACTED]  
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---

**From:** Philip Neaves [<mailto:philip@felshampd.co.uk>]  
**Sent:** 15 June 2017 16:07  
**To:** Sean Panton  
**Cc:** [angus.thomson@perth.gov.uk](mailto:angus.thomson@perth.gov.uk) [REDACTED]  
**Subject:** Re: Old Village of Lawyers Planning Receipt 17/00831/FLL

We are very disappointed by this. The fact of a large number of objections does not make them well founded. This smacks of the council bowing to pressure. Remember we went through a detailed exercise of reviewing where to relocate the structures with you before agreeing to withdraw the previous application and make thus resubmission.

This comes as something of a surprise given the earlier emails we have exchanged including one last week.

We will review our position and respond to you but we do not expect weight of objection to be any factor in the councils decision making. Please confirm that the councils position is to balance all factors and not simply take objections as read.

Please also remember the significant level of support.

I have copied the applicant in to this email. We will respond in due course.

Regards

Philip

Sent from my iPhone

On 15 Jun 2017, at 15:58, "Sean Panton [REDACTED]" wrote:

Dear Mr Neaves,

As you will be aware, there have been a vast number of objections to this application. I also have 2 different Community Council objecting to the application.

On reviewing these, I will therefore require from you further justification as to the requirement for these storage units. I note on your supporting statement that they are required to store equipment (including PPE equipment). What is the equipment for and why does it need to be there?

If you could therefore provide on a separate **word or pdf document** suitable justification for these units and why the provided site is the only option available. This must be a separate document so that it can be uploaded to Public Access.

Unfortunately, after discussing this application with my seniors, if I do not receive suitable justification as to the requirement for these units, I will have to go down the refusal route. Should suitable justification be submitted however, the application will be re-assessed and I will be in contact with you should any further matters arise.

I would be grateful if I could receive this justification document by close of day on Thursday 22<sup>nd</sup> June (a week today). If I do not hear from you I will assume you wish for the application to be determined on its current merits.

I trust you will prioritise this matter and I look forward to hearing from you.

Kind Regards,

**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

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---

**From:** Philip Neaves [<mailto:philip@felshampd.co.uk>]  
**Sent:** 14 June 2017 13:20  
**To:** Sean Panton  
**Subject:** RE: Old Village of Lawyers Planning Receipt 17/00831/FLL

Sean,



The period for objection has now closed. Could you please advise on your thoughts about the objections; whether they have raised any issues we need to discuss; and whether it has affected your views.

Please do not hesitate to contact me on 07446 897144 if you wish to discuss.

Many thanks

Philip

**Philip Neaves**  
Director  
Felsham Planning and Development  
1 Western Terrace  
Edinburgh  
EH12 5QF  
+44 131 337 9640  
+44 7446 897144  
[Philip@felshampd.co.uk](mailto:Philip@felshampd.co.uk)  
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**From:** Sean Panton [REDACTED]  
**Sent:** Monday, June 5, 2017 10:40 AM  
**To:** Philip Neaves  
**Subject:** RE: Old Village of Lawyers Planning Receipt 17/00831/FLL

Good Morning Mr Neaves,

I have not yet received any objections however the consultation for this application does not end until 9<sup>th</sup> June 2016.

I will confirm my position once the representation period is over. Please be aware that if I have any concerns I will be in contact with yourselves.

Kind Regards,

**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

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---

**From:** Philip Neaves [<mailto:philip@felshampd.co.uk>]  
**Sent:** 05 June 2017 09:33  
**To:** Sean Panton  
**Subject:** RE: Old Village of Lawyers Planning Receipt 17/00831/FLL

Have you any feel for the type of feedback you have been getting and how it might influence your thinking re decision and timescale for making that decision.

Many thanks

Philip


**Philip Neaves**  
Director  
Felsham Planning and Development  
1 Western Terrace  
Edinburgh  
EH12 5QF  
+44 131 337 9640  
+44 7446 897144  
[Philip@felshampd.co.uk](mailto:Philip@felshampd.co.uk)  
[www.felshampd.co.uk](http://www.felshampd.co.uk)

<image003.png>

VAT Registration No 152 7435 14  
Company Registration Number SC267721

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---

**From:** Philip Neaves  
**Sent:** Wednesday, May 24, 2017 7:04 AM  
**To:** Sean Panton   
**Subject:** Old Village of Lawyers Planning Receipt 17/00831/FLL

Sean,

Our application has been submitted, the advert fee has been paid and it has been registered.

In the light of our pre-application discussions can you please confirm that the application will now be processed with a positive recommendation from you and the timescale for doing so.

Many thanks

Philip

**Philip Neaves**  
Director  
Felsham Planning and Development  
1 Western Terrace  
Edinburgh  
EH12 5QF  
+44 131 337 9640  
+44 7446 897144  
[Philip@felshampd.co.uk](mailto:Philip@felshampd.co.uk)  
[www.felshampd.co.uk](http://www.felshampd.co.uk)

<image003.png>

VAT Registration No 152 7435 14  
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**Document 7 Additional information comprising Rebuttal of Objections and Statement of Need**



Director of Planning

Perth and Kinross Council

Pullar House

35 Kinnoull Street

Perth PH1 5GD

21<sup>st</sup> June 2017

Dear Sirs

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**  
**APPLICATION FOR SITING OF TWO STORAGE HUTS, LAND 60 METRES NORTH EAST OF OLD CHURCH LAWERS**  
**THE OLD VILLAGE OF LAWERS, LOCH TAY, PERTHSHIRE**  
**APPLICATION REF 17/00831/FLL**

We refer to email correspondence from Sean Panton on 15<sup>th</sup> June 2017. We have been asked by the applicant to respond to the points raised in that email, specifically the requirement to provide more information about the need for the application proposals and the purpose of the application. We have also been asked by our client to address the points raised by objectors and set these points in the context of the very considerable support the application has received. The points raised by objectors can be summarised as follows:

- Need
- Siting and Impact on SAM
- Planning Policy
- Trojan Horse
- Impact on the infield
- Hill and gradient
- Access road improvements

We address each of these points in turn below.

**Need** – our client has provided a statement on need, which is attached as an Appendix. The applicant has not applied for a temporary structure because the applicant is committed to site and the needs will last longer than 5 years. The proposal is temporary in the sense that the structures will not require permanent foundations. When removed they will leave little or no trace

**Siting and Impact on SAM** – the site is large and capable of accommodating these structures without negatively impacting upon the character and setting of the Scheduled Monument Site. The small scale of the containers and the large scale of the site means that it is possible to accommodate the proposal in a sensitive location, as far as practical away from the Scheduled Monument Site and utilising the screening provided by the existing trees.

The stores comprise containers one 20 foot long standard container and one 10 foot long standard container. These will be wood clad and will be used as follows:

- 20 foot – storage of building materials, small tools, fuel, equipment etc.
- 10 foot – storage of PPE equipment, messing facility and toilet (chemical). The toilet will have a sealed unit, which will be removed from site periodically. There will be no disposal into existing drainage and no septic tank.

The stores will be removable and will have no foundations. When removed they will leave no trace of their presence, which is in accord with the definition of a hut given in national policy.

We note that the Bredalbane Heritage Society accept that the infield is not part of the SAM. The test is whether any structures placed in the infield will have an adverse effect. Support for the lack of impact is provided by the fact that HES does not object. The cladding addresses the question of impact. In our submission the overall effect is two structures which are sensitively designed and placed and could be expected to be sited in a rural location such as this.

**Planning Policy** – specific reference has been drawn by objectors to the following LDP policies:

1 Western Terrace Edinburgh EH12 5QF  
T +44 (0) 131 337 9640

**PM1 Placemaking** - PM1A states that development should contribute positively to its surroundings and that design, density and siting should respect the character and amenity of the area.

**ED3 Rural Business and Diversification** – diversification of existing business and use will be supported where it can be satisfactorily accommodated by the landscape capacity of the site

**HE1 Scheduled Ancient Monuments** – there is a presumption against development that will have an *adverse* effect on a SAM.

**HE2 Listed Buildings** – the detail of any development that would affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

In assessing the proposal we have followed the step by step process laid down by the House of Lords:

1. **Identify any provisions of the Development Plan that are relevant to the decision** – the key development plan policies relevant to determination of this application are PM1A Placemaking, ED3 Rural Diversification, HE1 Scheduled Ancient Monuments, and HE2 Listed Buildings. There is no settlement boundary therefore policy PM4 is not relevant to this application.
2. **Interpret them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies** - the aims and objectives of the development plan are to preserve the character and appearance of the SAM, listed buildings and the landscape whilst supporting social and economic well-being in the Council's area. Notwithstanding the SAM it is also a working landscape. Recognition needs to be given to the need for infrastructure to support agriculture and that agriculture is a primary industry in the countryside whose needs are often quite basic and resources limited. The environmental objectives of the development plan need to be balanced against the economic objectives in order to support the local economy and the social well-being of the communities within the LDP area.

The Courts have ruled that the interpretation of planning policy is a matter of law but the application of planning policy is a matter of planning judgment, therefore provided the planning authority demonstrates a proper understanding of policy in its reasoning it can proceed as it sees fit and weigh one policy against another and/or give weight to factors other than policy in its determination. The Dundee decision referred to in the application supporting statement gives the planning authority discretionary powers to interpret its development plan *...development plans are full of broad statements of policy many of which may be mutually irreconcilable, so that in a particular case one must give way to another*. Even in the proximity of the SAM there may be circumstances where the needs of those using the land should take precedence over environmental and visual considerations. This can occur without setting a precedent or undermining the aims and objective of the development plan. The storage units have been discretely located as far away as possible from the SAM to minimise any impact.

One of the objectors has referred to our reference to *environmental and visual considerations* in our supporting statement. The objector draws a conclusion which shows little attempt to assess what had actually been said in the preceding paragraphs. When an application is proposed adjacent to a SAM there is a process required to assess the impact on the SAM and to assess whether there are wider considerations that justify development. In this context it is important to note that the test is that there should not be an *adverse* effect on the SAM. These containers are small and can be discretely placed within a large site. **Their use will bring considerable benefits that will preserve and enhance the SAM.** Therefore, in undertaking the assessment the objector referred to the environmental and visual considerations support the proposal. They certainly do not preclude development of this type and in this location. This is clearly illustrated by the position of HES which has consistently been not to object to our client's proposal on this site.

The Council suggested in its discussions with the selling agent that small structures associated with agriculture or recreation could be acceptable. In making this suggestion the Council must be satisfied that the use is acceptable in close proximity to its neighbours. This narrows down the policy considerations to design and impact on amenity.

3. **Consider whether or not the proposal accords with the Development Plan** – in relocating the containers within the site we consider that the proposal complies with Policy HE1 (Scheduled Monuments and Non-Designated Archaeology) of the adopted Perth & Kinross Local Development Plan 2014. In our submission the location of the storage huts are appropriate for the reasons given at point 2 above. These reasons include distance from neighbours; distance from the road; screening provided by the trees; and setting within the site, which will be seen from very few viewpoints.

Crucially policy HE1 applies an *adverse impact* test when assessing the effect on the SAM. We note that Historic Scotland did not object to the previous application for a dwelling house because they felt that it could be satisfactorily accommodated on this site. This was not a view that the Council accepted but it demonstrates that there is an argument that some development can occur without adverse impact on the SAM.



1 Western Terrace Edinburgh EH12 5QF  
T +44 (0) 131 337 9640

There are no houses in close proximity. It follows that the impact of the location and design is limited to those who are transient and simply passing through the landscape. Permanent residents have not been identified who could be impacted. Having regard again to the Dundee decision this is a further circumstance where discretion is needed, to balance the needs of transient walkers against those who are using the land. The question of design needs to be seen in this context. The proposed structures are seen throughout the countryside and the majority of the general public, if they see the structures at all, are unlikely to be surprised or offended by their presence because they are discrete and remove none of the context of the SAM and they do not harm the ability to appreciate the landscape, which means that there is no harmful amenity impact.

Therefore, in our view few people will see the structures and it cannot be said to have a *significant adverse effect*, which is the policy HE1 test. The Dundee decision gives the Council discretion over its policies and we would urge your Council to use such discretion given the fact that few people are likely to be directly impacted.

**Impact on the Infield** – this point is related to siting and planning policy. We were advised to withdraw the previous application ref 17/00251/FLL because its location was not considered to be suitable. However, the planning authority advised that there would be circumstances where they could support an application and directed the applicant to the current location.

This raises a number of points:

1. HES, which is charged with protecting the historic environment, has not objected to this or the previous application. In reaching that view they had a statutory duty to consider the impact on the SAM. In exercising that statutory duty they have twice now reached the conclusion that this proposal, wherever it is sited, will not harm the SAM. It should also be noted that HES never expresses support for a proposal. The key for any application is not to receive an objection
2. If the planning authority had considered this application in capable of support they could not have given the applicant the advice they gave and the earlier application should have been refused. Instead the advice was that application should be withdrawn and resubmitted. It is a matter of professional ethics that a planning authority should never advise an applicant to submit an application it feels has no chance of success. We have had a good working relationship with the planning officer and feel that the officer has been helpful and supportive. We would not expect previously expressed views to be changed in the light of objections because a considerable amount of effort was made by the applicant and the planning officer to select a suitable location for development. Having expended that effort we would expect the planning authority to support an application in a location where they themselves directed the applicant.

**Trojan Horse** – objectors have made a number of pejorative statements about the applicant and this company, with reference to the fact that the applicant is a Chartered Surveyor and that this is *the thin end of the wedge*. It is a fundamental principle in planning that all applications must be determined de novo i.e. afresh at the time that they are submitted and judged on their merits having regard to relevant policy and material considerations. Reference to past applications is rarely relevant and the decision maker must not speculate on what might happen in the future. The applicant has stated in the appendix to this document that he has no intention of building a house.

**Hill and Gradient** – this is not an issue and was not part of the consideration when working with the planning authority to select the location of these containers.

**Access track** – there are no proposals to do any work to the access track. The track serves agricultural land and the containers can be put in place using the type of vehicle that would normally be expected to use this access.

The objections are balanced by a similar number of letters in support. The points made by supporters can be summarised as follow

1. The large site size and its ability to absorb the structures without impact
2. limited impact of two clad containers within the site
3. ability to absorb into landscape
4. maintenance benefit for the site
5. low intensity use will not disturb quiet enjoyment

This practice has recent experience of very similar structure being allowed in heart of Cairngorms National Park, where consent granted on the basis of the fact that any impact could be absorbed within the landscape and the management need and benefits

In conclusion, the applicant has written a letter that clearly sets out why the application proposal is needed. That in our view sets out a clear case to support the proposal. There are no material considerations that indicate that consents should not be granted. Given the policy argument and the fact that the need argument is addressed we believe that the proposal meets the policy assessment requirements of sections 25 and 37 of the Planning Act. In light of the above, we respectfully request that planning permission be granted.

We would like to arrange a meeting with you once the period for consultation has expired. In the meantime, please do not hesitate to contact me if there are any matters you wish to discuss.

1 Western Terrace Edinburgh EH12 5QF  
T +44 (0) 131 337 9640

Yours faithfully



Philip Neaves

Director

## Justification Document

As requested by Perth & Kinross Council on 16 June 2017

Planning Application: 17/00831/FLL

The reason for this application is solely so that I can meet the demands of Historic Environment Scotland and The National Trust for Scotland and take the responsibility of preserving the ruins seriously. Historic Environment Scotland provided me with a detailed and comprehensive list of landscaping work (attached as part of the application) which is required to preserve the ruined village which has degraded at a devastatingly fast rate over the past few years. They had previously provided this to the former landowner who did not take on board his responsibilities and instead only tried to get consent to build a house, he did not undertake any of the required works. I have no intention of building a house.

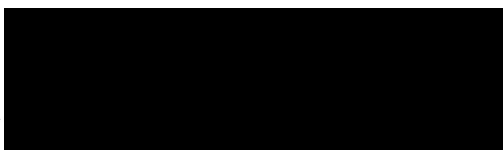
If I cannot have somewhere to store the chainsaws, strimmer, fuel for them, mowers, gardening equipment and equipment for moving the intrusive vegetation, safety gear to wear (personal protective equipment 'PPE'), and a toilet facility for myself and those landscaping professionals who will assist me to use, I cannot get this work done.

If you are not aware; not more than 5 years ago the Old Village of Lawers was a beautiful quaint recognisable village with the majority of the buildings intact. Due to intrusive vegetation growth, gable walls have fallen down, roofes caved in and there is not much but a pile of stones in each of the location of the mill buildings and Lairds House. If I can get my materials here soon so I can commence the work (as prescribed by HES), I can cease further decay to these buildings and the Old Church, and maintain the area going forward for those who, like me, have an interest in the history of the area and maintaining it and preserving it for the next generation. I have a dialogue with HES and had discussed with them meeting their representative during the initial stage of the works to ensure they are being done as per their request and to their satisfaction.

It is upsetting that some people are so short sighted and have objected without fully reviewing why I have applied for these removable containers, clad in larch, sensitively positioned, which have no foundations and will not affect the integrity of the area now or in the future. The objectors clearly did not fully review the application and the landscaping works document. I note a comment from one of the supporters, a Mr L----- who made the point, which I feel sums up the objections well: *"I note in an objection from a Mr----- he refers to concerns of use of the containers. I would say he has clearly not reviewed the full application and supporting documents and if he has his concerns would have been quashed. Indeed if he had reviewed the full application I would like to think he would be supporting this, as he clearly cares about the area as much as I do."*

I would welcome meeting you or any local community groups on site to discuss this. Can I also highlight there were a greater number of supporters who had fully reviewed the application and were in support of me helping preserve the area than there were objectors.

I do hope common sense will prevail and that you, your colleagues and the community councils will see that my intentions are to benefit the integrity of the area. I am bewildered by the negativity of the comments raised and why people are blocking my attempted preservation of this treasured site.



Angus Thomson



<b>TCP/11/16(482) – 17/00831/FLL – Siting of 2 storage containers on land 80 metres north of Old Church, Lawers</b>
---

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 63-64)*

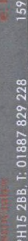
**REPORT OF HANDLING** *(included in applicant's submission, see pages 67-78)*

**REFERENCE DOCUMENTS** *(part included in applicant's submission, see pages 23-27, 35-60 and 107-112)*





Planning application site boundary.

	JOB TITLE:		Site at <b>Lavers Village</b>	
	DRAWING TITLE:	SCALE:	DRAWING STATUS:	DRAWN BY:
Location <b>Plan</b>		1:2500 @A3	<b>Planning</b>	CW
DRAWING NUMBER:			REVISION:	DATE:
1074/PL/01			D	December 2016





**TCP/11/16(482) – 17/00831/FLL – Siting of 2 storage  
containers on land 80 metres north of Old Church, Lawers**

## **REPRESENTATIONS**



**From:**John Burrow  
**Sent:**18 May 2017 09:10:43 +0100  
**To:**Development Management - Generic Email Account  
**Subject:**17/00831/FLL Siting of 2no storage containers - Land 80 Metres Noth Of Old Church Lawers



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

18 May 2017

Dear Sirs

**17/00831/FLL Siting of 2no. storage containers - Land 80 Metres North Of Old Church, Lawers.  
River Tay Special Area of Conservation (SAC)**

Thank you for consulting SNH on this proposal.

We consider this proposal to have no Likely Significant Effect on the Forest of Clunie SPA and as a result we believe an Appropriate Assessment is not required.

We conclude this because storage containers proposed are sufficiently distant from the shore of Loch Tay (River Tay SAC) as to present no risk to the qualifying features of the site.

This advice is given on the presumption that normal legal storage of pesticides is practiced.

I trust this is of assistance,

Yours sincerely

**Via e-mail**  
John Burrow

~~~~~

John Burrow | Operations Officer | Tayside and Grampian Area | Scottish Natural Heritage |  
Battleby | Perth PH1 3EW



~~~~~

## Comments to the Development Quality Manager on a Planning Application

<b>Planning Application ref.</b>	17/00831/FLL	<b>Comments provided by</b>	Steven Wilson
<b>Service/Section</b>	TES/Flooding	<b>Contact Details</b>	[REDACTED]
<b>Description of Proposal</b>	Siting of 2no storage containers		
<b>Address of site</b>	Land 80 Metres North Of Old Church Lawers		
<b>Comments on the proposal</b>	<p>No Objection</p> <p>Site is located within 1:200 year flood zone. Location is remote so cannot foresee any increased flood risk to others</p>		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>	PKC Flooding and Flood Risk Guidance Document (June 2014)		
<b>Date comments returned</b>	19/05/2017		





SUPPORT

**Tracy McManamon**

---

**From:** Nick Bubb [REDACTED]  
**Sent:** 24 May 2017 14:48  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Reference 17/00831/FLL

Dear Sir / Madam,

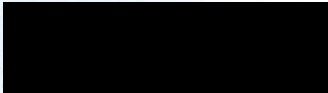
I am writing in support of planning application 17/00831/FLL.

The proposal of two timber clad containers will have minimal impact and are, I believe, essential to maintain the area properly and will not detract from the natural beauty.

With kind regards, Nick

**Nick Bubb**  
**Global Development Executive**  
**Board of Directors, FFI Australia**

Fauna & Flora International  
14 Gray's Inn Road, London  
WC1X 8HN. United Kingdom



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SUPPORT

Tracy McManamon

---

**From:** Miles Ede [REDACTED]  
**Sent:** 24 May 2017 18:01  
**To:** Development Management - Generic Email Account  
**Subject:** RE: Planning Reference 17/00251/FLL

Dear Sirs,

I am writing to confirm that my statement of support sent on 25 April is to also cover the resubmitted application with reference: 17/00831/FLL.

I'd be grateful if you would note this on your file.

Kind regards

Miles Ede  
[REDACTED]



HBJ Gateley

---

**From:** Miles Ede  
**Sent:** 25 April 2017 11:50  
**To:** 'developmentmanagement@pkc.gov.uk'  
**Subject:** Planning Reference 17/00251/FLL

Dear Sir/Madam,

I would like to support this application 17/00251/FLL.

In my opinion the proposal to site two small shipping containers will be very low impact given the scale of them in the field. Furthermore, the fact they will be clad in timber will serve to minimise any visual impact and will ensure they blend well with the local environment. I do not believe that they will detract in any way from the local amenity. Containers like this will leave no trace of their existence when removed.

I am a regular visitor to the area, for hill walking, water sports and holidays and I genuinely do not think containers such as these will disturb the enjoyment of the area in any way. Quite the reverse in fact, because as I understand it the containers will be used to store essential maintenance equipment for tree surgery and landscaping of the area which will mean the site will be maintained better and more efficiently, which will serve to enhance the enjoyment of the area.

Yours sincerely

Miles Ede  
48 Strachan Road  
Edinburgh EH4 3RG  
[REDACTED]





**Tracy McManamon**

---

**From:** Ross Gamble [REDACTED]  
**Sent:** 25 May 2017 14:39  
**To:** Development Management - Generic Email Account  
**Subject:** Re: RE: RE:

I'm so sorry that was the old number.

Please accept my apologies. The correct number is:

17/00831/FLL

Kind regards

Ross

Sent from my iPhone

On 25 May 2017, at 14:12, Development Management - Generic Email Account  
<[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)> wrote:

Dear Mr Gamble

I can confirm that planning application 17/00251/FLL was withdrawn on 1 May 2017 therefore we are unable to accept any comments.

Regards

Tracy McManamon  
Senior Support Assistant  
Planning and Development  
35 Kinnoull Street  
Perth  
PH1 5GD  
[REDACTED]

ENTERED IN COMPUTER

25 MAY 2017

<image001.png>

---

**From:** Ross Gamble [REDACTED]  
**Sent:** 25 May 2017 13:05  
**To:** Development Management - Generic Email Account  
**Subject:** Re: RE:

Apologies it's 17/00251/FLL.

Many thanks.

Ross

Sent from my iPhone

On 25 May 2017, at 09:01, Development Management - Generic Email Account  
<DevelopmentManagement@pkc.gov.uk> wrote:

Dear Mr Gamble

Can you please provide the planning reference number for the application you are supporting?

Regards

Tracy McManamon  
Senior Support Assistant  
Planning and Development  
35 Kinnoull Street  
Perth  
PH1 5GD



<image001.png>

---

**From:** Ross Gamble [REDACTED]  
**Sent:** 25 May 2017 07:45  
**To:** Development Management - Generic Email Account  
**Subject:**

To whom it may concern,

In reference to the above planning application, I would like to register my support.

As a Perthshire resident and a regular visitor to Loch Tay, I know the area well.

The proposal is for two small containers in a large field which will be clad in wood to allow them to blend into the surroundings and can easily be removed once they are no longer wanted or needed.

They will allow the storage of tools and equipment which would otherwise detract from the aesthetic value of the area.

Kind regards,

Ross Gamble

Drumour Steading  
Trochry

By Dunkeld  
Perthshire  
PH8 0DY

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17/00831/FLL

SUPPORT

Tracy McManamon

**From:** The Invernairne [REDACTED]  
**Sent:** 25 May 2017 14:53  
**To:** Development Management - Generic Email Account  
**Subject:** Re: 17/00251/FLL

Yes apologise for my mistake.

Many thanks, Camilla



ThurLOW Road,

Nairn,

Highlands

[REDACTED]

On Wed, May 24, 2017 at 3:30 PM, Development Management - Generic Email Account  
<[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)> wrote:

Good Afternoon

I can advise that your email refers to planning application 17/00251/FLL which was withdrawn on 1 May 2017. Can you confirm that your comment relates to the amended application which has been recently submitted under reference 17/00831/FLL?

Regards

Tracy McManamon

Senior Support Assistant

Planning and Development

35 Kinnoull Street

Perth

PH1 5GD

[REDACTED]



**From:** The Invernairne [REDACTED]  
**Sent:** 24 May 2017 14:49  
**To:** Development Management - Generic Email Account  
**Subject:** Fwd: 17/00251/FLL.



• Thurlow Road,  
Nairn,  
Highlands

----- Forwarded message -----

From: **The Invernairne** <[REDACTED]>  
Date: Tue, Apr 25, 2017 at 11:42 AM  
Subject: 17/00251/FLL.  
To: [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)

Dear Planner,

The proposal of two small shipping containers clad in timber will be very low impact given the scale of them in the field. Also I think it would be great to see something done that improves the area.

I would like to support this application 17/00251/FLL.

I can not imagine they will have any impact or detract from the local surroundings in any way.

It is a beautiful area which needs to be lovingly restored and I am amazed that anyone would have any issue with improvements.

Please keep me abreast of any further issues as I am in full support of this application.

I am happy for my details to be used.

Kind Regards, Camilla Ireland





Thurlow Road,

Nairn,

Highlands

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SUPPORT

**Tracy McManamon**

---

**From:** Cath Munro [REDACTED]  
**Sent:** 24 May 2017 20:29  
**To:** Development Management - Generic Email Account  
**Subject:** Re: Planning ref: 17/00251/FLL

Good evening,

Further to my email of 25th April (below), please note that this is to also cover the resubmitted application under reference 17/00831/FLL.

Kind regards,  
Catherine Munro

Sent from my iPhone

On 26 Apr 2017, at 12:27, Development Management - Generic Email Account  
<[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)> wrote:

Dear Ms Munro

**Recent Comment on Planning Application 17/00251/FLL**

I refer to your recent email commenting on an application for Planning Permission.

Unfortunately, your email was received after the date by which comments had to be submitted to meet the requirements of Planning legislation. The closing date for neighbour consultation was 17 April 2017.

Accordingly, your email will not be referred to the Council's Development Control Committee, will not be placed on the Council's internet site and will not be referred to in the 'Report of Handling' for this application.

However your email will be passed to the case officer, providing that the officer has not already prepared the report on this application. The officer will assess whether your comments raise any new issues not previously considered and whether these require further investigation.

You will receive no further correspondence from the Council as a result of your email but you can continue to monitor progress on this application and see the final decision at [pkc.gov.uk](http://pkc.gov.uk). Free internet access is available at Public Libraries.

Regards

Tracy McManamon  
Senior Support Assistant  
Planning and Development  
35 Kinnoull Street  
Perth  
PH1 5GD



[REDACTED]

**From:** Cath Munro [REDACTED]  
**Sent:** 25 April 2017 13:14  
**To:** Development Management - Generic Email Account  
**Subject:** Planning ref: 17/00251/FLL

Dear Sir/Madam,

I write in support of planning application 17/00251/FLL.

The placement of two small, timber-clad shipping containers in a field of such significant size will be very low impact and I do not see that they would detract in any way from the local amenity. Furthermore, containers like this will leave no trace of their existence when removed.

As a regular visitor to the site I do not feel that the containers pose any threat whatsoever to the enjoyment of the area. Indeed they should benefit the site, as they will enable better maintenance by providing a store for the necessary tools required for the upkeep of such a place.

Please do not hesitate to contact me should you have any questions relating to my support of this application.

Yours faithfully,

Catherine Munro

101 Dean Road  
Bo'ness  
EH51 9BA



SUPPORT

Tracy McManamon

---

**From:** David Reid <[REDACTED]>  
**Sent:** 24 May 2017 14:09  
**To:** Development Management - Generic Email Account  
**Subject:** resubmitted application 17/00831/FLL

Dear Sir/Madam,

I would like to support this re submitted application 17/00831/FLL. My support for the original application 17/00251/FLL remains.

The proposal of two small shipping containers clad in timber will have a very limited impact on the area given their cladding and their position within the field.

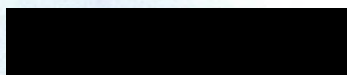
These temporary buildings will not detract from the local amenity and will leave no trace of their existence once removed.

As a regular visitor to the area I believe that allowing these containers to be sited in the field will improve the area as it will allow the owners to store tools on site and therefore maintain the site to a greater standard than is possible at present.

Kind Regards

David Reid MSc MRICS

Land & Development Manager  
Hadden Construction Limited  
1 Maidenplain Place  
Aberuthven  
Perthshire  
PH3 1EL



twitter



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Tracy McManamon

SUPPORT

**From:** shona tennant [REDACTED]  
**Sent:** 24 May 2017 14:14  
**To:** Development Management - Generic Email Account  
**Subject:** RE: 17/00251/FLL/ and 17/00831/FLL

Thank you

My email of support is to also cover the resubmitted application with reference: 17/00831/FLL

Shona

On 27 Apr 2017 08:52, "Development Management - Generic Email Account"  
<[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)> wrote:

Dear Ms Tennant

**Recent Comment on Planning Application 17/00251/FLL**

I refer to your recent email commenting on an application for Planning Permission.

Unfortunately, your email was received after the date by which comments had to be submitted to meet the requirements of Planning legislation. The closing date for neighbour consultation was 17 April 2017.

Accordingly, your email will not be referred to the Council's Development Control Committee, will not be placed on the Council's internet site and will not be referred to in the 'Report of Handling' for this application.

However your email will be passed to the case officer, providing that the officer has not already prepared the report on this application. The officer will assess whether your comments raise any new issues not previously considered and whether these require further investigation.

You will receive no further correspondence from the Council as a result of your email but you can continue to monitor progress on this application and see the final decision at [pkc.gov.uk](http://pkc.gov.uk). Free internet access is available at Public Libraries.

Regards

Tracy McManamon

Senior Support Assistant

Planning and Development

35 Kinnoull Street

Perth

PH1 5GD

[REDACTED]



PERTH - CANDIDATE CITY



**From:** shona tennant [REDACTED]

**Sent:** 26 April 2017 16:48

**To:** Development Management - Generic Email Account

**Subject:** 17/00251/FLL



Sir/Madam,

I would like to support this application 17/00251/FLL.

The proposal of two small shipping containers clad in timber will be very low impact given the scale of them in the field.

They will not detract in any way from the local amenity. Containers like this will leave no trace of their existence when removed.

I visit the site regularly and do not think they will disturb the enjoyment of the area in any way.

Thanks

Shona Tennant

86 Salisbury Place, Aberdeen, AB10 6QU



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SUPPORT

Tracy McManamon

---

**From:** Nick Watson [REDACTED]  
**Sent:** 24 May 2017 16:46  
**To:** Development Management - Generic Email Account  
**Subject:** Fw: Planning Reference 17/00831/FLL - Note of support

Dear Sir/Madam

Further to my previous email of support (included below), this also relates to the resubmitted application as per the above reference.

If you would like to discuss further, please don't hesitate to contact me.

Regards

Nick Watson

ENTERED IN COMPUTER

25 MAY 2017

---

**From:** Nick Watson [REDACTED]  
**Sent:** 25 April 2017 12:48  
**To:** [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)  
**Subject:** Re: Planning Reference 17/00251/FLL - Note of support

Dear Sir/Madam

Further to my email of support below, I have received a response indicating that you require my full postal address, which is as follows:

5 New Broughton  
Edinburgh  
EH3 6PA

Regards

Nick Watson

---

**From:** Nick Watson [REDACTED]  
**Sent:** 25 April 2017 12:43  
**To:** [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)  
**Subject:** Planning Reference 17/00251/FLL - Note of support

Dear Sir/Madam,

I am writing to offer support to the above application, Ref: 17/00251/FLL.

My Family and I are regular visitors to the area, including undertaking activities on the Loch, the nearby hills and mountains as well as visiting the particular site in question.

We understand the proposed containers are intended to store the necessary tools required to maintain the site. We therefore believe they will be of benefit towards protecting its ongoing amenity.

The proposal is for the small shipping containers which will be clad in timber and they will therefore have minimal impact and in particular we do not feel they will detract from the amenity of the site at all.

I hope that the above is of assistance in your consideration and should you wish to discuss further, please don't hesitate to contact me.

Regards

Nick Watson



SUPPORT

**Tracy McManamon**

---

**From:** Gary Sleator [REDACTED]  
**Sent:** 25 May 2017 08:23  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Reference 17/00831/FLL

To whom it may concern,

I would like to support the above application.

The proposal will have no impact on the surrounding area. If it results in the new owner being able to maintain the site then this can only be a good thing.

My email of support is to also cover the resubmitted application with reference: 17/00831/FLL

I hope this proposal goes ahead.

Many thanks,

**Gary Sleator**  
34 Comiston Drive  
Edinburgh  
EH10 5QR



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For more information on Standard Life Investments group visit our website  
<http://www.standardlifeinvestments.com>





Support

**Tracy McManamon**

---

**From:** Steven Thomson [REDACTED]  
**Sent:** 25 May 2017 10:16  
**To:** Development Management - Generic Email Account  
**Subject:** FW: Planning Reference 17/00831/FLL

Dear Sir/Madam,

Please can you consider my previous email below of support of the resubmitted application with reference: 17/00831/FLL

Kind regards

Steven Thomson  
Scotstoun  
Dunkeld Road  
Bankfoot  
Perthshire  
PH1 4AJ

---

**From:** Steven Thomson  
**Sent:** 05 May 2017 13:18  
**To:** 'developmentmanagement@pkc.gov.uk' <developmentmanagement@pkc.gov.uk>  
**Subject:** Planning Reference 17/00251/FLL

Dear Sir/Madam,

I am writing in connection with planning application **17/00251/FLL** and to put forward my support of the application.

I am familiar with the site having often past through the area and I have that the proposal of two small shipping containers which will be clad in timber would have a very low impact on the area.

Once the containers are removed there would be no lasting impact from their presence and they are needed to ensure that the surrounding area is better maintained by allowing the storage of essential equipment for this purpose.

I trust these comments are helpful and can be considered when determining this application.

Kind regards

Steven Thomson  
Scotstoun  
Dunkeld Road  
Bankfoot  
Perthshire  
PH1 4AJ





Support

**Tracy McManamon**

---

**From:** Andrew Whitmey [REDACTED]  
**Sent:** 26 May 2017 08:37  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Reference 17/00831/FLL

To whom it may concern

**Planning Reference - 17/00831/FLL**

I would like to support this application. The proposal of two small shipping containers clad in timber will be very low impact given the scale of them in the field. They will not detract in any way from the local amenity. Containers like this will leave no trace of their existence when removed.

I spend a lot of time around Loch Tay enjoying the scenery, mountains, water and local communities and I am passionate about preserving the area in its natural beauty. I'm confident the proposed timber clad shipping containers will not disturb the enjoyment of the area in any way. It is my understand that the containers will allow the site to be better maintained (as will allow storage of tools required for site maintenance) and so will infact improve the local environment considerably.

Yours  
Andrew Whitmey

29 Clark Avenue  
Edinburgh  
EH5 3AY  
[REDACTED]

ENTERED IN COMPUTER

26 MAY 2017





**Claire Fletcher**

---

**From:** Charles Hodge [REDACTED]  
**Sent:** 29 May 2017 13:15  
**To:** Development Management - Generic Email Account  
**Subject:** Fwd: Planning Reference 17/00251/FLL

FAO: Development Management Team, PKC

Dear Sir or Madam,

Planning application 17/00831/FLL



I write in support of the above noted planning application.

As a regular visitor to Loch Tay and previous local resident I am familiar with the site and noted its recent open market sale with interest. I was pleased to see that a successful sale was achieved and the new owner wishes to maintain and enhance the historic and environmental aspects of the site to the benefit of the local area and community.

In this respect it is my understanding that the new owner has engaged positively with both Historic Scotland and the National Trust to formulate a sustainable long term management and improvement plan for the Old Village of Lawers, comprising scheduled ancient monuments. The preservation and maintenance of such historic landscapes and structures comes at significant cost and effort and should be encouraged wherever possible. The current proposals for two small temporary structures will have no appreciable impact on the ruins or the wider local landscape, but will allow the necessary welfare facilities and storage to be put in place to allow for the long term maintenance required to be carried out. Sensitive siting, timber cladding and green roofs will render the proposals of low visual impact, and their temporary nature and self-contained design means no excavation or foundations are required, giving rise to little localised or wider effects.

As a planning consultant I am involved with similar cases and am acutely aware of the difficulties of preserving our built heritage in the current financial climate, where public money is simply not available for such tasks. Where the owner of such heritage engages with the various statutory and charity bodies to achieve a positive and sustainable long term outcome this should be strongly encouraged. The alternative is the loss of another important historical asset to gradual erosion, overgrowth and disappearance.

Thank you for your attention to this email.

Yours sincerely,

Charles Hodge

--

Charles Hodge MRICS MRTPI  
Chartered Surveyor & Town Planning Consultant

35 London Street,  
Edinburgh,  
EH3 6LY.





Support

Tracy McManamon

---

**From:** Kiera MacDonald [REDACTED]  
**Sent:** 29 May 2017 15:17  
**To:** Development Management - Generic Email Account  
**Subject:** Re: Planning Reference 17/00831/FLL

My postal address is:

80 Kensington Church St, London, W8 4BY

On Wed, May 24, 2017 at 3:25 PM, Development Management - Generic Email Account  
<[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)> wrote:

Dear Ms MacDonald

To enable us to register your comments we will need your full postal address including postcode.

Regards

Tracy McManamon

Senior Support Assistant

Planning and Development

35 Kinnoull Street

Perth

PH1 5GD

[REDACTED]



PERTH - CANDIDATE CITY



ENTERED IN COMPUTER

31 MAY 2017

**From:** Kiera MacDonald [REDACTED]  
**Sent:** 24 May 2017 14:06  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Reference 17/00831/FLL

To whom it may concern,

I would like to support this application 17/00831/FLL for two small shipping containers clad in timber, which I believe will be very low impact given the scale of them in the field.

My parents in law live at Boltachan Wood, Weem and we do not think the containers will disturb our enjoyment of the area.

They will not detract in any way from the local amenity. Containers like this will leave no trace of their existence when removed.

We visit the site regularly and do not think they will disturb the enjoyment of the area in any way. They should benefit the site as I believe their existence will mean the site will be maintained better as there will be somewhere to store the necessary tools required to maintain a site such as this.

Kind Regards,

Kiera

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Tracy McManamon

(SUPPORT)  
17/00831/FLL

SP.

**From:** [REDACTED]  
**Sent:** 30 May 2017 12:03  
**To:** Development Management - Generic Email Account  
**Subject:** Re: Planning Reference 17/00251/FLL and 17/00831/FLL

Dear Sirs,

In addition to the note below, I would also like to support the resubmitted application 17/00831/FLL.

Yours faithfully,  
**Hugh Leggat**

1A Buckingham Terrace  
Edinburgh  
EH4 3AB



Sent from my iPhone

On 25 Apr 2017, at 14:02, [REDACTED]

Dear Sirs,

I would like to support this application 17/00251/FLL.

The proposal of two small containers will be very low impact given the scale of them in the field, and will not detract in any way from the local amenity.

I have visited the site on a number of occasions and do not think they will disturb the enjoyment of the area in any way.

Yours faithfully,  
**Hugh Leggat**

1A Buckingham Terrace  
Edinburgh  
EH4 3AB

Sent from my iPhone





Tracy McManamon

SUPPORT 17/00831/FLL

**From:** Deirdre Simpson [REDACTED]  
**Sent:** 30 May 2017 13:22  
**To:** Development Management - Generic Email Account  
**Subject:** Fw: PLANNING REF: 17/00831/FLL

My email of support is also to cover the resubmitted application with reference 17/00831/FLL.

W G R Thomson

The Old House of Orchil  
Braco  
Perthshire  
FK15 9LF  
[REDACTED]

ENTERED IN COMPUTER

31 MAY 2017

---

**From:** Bill Thomson  
**Sent:** 25 April 2017 02:50  
**To:** [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)  
**Subject:** FW: PLANNING REF: 17/00251/FLL

Dear Sir

I write in support of the above application. This is an important site and the new owner is keen to ensure that it is maintained and protected for future generations. For a number of years now it has been neglected and the ruins are becoming more and more covered with trees and other vegetation causing extensive irreparable damage. Without attention there will be little point in retaining these properties as scheduled monuments and the new owner should be encouraged in his positive approach wishing to limit further deterioration. The application therefore for storage units should be entirely successful and I respectfully urge the Council to accept the application.

W G R Thomson

The Old House of Orchil  
Braco  
Perthshire  
FK15 9LF  
[REDACTED]







HISTORIC  
ENVIRONMENT  
SCOTLAND

ÀRAINNEACHD  
EACHDRAIDHEIL  
ALBA

**By email**

to: [Developmentmanagement@pkc.gov.uk](mailto:Developmentmanagement@pkc.gov.uk)

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

Longmore House  
Salisbury Place  
Edinburgh  
EH9 1SH

Our ref: AMH/6280/10  
Our case ID: 300019358  
Your ref: 17/00831/FLL

31 May 2017

Dear Sir/Madam

Town and Country Planning (Development Management Procedure) (Scotland)  
Regulations 2013  
Land 80m North of Old Church, Lawers - Siting of 2 storage containers

Thank you for your consultation which we received on 18 May 2017. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref	Name	Designation Type
SM6280	Old Lawers Village, deserted settlement, Lawers Acres	Scheduled Monument

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

**Our Advice**

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

**Further Information**

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-)



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[historic-environment-guidance-notes/](https://www.historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.englished.org](http://www.englished.org).

Please contact us if you have any questions about this response. The officer managing this case is Nicola Hall who can be contacted by phone on [REDACTED] or by email on [REDACTED]

Yours faithfully

**Historic Environment Scotland**

17/00831/FLL

**Tracy McManamon**

**From:** Seona Burnett [REDACTED]  
**Sent:** 02 June 2017 21:58  
**To:** Development Management - Generic Email Account  
**Subject:** Re: Planning Reference 17/00251/FLL

Thanks it is 1 Hermitage Gardens Edinburgh EH106DL

On Fri, May 26, 2017 at 9:31 AM, Development Management - Generic Email Account  
<DevelopmentManagement@pkc.gov.uk> wrote:

Good Morning

To enable us to register your comment we will need your full postal address including postcode.

Regards

Tracy McManamon  
Senior Support Assistant  
Planning and Development  
35 Kinnoull Street  
Perth  
PH1 5GD





PERTH - CANDIDATE CITY



PERTH IS THE PLACE

AREAL UP STATE OF THE CITY AND

**From:** Seona Burnett [REDACTED]  
**Sent:** 25 May 2017 18:14  
**To:** Development Management - Generic Email Account  
**Subject:** Fwd: Planning Reference 17/00251/FLL

17/00831/FLL

Dear Sirs

With reference to my email below, my email of support is to also cover the resubmitted application with reference: 17/00831/FLL

Yours sincerely

S Burnett

----- Forwarded message -----

**From:** Seona Burnett [REDACTED]  
**Date:** Thu, Apr 27, 2017 at 10:15 AM  
**Subject:** Planning Reference 17/00251/FLL  
**To:** [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)

Sir/Madam,

I would like to support this application 17/00251/FLL.

The proposal of two small shipping containers clad in timber will be very low impact and would not detract in any way from the local amenity and would leave no trace of their existence when removed.

I do not believe that they will disturb the enjoyment of the area. They should benefit the site as I believe their existence will mean the site will be maintained better as there will be somewhere to store the necessary tools required to maintain a site such as this which is what the applicant proposes to do.

Yours sincerely

S Burnett

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SUPPORT

**Tracy McManamon**

---

**From:** Ben Fox [REDACTED]  
**Sent:** 05 June 2017 12:46  
**To:** Development Management - Generic Email Account  
**Subject:** RE: Planning Reference 17/00831/FLL

Sir/Madam

I previously wrote in support of a recent planning application below. My email of support is to also cover the resubmitted application with reference: 17/00831/FLL

Faithfully,

Ben Fox.

---

**From:** Ben Fox  
**Sent:** 25 April 2017 12:08  
**To:** 'developmentmanagement@pkc.gov.uk'  
**Subject:** Planning Reference 17/00251/FLL

Sir/Madam,

I am writing to you in support of application 17/00251/FLL.

I am a regular visitor to the area and would like to see the Village being maintained better. Two small containers, sympathetically clad in timber, will have no impact to the local area or its amenity, especially given their scale relative to the field in which they would be situated. They will leave no trace of having been situated in the field when they are removed.

Yours faithfully

Ben Fox  
8/1 Claremont Crescent  
Edinburgh  
EH7 4HX



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Support

**Tracy McManamon**

---

**From:** Olivia Garson [REDACTED]  
**Sent:** 05 June 2017 12:12  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Reference 17/00831/FLL

My email of support is to cover the resubmitted application with reference: 17/00831/FLL

Sir/Madam,

The proposal of two small shipping containers clad in timber will be very low impact given the scale of them in the field.

They will not detract in any way from the local amenity. It is also true that containers like this will leave no trace of their existence when removed.

We frequent this site and do not believe they will disturb the enjoyment or scenery of the area in any way. I also believe the area would benefit from having a place to store the necessary tools in order to carry out the general maintenance of the site which in turn would benefit all those who choose to visit.

Thank you,

Olivia



[REDACTED]  
Flat 2

[REDACTED]  
10 Mowbray Road

[REDACTED]  
London

[REDACTED]  
SE192RN



Tracy McManamon

SUPPORT

**From:** David Hay [REDACTED]  
**Sent:** 05 June 2017 12:27  
**To:** Development Management - Generic Email Account  
**Subject:** 17/00831/FLL

Dear Sir/Madam,

I am writing to support application 17/00831/FLL.

The two small shipping containers proposed will be clad in timber to blend into the surrounding countryside and will be very low impact given their scale and location in the field. I do not believe that they will detract from the local amenity and of course as they are only containers they can be easily removed from the site in the future.

I know that the applicant is very keen on the nature and the scenery around Loch Tay and believe that he will enjoy maintaining the site in the way that he has described.

These containers will allow the storage of tools and equipment to better enjoy and maintain the property.

I support the application.

Kind regards,

David Hay  
25 Northumberland Street  
Edinburgh  
EH3 6LR  
[REDACTED]







**Tracy McManamon**

---

**From:** Suzanne Hay [REDACTED]  
**Sent:** 05 June 2017 11:55  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Reference 17/00831/FLL

Sir/Madam,

I would like to support planning application 17/00831/FLL.

Having reviewed the documents on the planning portal it is clear to me they are very low impact on the site.

To have 2 shipping containers clad in timber on such a large site will hardly be noticeable. As a regular visitor to the site I know exactly where they will be positioned and am of the opinion they will have a negligible impact and as such not detract in any way from the amenity.

Please note my full support to this application.

Yours faithfully,

Suzanne Hay

7 Grosvenor Crescent  
Edinburgh  
EH12 5EP





SUPPORT -

AB

Tracy McManamon

---

**From:** Andrew Landsburgh [REDACTED]  
**Sent:** 05 June 2017 12:28  
**To:** Development Management - Generic Email Account  
**Subject:** Subject: Planning Reference 17/00831/FLL

Sir/Madam,

I would like to support this application 17/00831/FLL

The proposal of two small shipping containers clad in timber will be very low impact given the scale of them in the field.

They will not detract in any way from the local amenity. I understand that containers like this will leave no trace of their existence when removed.

I know the site well and would not object to maintenance facilities existing on the site or any other similar site for that matter.

Yours sincerely,

Andrew Landsburgh



--  
Andrew Landsburgh  
Managing Director  
Destiny Scotland Ltd. & Destiny Student Ltd. & CODE Pod Hostels  
85 Hanover Street  
[REDACTED]



SUPPORT

Tracy McManamon

---

**From:** Jim Oliphant [REDACTED]  
**Sent:** 05 June 2017 14:16  
**To:** Development Management - Generic Email Account  
**Subject:** Planning reference 17/00831/FIL

Sir/Madam,

My e-mail of support is also to cover the resubmitted application with reference 17/00831/FIL

I would like to show my support for application 17/00251/FLL.

I believe that the use of two small wood-clad containers to allow maintenance of a National Trust site on the ruins of the Old Village of Lawers is of benefit for those of us who frequent the area regularly. They should have minimal impact on the landscape and leave no trace when removed.

They will not detract in any way from the local amenity.

My family visits the site regularly and do not think they will disturb the enjoyment of the area.

They should benefit the site as I believe their existence will mean the site will be maintained better as there will be somewhere to store the necessary tools required to maintain a site such as this.

Yours faithfully,

Jim Oliphant

Dr James Oliphant  
28 Comely Bank  
Edinburgh  
EH4 1AJ







**Tracy McManamon**

SUPPORT

**From:** Andrew Russell [REDACTED]  
**Sent:** 05 June 2017 12:15  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Reference 17/00831/FLL

Sir/Madam,

I would like to give my full support to application no. 17/00831/FLL

The application is to have two small shipping containers clad in timber which will undoubtedly have an extremely small impact (if any) given the scale in a large field.

They will not detract in any way from the local amenity and once the containers are removed, they will leave no trace.

I visit the site regularly and do not think they will disturb the enjoyment of the area in any way. They should benefit the site as I believe their existence will mean the site will be maintained better as there will be somewhere to store the necessary tools required to maintain a site such as this.

Kind regards

Andy Russell

35 Cragneithan Road  
Whitecraigs  
Glasgow  
East Renfrewshire  
G46 6SH





**Tracy McManamon**

---

**From:** Gordon [REDACTED]  
**Sent:** 05 June 2017 17:07  
**To:** Development Management - Generic Email Account

Dear Sir/Madam,

I have written a letter detailing my support for this planning application.

I note it is not yet on your planning portal, so in the event it has not arrived please note my full support of planning application 17/00831/FLL.

Yours faithfully,

Gordon Stuart

CORY END  
PIER ROAD  
KILLIN  
PERTSHIRE  
FK21 8TX



RECEIVED

07 JUN 2017

Additional comments ✓

Gordon Stuart

Cory End

Pier Road

Killin

FK21 8TL

25 May 2017

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



Dear Sir/Madam,

**Planning application 17/00831/FLL**

I write to re affirm my full support for the above application.

I live further along the north side of Loch Tay and am a regular visitor to the area.

This application for two small shipping containers clad in timber will pose no detrimental impact to the surrounding runis or local amenity given their scale. As they are shipping containers they will not need foundations so when they are removed in the future there will be no evidence of them ever having been there.

I believe the new owner has engaged with The National Trust for Scotland and Historic Scotland and that there is a schedule of tree works requested from the National Trust. These storage facilities will help the owner fulfil those works which will help preserve the nearby ruins. I would be delighted to see this as the ruined village has degraded rapidly in recent years.

I ask you approve this application for such a low impact proposal to the area.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Gordon Stuart



Support

**Tracy McManamon**

---

**From:** Doug Thomson [REDACTED]  
**Sent:** 05 June 2017 12:49  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Reference 17/00831/FLL

Sir/Madam,

I would like to support this application: 17/00831/FLL

The proposal of two small shipping containers clad in timber will be low impact and in-keeping with the surroundings given their modest scale. They will not detract in any way from the local amenity and will not leave a trace of their existence when removed.

The site would benefit enormously from a greater degree of upkeep and the containers would be a necessary addition to keep this beautiful site looking its best as equipment required to help maintain the site will be on hand.

I often visit the site and believe two small containers, suitably placed, would have absolutely no detrimental impact and would be appropriate to the space.

Best regards,

Douglas Thomson

6/1 Belgrave Crescent

Edinburgh

EH4 3AQ







# Comments for Planning Application 17/00831/FLL

## Application Summary

Application Number: 17/00831/FLL

Address: Land 80 Metres North Of Old Church Lawers

Proposal: Siting of 2no. storage containers

Case Officer: Sean Panton

## Customer Details

Name: Mr Alan Fisher

Address: 6 Dewars Steading, Coshieville, Aberfeldy PH15 2NE

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Inappropriate Land Use
- Out of Character with the Area

Comment: I ask the Council to reject this application on the grounds that it is incomplete and to advise the applicant that should they wish to resubmit the application it must contain a full account of activities proposed on the site. This would allow the council to consider any change of use and to set limits. It would also enable those who might consider objecting to clarify their reasons and indeed whether they have any objections.

Many have supported the application on the grounds that two properly sited and clad containers will have little impact on the ancient monuments. I am inclined to agree with that statement but it completely misses the point. If the containers were merely to be used for farming purposes and to maintain the site that might be reasonable but it would be completely unacceptable for a granted application to imply that any activity is permissible close to these two ancient monument sites.

I copy below my objections to the previous application which remain relevant to this application; This application lacks detail on the purpose of the proposed development, one suspects intentionally. As a consequence my comments make assumptions about the applicants intentions. It would seem that an attempt to progress 'right to launch a boat' into the creation of a water-sports centre is what this application is all about. The key words in the application which suggest this to me are;

- 'Building materials' - this suggest there is further intention to alter the site
- 'Messing facilities' and 'toilet' - these suggest a considerable amount of human activity on the site
- 'PPE'. I assume PPE means 'personal protective equipment' which I take to be items such as wet suits, waterproof clothing and lifejackets. As such people will end up using these huts as changing rooms.

The application states that the proposed huts will be 'stores' so implying little associated activity.

Could this be an attempt to obfuscate their intended use as buildings for the use of watersport customers?

This application should be rejected as it would grant permission for inappropriate structures and inappropriate activity adjacent to the Scheduled Ancient Monument. While the current applicant may envisage small scale development, the granting of permission is almost bound to lead on to further pressure for development with highly detrimental impact on these heritage assets.



**P&KC PLANNING APPLICATION 17/00831/FLL**

**OBJECTION from THE BREADALABANE HERITAGE SOCIETY  
For the attention of Sean Panton, Case Officer.**

07 June 2017

Dear Mr Panton

**WITHOUT PREJUDICE**

The **Breadalbane Heritage Society**, founded in 1962 by Sonia Yellowlees, Dr Margaret Stewart and others including Provost James Fisher, has a well-established local membership with strong roots in the local community including several prominent archaeologists. We have a long track-record in promoting and protecting the local heritage including the rehabilitation of the Killiechassie Burial Ground in Strathtay. We have established links with the Perth and Kinross Heritage Trust and Perth Museum. We are currently involved in a project to develop a heritage centre in Aberfeldy.

We have major concerns about the present application which are listed below for the careful attention of the planning authority. If the application goes to committee for consideration we respectfully give notice now that we would wish to attend and make our representations in person. If these major matters of concern cannot be resolved then we wish to record **our objection in the strongest possible terms**.

We are aware of the previous application (17/00251/FLL) withdrawn by the applicant and that the present application is a stand-alone process. We note that several references have been made in the applicant's documentation to that prior proposal and so - for ease of comprehension only - we will follow the same practice and seek to avoid unnecessary repetition.

Our members all know the site well and are not infrequent visitors. Several are involved in study of the Old Village and/or in leading guided walks to explain the utterly unique history of the site and the almost 'magical' spirit induced by the legend of the Lady of Lawers.

There are **two principal spheres** of fundamental objection if our concerns remain unresolved: (i) the **precise siting** of the proposed storage huts in the proximity of the **Scheduled Ancient Monument**, and (ii) the real, true **purpose and intent** behind the proposed storage huts.





## **1. Precise Siting in Proximity of Ancient Monument (SM6280)**

- 1.1. The revised siting in the present application shows no improvement at all from the original set down in 17/00251/FLL. This time, at the northern corner of the in-field, the site chosen is no more than 15m or thereby from one of the two old Mills in the Middle SM Site which can be clearly identified in the applicant's own site plan (1074/PL/02) and on p14 of the HES Schedule of Works (SM5580) submitted by the applicant.
- 1.2. All the previous arguments about proximity prevail and are summarised below. The previous objections did not concern the Old Church *per se* but proximity to any part of the Monument. It appears to us that this lack of understanding by the applicant shows very little sensitivity for the significance of the Scheduled Monument located on both sides of the in-field.
- 1.3. The applicant has incorrectly stated the location of the proposed storage huts to be "each more than 100m away from either SAM" and that they are "situated in the south west corner of the site"<sup>1</sup> but we are unsure whether this is an attempt to mislead the planning authority or merely an arrogant and somewhat cavalier disregard for accuracy in their application.
- 1.4. At this proposed siting, there is only one substantial tree on the SE side of the track and therefore no visual screening is available for the storage huts from the track or anywhere else in the in-field. Photographic evidence is available if desired.
- 1.5. It should also be noted that the hill gradient at this location, sloping down east from the track towards the loch, is much steeper than the previous location and so would require, in the view of one of our technical advisers, even more substantial under-building of a semi-permanent nature.
- 1.6. If the storage huts do, in fact, have an approved purpose, they would be better located well away from the existing ruins and not in the in-field. A better location would be about 100m SW from the end of the main track down from the road - by the existing pier where there is already a shed, hidden from all views except from the water.
- 1.7. Although the in-field is not itself part of the Scheduled Monument, it is quite clear that proximity is a vitally important factor. The SPP (June 2014) makes clear that the historic environment "is a key cultural and economic asset and a source of inspiration that should be seen as **integral to creating successful places**"<sup>2</sup> and

<sup>1</sup> Supporting Information, page 2, para 1, lines 5-6

<sup>2</sup> Para 136





that the planning system “should promote the care and protection of the designated **and non-designated** historic environment (including individual assets, **related settings** and the wider cultural landscape) and its contribution to **sense of place...**”<sup>3</sup> (our emphasis).

- 1.8. This monument is of immense importance historically for tourism, residents and the national heritage of Scotland. The site lies in the meadow that must once have been an integral part of the village and we believe in planning terms – as set out in the SPP quoted above - that both the designated and non-designated parts (the “**related setting**”) of the historic environment should be considered as a whole. The unique atmosphere of the village and the sense of place experienced by visiting the site is quite exceptional and must not be destroyed.
- 1.9. The P&KC Local Development Plan 2014 makes plain that there is a “presumption against development which would have an adverse effect on the integrity of a Scheduled Monument **and its setting**, unless there are **exceptional circumstances**”<sup>4</sup> and that the Council will protect sites of “known archaeological interest **and their settings**”<sup>5</sup> (our emphasis).
- 1.10. It seems beyond doubt that the contiguous area around (and in between) the designated parts of the Scheduled Monument (i.e. its “setting”) are relevant for consideration notwithstanding that other rights, activities or purposes may attach to the ownership of the non-designated land.
- 1.11. We have noted that **Historic Environment Scotland** “do not have any comments to make on the proposals” but that this decision “should not be taken as our support” for the application<sup>6</sup>. We suggest therefore that the absence of a formal objection from HES has no bearing on the pending decision. We recognise too that the proximity argument and insensitivity to the Scheduled Monument may, perhaps, have been the reason that P&KC planning authority requested the applicant to consider withdrawal of the previous application. If the proximity/insensitivity arguments are unchanged even in the new physical location – which we believe they are – then we suggest a similar course of action should follow.
- 1.12. We are further puzzled by the inclusion in the applicant’s documentation of the **HES Schedule of Works and Method Statement (SM 5580)** dated April 2016. We can find no reference in the **Application for Planning Permission** or the **Supporting Information** from Felsham PD dated 5 May to this HES document.

<sup>3</sup> Para 137

<sup>4</sup> Policy HE1A: Scheduled Monuments

<sup>5</sup> Policy HE1B: Non-designated Archaeology

<sup>6</sup> Para 4 of their advice dated 31 May 2017





We note too that no mention of this Schedule has been made in the **HES letter** of 31 May. HES has confirmed to us that this document was advice issued to the previous landowner and there are no plans in place to execute the work. They too are surprised at its inclusion in the current documentation. We believe the planning authority should seek urgent clarification from the applicant as to whether it is proposed to undertake all or any of the work set out in **Schedule SM5580**. We would be delighted if this is the case. If not, we're concerned that the applicant may have inadvertently conveyed the impression that the storage huts are directly related to impending tree and scrub control works. Certainly, some of the Supporters' correspondence seems to suggest that<sup>7</sup>.

## 2. True Purpose and Intent

- 2.1. The wider purpose of the planning application has not been stated and this absence has given rise to a significant number of specific concerns which we think should be addressed by the planning authority.
- 2.2. The applicant's documentation implies that the two stores are not intended to be permanent because they "will be removeable and have no foundations. When removed they will leave no trace of their presence..."<sup>8</sup> and much of the Supporters correspondence cites the 'temporary' nature of the storage huts<sup>9</sup>; yet the Application for Planning Permission makes quite clear that the application is **NOT** for temporary permission<sup>10</sup>. If permission were to be sought, or granted, on a strictly time-limited and purpose-controlled basis we may take a different view in our objection.
- 2.3. The stated purpose of these stores is (i) for storage of building materials, small tools, fuel, equipment etc and (ii) for storage of PPE equipment, messing facility and toilet (chemical). What are these building materials and PPE equipment for? What activity requiring these forms of storage is envisaged? If commercial recreational plans are involved, is separate consent required? In the absence of full knowledge of the applicant's intentions, it is difficult to see how such potential activities would not seriously derogate from the calm tranquillity that the Scheduled Monument requires and deserves.
- 2.4. The applicant makes frequent but inconsistent references to both 'recreational' and 'agricultural' uses for the site (our italics): "...structures to support the

<sup>7</sup> EG Thomson, MacDonald, Hodge, Ede

<sup>8</sup> Supporting Information, page 1, para 4

<sup>9</sup> EG MacDonald, Whitmey, Gamble, Reid, Munro, Thomson

<sup>10</sup> Para 5 Description of Proposal





*recreational* use of this land..."<sup>11</sup>, "...recognition needs to be given to the need for infrastructure to support *agriculture* and that *agriculture* is a primary industry in the countryside..."<sup>12</sup>. There is considerable concern locally that the ultimate intention is to pave the way and introduce **commercial recreational and/or water sports activities** to the in-field which would be wholly inappropriate.

- 2.5. The applicant cites '**Policy ED3 Rural Business and Diversification**' as "relevant" to the application<sup>13</sup> and makes an argument accordingly. Yet we can see no reason why this reference should be made *if the intention is limited to private recreation*. Despite this conscious reference by the applicant, none of the Supporters correspondence refers to rural business use and many seem to think the purpose of the storage huts is to help "protect future generations"<sup>14</sup>, "a sustainable long-term management and improvement plan for the Old Village of Lawers, comprising scheduled ancient monuments"<sup>15</sup> and "tree surgery and landscaping"<sup>16</sup>. No mention of *any* of these three latter points has been made by the applicant.
- 2.6. If there were to be any hidden suggestion of commercial recreational activity, there are huge implications in terms of access from the main road (A827), quality of the track surface down to the foreshore and condition of the track between the South and Middle Scheduled Monument sites.
- 2.7. If unresolved, this concern about the true purpose and intent of the application and, in particular, whether commercial recreational activity is being planned by the applicant, is central to our objection. We would welcome clarification by the planning authority regarding the 'permitted user' applicable to this site.
- 2.8. Finally, we are deeply concerned about the potential 'trojan horse' effect of this application if consent were to be given. The Council has rightly shown itself to be very concerned about the protection of the loch foreshore. Any form of consent other than one strictly limited in time and purpose seems to us to be potentially capable of opening the door over time to further applications which might be made more difficult to reject because of some form of established user. In this regard, we note that the applicant and land owner appears to be Mr Angus Thomson, a director of FT Linden, a commercial property investment agency based in Edinburgh. We wish to cast no aspersions whatsoever but in the absence of a full declaration of intent for this site, we must do our utmost to protect the Scheduled Monument.

<sup>11</sup> Supporting Information, page 2, para 1, line 4

<sup>12</sup> Ibid, page 4, para 1, lines 2-3

<sup>13</sup> Supporting Information, page 2, para 5, line 1

<sup>14</sup> EG Simpson

<sup>15</sup> EG Hodge

<sup>16</sup> EG Ede





### 3. Conclusion

- 3.1. For the reasons stated, we believe the site of the application should be seen as part of the "related setting" of the Scheduled Monument. In those circumstances, it is imperative that due consideration be given to the impact of any planning consent on both parts of Old Lawers Village. While an application for two storage huts may seem innocuous we are deeply concerned about the potential implications outlined above.
- 3.2. The test for the presumption against development in Policy HE1A is whether there would be *any* adverse effect on the integrity of a Scheduled Monument and its setting. The applicant states, incorrectly, that the test is for any *significant* adverse effect<sup>17</sup>. We are confident the application fails the correct test.
- 3.3. As presently proposed we consider that consent to this application would be in breach of two planning policies, and potentially a third policy:
- 3.3.1. In breach of **Policy PM1A Placemaking** - no "respect (for) the character and amenity of the place";
  - 3.3.2. In breach of **Policy HE1A Scheduled Ancient Monuments** - "presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting";
  - 3.3.3. Potentially, in breach of **Policy ED3 Rural Business and Diversification** - preference for "within existing settlements" and no case made for a site outwith a settlement.
- 3.4. Unless reassurance is forthcoming on these major matters of concern, we wish to register our objection and suggest that consent be refused. If the planning authority is minded towards consent in exceptional circumstances, then we suggest that detailed conditions be attached regarding duration of time, purpose and function of the site designed to preclude any adverse effect on the calm tranquillity ("the integrity") of the Scheduled Monument. If helpful, we would be pleased to offer advice in this regard.

Nicholas Grant  
Chairman  
for and on behalf of the Breadalbane Heritage Society

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<sup>17</sup> Supporting Information, page 4, para 8, line 2

**Tracy McManamon**

---

**From:** Erik Cooper [REDACTED]  
**Sent:** 07 June 2017 22:50  
**To:** Development Management - Generic Email Account  
**Subject:** Re: Lower Village Development (17/000831/FLL)

**Sir/Madam,**

I wish to add my support to the objection made by the Breadalbane Heritage Society to the application (17/00831/FLL) primarily on the following grounds.

The site is a conservation area of historical importance and to place buildings as proposed will in effect spoiling the ambiance of the area. In addition to it's impact on the site as a whole it must be considered that present thinking is to get the public out into the country in order to discover our history. To do this our history must be preserved in the present form.

Placing buildings ( storage containers ) that may be associated with commercial purposes in such close proximity to the site should not be allowed.

To allow the proposal to go ahead even temporarily and yet without time limit or restriction on further development would be just wrong.

Old Lawers Village is of great historical importance to Breadalbane as a whole and vital to the local area. To play fast and loose with this site and allow this development will not help in its retention as it stands for the immediate future or for generations to come.

If this application is to be seriously considered the above must be considered too.

The public should know why, what for and for how long this proposal is for at the very least.

I ask you again to please deny this application

Regards

Erik Cooper

Nether Pitcairn Fm Cott  
Aberfeldy PH15 2EQ







Tracy McManamon

Objection

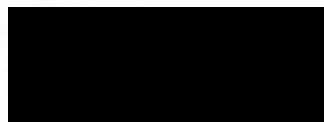
**From:** Sean Panton  
**Sent:** 07 June 2017 15:33  
**To:** Development Management - Generic Email Account  
**Subject:** FW: 17/00831/FLL - Storage containers amongst the scheduled monuments at Old Lawers

Objection to be registered please.

Kind Regards,

**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

*Comhairle Pheairt is Cheann Rois*



**From:** william [REDACTED]  
**Sent:** 07 June 2017 15:26  
**To:** Sean Panton; [REDACTED]  
**Subject:** 17/00831/FLL - Storage containers amongst the scheduled monuments at Old Lawers

Dear S Panton,

Although now living in Aberfeldy, for most of the past 20 years, as part of Glen Lyon Community Council and resident nearby, I was directly and personally involved with planning matters in the area of which Old Lawers is a part, and still consider it a very special area.

I object to the following Planning Application 17/00831/in its present form. My reasons follow:

**17/00831/FLL**

**Siting of 2 storage containers on land 30 metres north of Old Church Lawers – Objection**

The superficial purpose of the proposed huts is clear, simple storage of building materials and tools. However, if such materials are not already stored elsewhere, then I must presume new building work is planned. What? Where? I accept that the scale of this work may be of a scale that may not need planning permission, but why the secrecy? And if the huts are indeed for a transient or temporary need, the application does not say so. Further, whilst each to his own, why should such an application need the support of a prestigious firm of local architects and an Edinburgh based Agent.

The supporting statement by the Applicant's planning Advisor Felsham states that it is a resubmission of 17/00251/ so, trusting this to be correct, my objections remain unchanged from those made in respect of 17/00251/ and repeated here. Still no clear purpose is stated, simply the statement ....to support the recreational use of the area,...the only recreation referred to is the right to launch a boat.....!

The line up of current supporters are certainly singing from the same hymn sheet, low impact and no trace when removed. This latter point must also be questioned as the applicant also makes the point about no trace when removed but gives no indication that I have found as to when that removal might occur and what would trigger its removal.

**I therefore object** on the grounds that a development, for which no clear need is established, should not be allowed to be so close to an historic site to its visual and "atmospheric" detriment.

Bill Hoare

--  
William A Hoare  
Laurenbank House  
Kenmore Road  
Aberfeldy PH15 2BY  
[REDACTED]





Objection

Tracy McManamon

---

**From:** [REDACTED]  
**Sent:** 07 June 2017 15:47  
**To:** Development Management - Generic Email Account  
**Subject:** letter of objection to 17/00831/FLL  
**Attachments:** Lawers new objection 1.doc

To: Development Management, P & K Council From Neil Hooper

Ref: 17/00831/FLL

Please see attached letter outlining my objection to the revised application for developments at old Lawers village.  
Regards,  
Neil Hooper



West Ardtrasgairt Cottage

Fortingall

Aberfeldy

Perthshire

PH15 2LN

Perth & Kinross Council  
Planning and Development  
Pullar House,  
Kinnoull Street,  
Perth PH1 5GD

7 June 2017

Dear Sir

**17/00831/FLL**

**Siting of 2 storage huts, land 60 metres north east of Old Church Lawers -**

I have read with interest this revised application, but still do not understand how the public interest in preserving and improving this historic site can be furthered by placing these huts in such an important and sensitive location.

It may be a good idea to have facilities for recreation and for visitors to the lochside by Old Lawers village, but these must be well away from the existing ruins and definitely not in the infield. As I have suggested, somewhere to the west of the path down from the main road, at a distance from the village itself, might be suitable, or by the existing pier, where there is already a shed.

Old Lawers village holds a very special importance for both locals and visitors. The sense of place that one experiences visiting the site is exceptional, and must not be destroyed. I cannot see how new structures there can do anything but detract from the atmosphere, while the ancillary works although supposedly minimal, would still have an adverse effect. The proposed repositioning of the huts further from the ruins of the church will still spoil the atmosphere of the tranquil field between the two sections of the ruined village. There is also the fear that if this application is approved, it may be the precursor to further development of the site. Is it proposed to develop the foreshore further, for which materials are to be stored in the huts? What is the significance of including in the application a copy of the HES schedule of works? Are the owners or developers intending to carry out these works to clear the ruins of scrub and stabilize them? This would be very welcome and I am sure that many locals would volunteer to help in such a project. But this does not justify erecting these huts in the meadow – storage could be arranged elsewhere or tools etc could be carried down when necessary. The National Trust for Scotland will have an interest in this, and may even have to supervise such works. However not to explain the purpose of this is surely a flaw in the application.

As part of the Fortingall Roots project, and in association with the Breadalbane Heritage Society and Perth & Kinross Heritage Trust, I have, as a volunteer, led several guided walks round Old Lawers, and the reaction of visitors to the unspoiled beauty of the infield, complementing the fascination with the ruins of Lawers house and kirk, and before seeing the old mills and houses on the north side, has been palpable. As part of this Perth & Kinross Archaeology Year I shall again be leading a walk there this summer, and it would be disappointing for me to have to say that the special atmosphere of the meadow or infield is about to be disturbed.

As I pointed out previously, R L Stevenson used to say that it is important to appreciate the 'genus loci' – the 'spirit of the place'. So many local people and visitors do appreciate

the 'spirit' of old Lawers that I would find it inconceivable for this application, even as revised, to be approved.

Yours faithfully

Neil S Hooper MA MSc

(Secretary, The James M Maclaren Society  
for the Fortingall Roots Project)







SUPPORT

**Tracy McManamon**

---

**From:** John Morton [REDACTED]  
**Sent:** 07 June 2017 16:04  
**To:** Development Management - Generic Email Account  
**Subject:** FW: Planning Reference 17/00831/FLL

To Whom it May Concern,

I refer to the below email and wish to advise that my email of support is also to cover the re-submitted application (Ref: 17/00831/FLL).

Regards  
John

---

**From:** John Morton [REDACTED]  
**Date:** Tuesday, 25 April 2017 at 11:41  
**To:** "[developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)" <[developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)>  
**Subject:** Planning Reference 17/00251/FLL

To Whom It May Concern,

I would like to support the planning application, with reference number: 17/00251/FLL.

The proposal of two small shipping containers clad in timber will have minimal negligible impact given the scale of them in a large field.

They will not detract from the local amenity of the area.

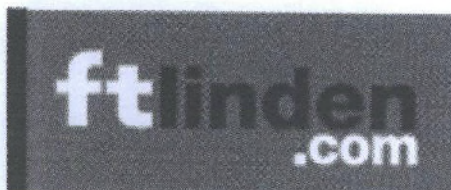
I have visited the site a number of times and do not think they will impact on my enjoyment of the area in any way.

Regards  
John

John Morton BLE (Hons) MRICS

FT Linden Ltd  
28 Stafford Street  
Edinburgh  
EH3 7BD

w: [www.ftlinden.com](http://www.ftlinden.com)







# Comments for Planning Application 17/00831/FLL

## Application Summary

Application Number: 17/00831/FLL

Address: Land 80 Metres North Of Old Church Lawers

Proposal: Siting of 2no. storage containers

Case Officer: Sean Panton

## Customer Details

Name: Dr Andrew Walker

Address: Dalnashian, Keltneyburn, Aberfeldy PH15 2LQ

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

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

Comment: PLANNING APPLICATION 17/00831/FLL

Siting of 2no. storage containers | Land 30 Metres North Of Old Church Lawers

I write to object to this planning application. The proposal is to site two storage containers in an exceptional historic site that is a Scheduled Ancient Monument (SAM). Historic Environment Scotland states that "The site comprises the remains of a deserted village represented by a series of well preserved stone buildings of 17th-century and later date, and likely to contain buried archaeology dating to earlier periods. This sites [sic] includes the former Lawers church (1669) which is listed at category B [Case Information document: Old Church, Lawers. <http://portal.historicenvironment.scot/document/600015775>] .

The Council's Development Plan includes Policy HE1 Scheduled Ancient Monuments, and this policy requires any adverse impact of a proposed development to be assessed. The proposed containers will inevitably detract from the special sense of place that pervades the whole area of the SAM. This is especially the case because, as the Proposed Site Plan shows, the storage containers are to be located within 20 metres of one of the old mill buildings. I am aware of the original planning application which had the containers sited close to the Old Church. The current application appears to recognise that this was inappropriate, but simply proposing to move them so that they would be in close proximity to a different part of the SAM is no improvement and equally unacceptable.

It is self-evident that the placing of two storage units in the infield between the middle and south SAM sites will detract both from the visual appearance of the whole site and from the visitor's sense of being in a historic landscape. This being the case, the applicant's Supporting Statement urges the Council to use its discretion to interpret its Development Plan in such a way that the "environmental objectives are balanced against the economic objectives in order to support the local economy and the social well-being of the communities within the LDP area". The Supporting Statement similarly asserts that "Even in the proximity of the SAM, there may be circumstances where the needs of those using the land should take precedence over environmental and visual considerations".

The Supporting Statement therefore implicitly accepts that there would be "environmental and visual considerations" resulting from the siting of the proposed storage containers and seeks to argue that approval of the proposal would bring benefits to the local economy that outweigh these environmental and visual considerations. However, the planning application gives no information about what the contents of the storage units are to be used for. It is therefore not tenable for the applicant to argue that the "needs of those using the land" and unspecified benefits to the local economy should take precedence over the adverse environmental and visual impacts. Thus the Supporting Statement gives no valid argument to overturn Policy HE1's presumption against development that will have an adverse effect on a SAM.

The Development Plan's Policy PM1 Placemaking states that development should contribute positively to its surroundings and ... should respect the character and amenity of the area. There would appear to be no valid argument that the proposed storage containers would contribute positively to the surroundings. The planning application therefore fails this test as well. In this context, the stated purpose of the storage units - (i) for storage of building materials, small tools, fuel, equipment etc and (ii) for storage of PPE equipment, messing facility and toilet (chemical) - should ring alarm bells. What is to be built with the building materials etc? This is clearly of fundamental relevance to the application, on which the Supporting Statement is noticeably silent.

For the above reasons, I urge that consent for this application be refused.

2nd from same household

Object -

**Tracy McManamon**

**From:** Elaine Watson [REDACTED]  
**Sent:** 07 June 2017 22:12  
**To:** Development Management - Generic Email Account  
**Subject:** Fwd: Planning Application 17/00831/FLL - OBJECTION

Dear Sir,

Please see the email sent by my husband in connection with this Planning Application .

I fully agree with the content of this email and Object to this Application for the reasons stated therein.

Regards,

Elaine Watson  
Tigh Na Coille  
Fearnan  
Aberfeldy  
PH15 1PF

Sent from my iPhone

Begin forwarded message:

**From:** Martin Watson [REDACTED]  
**Date:** 7 June 2017 at 22:00:58 BST  
**To:** [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk)  
**Cc:** Elaine Watson [REDACTED]  
**Subject:** Planning Application 17/00831/FLL - OBJECTION

Perth & Kinross Council - Planning Department

Dear Sirs,

I refer to the Reapplication for Planning Consent, Application 17/00831/FLL, for 2 Storage Containers to be placed on the "In-field" of the Scheduled Monument of Old Lawers Village.

I would draw your attention to my objection, dated 21st April 2017, to Planning Application 17/00251FLL, which still stand, my current objection, to Application 17/00831/FLL is based largely on the same reasoning as in my previous email; for clarity, however, I reiterate those comments, that remain, pertinent and provide additional comments on the new Application.

I have just been made aware of this Planning Application and am advised the Expiry Date for comments is, tomorrow, the 9th June 2017.

Unfortunately this does not give me time to review the Application in detail, however, from an initial review of the documents provided on the P&K Council Planning website, I have the following concerns/objections to this Application:

1. Whilst this location may have been "an area of habitation" for many years, it has been uninhabited for almost 100 years and, the proposed site is situated immediately between sections of a Scheduled Monument (SM).



2. The track to access the proposed site runs through the SM within a few metres of the ruined church and other ruined buildings, all being part of the SM. It should be noted that this track is grass and has apparently not been used for anything other than light agricultural access for many years.

3. The North Western boundary of the proposed site runs right up to ruined buildings which are part of the old village. All as shown on the Proposed Site Plan. Ref: 17/00831/3. It is interesting to note, from this Site Plan, that the proposal is now to place the cabins in the North West corner of the in-field, some 15m. from the ruins in the Middle Section of the SM., a less positive position (in that they are closer to the SM) than the previous Application.

I would also note that the Felsham PD letter of support states, in item 2, that the cabins are in the South West corner; this requires clarification.

Despite this it appears HES have taken a view that the installation of these two "temporary cabins" is not detrimental to the site but have stated, without ambiguity, that they would require to review any new proposals in relation to this proposed site. I would expect that should anything in this, Application be amended, or extended, or indeed further applications made, then HES shall, as a matter of course, be advised of same.

4. It strikes me, on a number of counts, as strange that a Planning Application should be submitted for only two cabins to provide storage for construction equipment, PPE, fuel and welfare facilities on a proposed site of, in excess of, 6,369 sq.m.

A. The Application and the supporting letter from the Agent, make a strong point that there shall be no foundations or services required for these cabins and as such they will leave no impact on the area when removed. The Application, however, states that these cabins shall be Permanent.

B. If one of the cabins is, as stated, to provide welfare facilities then it shall require (CDM Regs.) as well as toilet facilities, heating, lighting and hot and cold running water. No mention is made in the Application as to how these shall be provided.

C. There is no mention in the Application of parking, vehicle turning or other such vehicular activity.

D. The access to the track to the proposed site, where it joins the A827, is dangerous when approaching from Kenmore as it entails a turn of some 120 degrees into a narrow track; likewise the exit from the track back onto the A827 towards Kenmore. There is no doubt in my mind that, since the proposal is to site storage and welfare facilities on the proposed site, there shall be a considerable increase in traffic accessing this track.

I am extremely concerned at the nature of this Application. That the Applicant has the right to launch a boat from the land on which the proposed site is located, or indeed is obliged to take care of the SM is not being contested by me. The concern I have is should this Application, to place 2 cabins permanently on this site, be approved there is a precedent being set that will allow further permanent development of this site to proceed.

I note that this Application contains a Schedule of Works and Method Statement purporting to demonstrate the need for these cabins to be placed here to allow some vegetation clearance to take place around the SM. This work is detailed in the MS with photographs; I would respectfully suggest the works described could be carried out by a competent contractor in a couple of weeks. I further note that these documents do not show any of the works being carried out in the Proposed Site Area so in fact have no relevance to this Application. Also the handwritten numbers, on the drawing included as part of this MS, along the track on the

west side of the proposed development do not bear any relationship to the Schedule of Works.

In conclusion I would state that I am of the view that, since to my knowledge, no other planning applications have been submitted for this proposed site yet storage for "construction materials" and "welfare facilities" are being provided that this may just be the "thin edge of the wedge" that will see this area developed further to the severe detriment of the "in-field", the Scheduled Monument and a precious resource in our area.

I am, further, of the view that planning consent should not be given until such time as the Applicant has provided full details of his intentions for the 6369 sq. m. Site shown on the Location Plan and these details have been reviewed and commented upon by all interested parties.

Yours faithfully,

Martin Watson,  
Tigh Na Coille,  
Fearnan,  
Aberfeldy,  
PH15 2PF

Sent from my iPad





Objection

**Tracy McManamon**

**From:** Martin Watson [REDACTED]  
**Sent:** 07 June 2017 22:01  
**To:** Development Management - Generic Email Account  
**Cc:** Elaine Watson  
**Subject:** Planning Application 17/00831/FLL - OBJECTION



Perth & Kinross Council - Planning Department

Dear Sirs,

I refer to the Reapplication for Planning Consent, Application 17/00831/FLL, for 2 Storage Containers to be placed on the "In-field" of the Scheduled Monument of Old Lawers Village.

I would draw your attention to my objection, dated 21st April 2017, to Planning Application 17/00251FLL, which still stand, my current objection, to Application 17/00831/FLL is based largely on the same reasoning as in my previous email; for clarity, however, I reiterate those comments, that remain, pertinent and provide additional comments on the new Application.

I have just been made aware of this Planning Application and am advised the Expiry Date for comments is, tomorrow, the 9th June 2017.

Unfortunately this does not give me time to review the Application in detail, however, from an initial review of the documents provided on the P&K Council Planning website, I have the following concerns/objections to this Application:

1. Whilst this location may have been "an area of habitation" for many years, it has been uninhabited for almost 100 years and, the proposed site is situated immediately between sections of a Scheduled Monument (SM).
2. The track to access the proposed site runs through the SM within a few metres of the ruined church and other ruined buildings, all being part of the SM. It should be noted that this track is grass and has apparently not been used for anything other than light agricultural access for many years.
3. The North Western boundary of the proposed site runs right up to ruined buildings which are part of the old village. All as shown on the Proposed Site Plan. Ref: 17/00831/3. It is interesting to note, from this Site Plan, that the proposal is now to place the cabins in the North West corner of the in-field, some 15m. from the ruins in the Middle Section of the SM., a less positive position (in that they are closer to the SM) than the previous Application.

I would also note that the Felsham PD letter of support states, in item 2, that the cabins are in the South West corner; this requires clarification.

Despite this it appears HES have taken a view that the installation of these two "temporary cabins" is not detrimental to the site but have stated, without ambiguity, that they would require to review any new proposals in relation to this proposed site. I would expect that should anything in this, Application be amended, or extended, or indeed further applications made, then HES shall, as a matter of course, be advised of same.

4. It strikes me, on a number of counts, as strange that a Planning Application should be submitted for only



- two cabins to provide storage for construction equipment, PPE, fuel and welfare facilities on a proposed site of, in excess of, 6,369 sq.m.

A. The Application and the supporting letter from the Agent, make a strong point that there shall be no foundations or services required for these cabins and as such they will leave no impact on the area when removed. The Application, however, states that these cabins shall be Permanent.

B. If one of the cabins is, as stated, to provide welfare facilities then it shall require (CDM Regs.) as well as toilet facilities, heating, lighting and hot and cold running water. No mention is made in the Application as to how these shall be provided.

C. There is no mention in the Application of parking, vehicle turning or other such vehicular activity.

D. The access to the track to the proposed site, where it joins the A827, is dangerous when approaching from Kenmore as it entails a turn of some 120 degrees into a narrow track; likewise the exit from the track back onto the A827 towards Kenmore. There is no doubt in my mind that, since the proposal is to site storage and welfare facilities on the proposed site, there shall be a considerable increase in traffic accessing this track.

I am extremely concerned at the nature of this Application. That the Applicant has the right to launch a boat from the land on which the proposed site is located, or indeed is obliged to take care of the SM is not being contested by me. The concern I have is should this Application, to place 2 cabins permanently on this site, be approved there is a precedent being set that will allow further permanent development of this site to proceed.

I note that this Application contains a Schedule of Works and Method Statement purporting to demonstrate the need for these cabins to be placed here to allow some vegetation clearance to take place around the SM. This work is detailed in the MS with photographs; I would respectfully suggest the works described could be carried out by a competent contractor in a couple of weeks. I further note that these documents do not show any of the works being carried out in the Proposed Site Area so in fact have no relevance to this Application. Also the handwritten numbers, on the drawing included as part of this MS, along the track on the west side of the proposed development do not bear any relationship to the Schedule of Works.

In conclusion I would state that I am of the view that, since to my knowledge, no other planning applications have been submitted for this proposed site yet storage for "construction materials" and "welfare facilities" are being provided that this may just be the "thin edge of the wedge" that will see this area developed further to the severe detriment of the "in-field", the Scheduled Monument and a precious resource in our area.

I am, further, of the view that planning consent should not be given until such time as the Applicant has provided full details of his intentions for the 6369 sq. m. Site shown on the Location Plan and these details have been reviewed and commented upon by all interested parties.

Yours faithfully,

Martin Watson,  
Tigh Na Coille,  
Fearnan,  
Aberfeldy,  
PH15 2PF

Sent from my iPad

**Tracy McManamon**

---

**From:** Sean Panton  
**Sent:** 08 June 2017 09:34  
**To:** Development Management - Generic Email Account  
**Subject:** FW: 17/00831/FLL

Another!

**Sean Panton,**  
Development Management,  
Planning & Development,  
Perth & Kinross Council,  
Pullar House,  
35 Kinnoull Street,  
PERTH,  
PH1 5GD.

*Comhairle Pheairt is Cheann Rois*



---

**From:** A Neil Ballantyne [REDACTED]  
**Sent:** 08 June 2017 09:33  
**To:** Sean Panton  
**Subject:** 17/00831/FLL

Dear Mr Panton,  
I write to object to the planning application 17/00831/FLL relating to Old Lawers Village near Fearnan.

I support all the comments and qualifications laid out in the submission from the Breadalbane Heritage Society dated 7th June 2017.



This document identifies some significant gaps in information, contradictions, and highlights issues which must be resolved before this application can be considered complete and competent.

This application must therefore be refused until clarity can be brought to this situation. Only then can an objective view be taken on it's appropriateness.

Yours sincerely,  
Neil Ballantyne,

Cairstonia,

Dalchiaran,

Fearnan,

PH15 2PG,

8th June 2017

2nd from Same household

Tracy McManamon

Objection

**From:** Fiona Ballantyne [REDACTED]  
**Sent:** 08 June 2017 15:16  
**To:** Development Management - Generic Email Account  
**Subject:** PLANNING APPLICATION 17/00831/FLL

I wish to **object** to PLANNING APPLICATION 17/00831/FLL which propose siting 2 containers in very close proximity to Old Lawers Village.

The proposal is lacking in important detail and contains many inconsistencies. For example:

- The need for long term storage has not been set out.
- The applicant's documentation implies that the two stores are not intended to be permanent yet the Application (para 5 Description of Proposal) makes quite clear that the application is **NOT** for temporary permission.
- The stated purpose of these stores is: for storage of building materials, small tools, fuel, equipment etc; and for storage of PPE equipment, messing facility and toilet (chemical). However, there is nothing to explain the need for building materials and tools or explain their need in connection with 'recreational use of the land'
- The applicant makes frequent but inconsistent references to both 'recreational' and 'agricultural' uses for the site. Yet none of the Supporters correspondence refers to recreational use and they variously describe the purpose of the storage huts as helping "protect future generations"; "a sustainable long-term management and improvement plan for the Old Village of Lawers, comprising scheduled ancient monuments"; and "tree surgery and landscaping". No mention of any of these three points is made by the applicant.
- A Schedule of Works and Method Statement is included with the application. It is part of an HES document sent to a previous owner but with no plans for implementation. There is no mention of this document in the Supporting Statement or any other part of the application.

These inconsistencies and contradictions mean that it is not at all clear exactly what permissions are being sought or what the purpose of the containers actually is.

This is particularly worrying given the sensitive nature of the site.

In addition, I wish to endorse the submission of the Breadalbane Heritage Society, and in particular their view that:

*"As presently proposed we consider consent to this application would be in breach of **Policy PM1A Placemaking** ("no respect for the character and amenity of the place") and **Policy HE1B Scheduled Ancient Monuments** ("adverse effect on the integrity of a Scheduled Monument and its setting"); and, potentially, in breach of **Policy ED3 Rural Business and Diversification** (preference for "within existing settlements" and no case made for a site outwith a settlement)."*

I therefore ask PKC Planning Department to use its power under existing policies to protect the Ancient Monument and its setting, the in-field, and refuse the application.

Fiona Ballantyne

Fiona Ballantyne  
Cairstonia,

ENTERED IN COMPUTER

9 JUN 2017



Fearnan,  
Perthshire  
PH15 2PQ

Tracy McManamon

Objection

**From:** Frances Donovan [REDACTED]  
**Sent:** 08 June 2017 19:42  
**To:** Development Management - Generic Email Account  
**Subject:** Planning application 17/00831/FFL

I wish to endorse the objection lodged by the Breadalbane Heritage Society to the revised planning application (17/00831/FFL) affecting the in-field at Old Lawers Village.

Frances Donovan  
Schiehallion  
Fearnan  
Aberfeldy  
PH15 2PF

Sent from my iPad





*Response from Dull and Weem Community Council 1*

**Tracy McManamon**

---

**From:** THOMAS PRINGLE [REDACTED]  
**Sent:** 08 June 2017 15:26  
**To:** Development Management - Generic Email Account  
**Cc:** Hilary Wheater; Iomhair Fletcher; Roddy Kennedy; Pat Ruddy; Caroline Mackechnie; Councillor Michael Williamson; Councillor Ian Campbell; Councillor Xander McDade; Nicholas GRANT  
**Subject:** Planning Application 17/00831/FLL  
**Attachments:** Planning Proposal 17 Lady of Lawers House2.docx

Sir,

Dull and Weem Community Council would like to object to the application **17/00831/FLL** at Old Lawers Village. It is felt that this application is virtually unchanged from the previous one **17/00251/FLL** we objected to. We are concerned about the frequency of applications resubmitted to Perth and Kinross, with very few changes, that are then passed. This does not give us much confidence in the Planning system in Perth and Kinross. While we accept this application is outside our area we feel strongly that this historic site should be protected. We also remember that a previous application for this site generated worldwide objections.

We strongly support the objections of our constituent Mrs Wheater which I have attached here.

I am,

Yours Sincerely,

Tom Pringle  
Secretary  
Dull and Weem Community Council







Objection

**Tracy McManamon**

---

**From:** Martin Watson [REDACTED]  
**Sent:** 08 June 2017 10:53  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 17-00831FLL - OBJECTION

Dear Sirs,

I refer to the above Planning Application and am writing to advise that I fully agree with the position put forward by the Breadalbane Heritage Society regarding the proposed works at Old Lawers Village.

Please take this email as confirmation of my objection to this Planning Application

Frances Mary Edwards

Tigh an Ess  
Keltnyburn  
Aberfeldy  
PH15 2LF

Sent from my iPhone





2nd letter from same household

objection (D Gillespie)

**Tracy McManamon**

---

**From:** David and Fran Gillespie [REDACTED]  
**Sent:** 08 June 2017 16:57  
**To:** Development Management - Generic Email Account  
**Subject:** PKC Planning Application 17/00831/FLL  
**Attachments:** 08.06.17 Lawers Old Village DG - Planning Objection.docx

I have attached a letter of objection dated 08 June 2017 to the above application.

Kindly register this document and forward to the relevant case officer.

You may have received a few minutes ago another email from me with an attached objection dated 24 April 2017. This letter is superseded and should be deleted.

Regards,

David Gillespie

ENTERED IN COMPUTER

= 9 JUN 2017

Old Manse Steadings

Fortingall

By Aberfeldy

PH15 2LL

08 June 2017

Director of Planning  
Perth and Kinross Council  
35 Kinnoull Street  
Perth PH1 5GD

For the attention of Case Officer Sean Panton

Dear Sir,

PLANNING APPLICATION 17/00831/FFL  
DEVELOPMENT AT OLD LAWERS VILLAGE – APPLICATION FOR APPROVAL  
OBJECTION TO THE APPLICATION

I write to register my objection to any approval being granted for the above application, and fully endorse and support the contents of the letter of objection dated 07 June 2017 sent to you by the Breadalbane Heritage Society (BHS) in this respect.

I have added information relevant to parts of the BHS letter, following the page/para numbers of that letter.

P1/- SITING OF THE DEVELOPMENT (UNSTATED ASPECTS):

Precise setting out of the workshop/storage buildings, together with turning and parking spaces for vehicles, new materials and waste external storage, as normally to be expected in buildings of this nature, related back to the site boundary with the Middle Scheduled Monument, are essential to fully understand the proposed site use. This information is not provided within the current application.

P2/1.1 SITING OF THE HUTS (PROMINENCE):

In my opinion the currently proposed site for the development is worse than that of the previous (withdrawn) application. Visitors to the village, following the track which skirts the N.E. sides of the SSM and the Infield, will see the development in an elevated position from a distance. Entering the Infield it will be prominent, seen through and arc of approximately 135 degrees from S.W. to East. Plus, of course, being highly visible from the loch.

..... 2

PLANNING APPLICATION 17/00831/FFL  
DEVELOPMENT AT OLD LAWERS VILLAGE – APPLICATION FOR APPROVAL  
OBJECTION TO THE APPLICATION

2/1.3 100M SETBACKS:

The statement that the setbacks from both the SSM and MSM are more than 100M is blatantly wrong, repeated without any correction from the same dimensions in the withdrawn application.

REJECTION OF THE APPLICATION:

In my opinion the current application should be forthwith rejected on the grounds that insufficient information has been provided by the applicant to enable full understanding of his overall intention for use and development of the site.

Yours faithfully,

David Gillespie





Tracy McManamon

Objection

**From:** Fran Gillespie [REDACTED]  
**Sent:** 08 June 2017 15:51  
**To:** Development Management - Generic Email Account  
**Subject:** Letter of objection to planning application 17/00831/FFL  
**Attachments:** 17 06 08 Letter to Planning Office, P&K Council.docx

Old Manse Steadings

Fortingall

By Aberfeldy

PH15 2LL

8 June 2017

Director of Planning  
Perth and Kinross Council  
35 Kinnoull Street  
Perth PH1 5GD



For the attention of Case Officer Sean Panton

PLANNING APPLICATION 17/00831/FFL

DEVELOPMENT AT OLD LAWERS VILLAGE – APPLICATION FOR APPROVAL

OBJECTION TO THE APPLICATION

Dear Sir,

As a long-term member of the Breadalbane Heritage Society I write to lodge my objection to approval being granted for the above application. The application appears, in the Supporting Information provided by Felsham PD and dated 5 May 2017, to be for two 'temporary' wood-clad storage facilities to be erected adjacent to and within view of the ruins of the deserted village, although in the Application for Planning Permission it is stated that these will in fact be permanent. Even if temporary it seems unlikely, given the sloping nature of the site, that they could be erected without underbuilding and so the claim by Felsham PD that 'they will leave no trace of their presence' appears impracticable.

My main concern is that any buildings, whether temporary or permanent, erected within sight of the remains of the deserted village will have a significant impact on this unique, tranquil and hitherto unspoilt historic site, which provides enjoyment both to tourists and local residents alike. Perth and Kinross Council is committed to the protection of sites of 'known archaeological interest *and their settings*' [my italics], which in this instance includes the vicinity of the ruined church and the meadow immediately to the north-east of the church and main group of deserted buildings.

Tourism is an important source of income for this rural area, and the historic interest of Old Lawers Village and the quiet and peaceful atmosphere and beauty of its unspoilt setting provides a most valuable asset, quite apart from its significance to residents of the area as part of the local heritage and that of Scottish heritage at large.

Having read the letters of support for this application, many of which are remarkably similar in wording, I am concerned that some correspondents appear to have the impression that the buildings are for the storage of materials for use in improving the site by tree lopping or other activities. One refers to 'small wood-clad containers to allow maintenance of a National Trust [sic] site on the ruins' of Old Lawers Village, and another comments that 'the new owner should be encouraged in his positive approach wishing to limit further deterioration'.

To the best of my knowledge no information has been made public by the applicants either as to the ultimate purpose of these storage facilities, or the wish of the new owner to limit deterioration of the area. It is widely feared in the locality that the application represents an attempt to establish a footing on the site prior to a future application for commercial development. But in the absence of any clear statement of purpose those who object have no option but to speculate.

For the reasons given above I urge that planning permission for these 'huts' or 'sheds', whether temporary or permanent and for whatever ultimate purpose, be refused.

PAGE 2

PLANNING APPLICATION 17/00831/FLL

DEVELOPMENT AT OLD LAWERS VILLAGE – APPLICATION FOR APPROVAL

OBJECTION TO THE APPLICATION

Yours faithfully,

Mrs Frances Gillespie

Old Manse Steadings

Fortingall

By Aberfeldy

Perthshire PH15 2LL

[Signed copy attached]





2nd from same household

Objection

**Tracy McManamon**

---

**From:** William Graham [REDACTED]  
**Sent:** 08 June 2017 21:38  
**To:** Development Management - Generic Email Account  
**Subject:** PLANNING APPLICATION 17/00831/FLL  
**Attachments:** Planning Lawers village 2 - Willy.doc

Please see attached objection to the above application.

W Graham



**PLANNING APPLICATION 17/00831/FLL**

**Siting of 2no. storage containers | Land 30 Metres North Of Old Church Lawers**

I write to object to this planning application. The proposal is to site two storage containers in an exceptional historic site that is a Scheduled Ancient Monument (SAM). Historic Environment Scotland states that "The site comprises the remains of a deserted village represented by a series of well preserved stone buildings of 17th-century and later date, and likely to contain buried archaeology dating to earlier periods. This sites [sic] includes the former Lawers church (1669) which is listed at category B [Case Information document: Old Church, Lawers. <http://portal.historicenvironment.scot/document/600015775>]

The Council's Development Plan includes Policy HE1 Scheduled Ancient Monuments, and this policy requires any adverse impact of a proposed development to be assessed. The proposed containers cannot but detract from the special sense of place that pervades the whole area of the SAM. This is more particularly the case because, as the Proposed Site Plan shows, the storage containers are to be located within 20 metres of one of the old mill buildings! The original planning application sited the containers close to the Old Church and the applicant seems to have recognised this as inappropriate, but proposing to re-site them to this location, a different part of the SAM, is no improvement and equally unacceptable.

Clearly putting two storage units in the infield between the middle and south SAM sites will detract both from the visual appearance of the whole site and from the visitor's sense of being in a historic landscape.

The applicant's Supporting Statement asks the Council to use its discretion to interpret its Development Plan so that the *"environmental objectives are balanced against the economic objectives in order to support the local economy and the social well-being of the communities within the LDP area"*. It also asserts that *"Even in the proximity of the SAM, there may be circumstances where the needs of those using the land should take precedence over environmental & visual considerations"*. It is thus clear that the Supporting Statement accepts that there would be "environmental and visual considerations" resulting from the siting of the proposed storage containers and seeks to argue that approval of the proposal would bring benefits to the local economy that outweigh these environmental and visual considerations.

However, as the planning application does not tell us anything about the purpose of the storage units and their contents, it is not possible for the applicant to argue that the "needs of those using the land" and unspecified benefits to the local economy should take precedence over the adverse environmental and visual impacts. Thus the Supporting Statement gives no valid argument to overturn Policy HE1's presumption against any development that will have an adverse effect on a SAM.

The Development Plan's Policy PM1 Placemaking also states that development should contribute positively to its surroundings and ... should respect the character and amenity of the area. There would appear to be no valid argument that the proposed storage containers would contribute positively to the surroundings, so the application also fails to meet the requirements of this policy.

The Supporting Statement makes it clear - 2.0 Site Description - that the purpose of these structures is to support the recreational use of the land. There is nothing to clarify what they mean by 'recreational use'. Nor is there any explanation as to the need for building materials and tools or explain their need in connection with 'recreational use of the land'. Nor any indication as to the requirement for so much storage space or the need for it to be long-term. They are asking for permanent permission.

For the above reasons, I request the Planners use their power under existing policies to protect the Ancient Monument and its setting (ie the in-field) and refuse the application.



SUPPORT

Tracy McManamon

---

**From:** John Hillis [REDACTED]  
**Sent:** 08 June 2017 18:03  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Reference 17/00831/FLL - Email of Support

Dear Planning Officer,

I would like to support planning application 17/00831/FLL

The proposal is an innovative and different approach to the protection and management of a locally significant cultural heritage asset.

The local development plan supports development where it will enhance features such as the application site.

The proposal is likely to reduce impacts on the designated site by delivering an on site maintenance and storage facility for the tools required to manage visitor impacts.

The proposal of two small shipping containers clad in timber will be low impact given the proposed scale of them relative to the application site.

They will not detract from the local amenity and will leave no trace once removed: a very sustainable approach to the management of the site.

I visit the north shore of Loch Tay regularly using the loch and the road as means of transport and do not think the development will disturb the quiet enjoyment of the area by visitors.

Regards,

John

John Hillis

Blackhall Manor  
Barrhead Road  
Paisley  
Renfrewshire  
PA2 7EA  
[REDACTED]





Support

Tracy McManamon

---

**From:** George Leggat [REDACTED]  
**Sent:** 08 June 2017 19:51  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 17/00831/FLL

Dear Sir/Madam,

I write to give my full support to planning application 17/00831/FLL.

As a regular visitor not only to the area but also the site itself I do not see any detrimental impact of the proposed storage units.

From reviewing the application along with the supporting information including the Schedule of Works and Method Statement prepared by Historic Environment Scotland in April 2016, it is clear the new owner is taking his responsibility to preserving the Old Village of Lawers much more seriously than the last. Indeed, the application is to enable the new owner to store the tools and equipment required to carry out the requested works by HES.

I have watched with sadness the ruins decay at an alarming rate over recent years and it is clear these works will reduce the rate of further decay significantly. As such I offer my full support to this application.

I note in an objection from a Mr Fisher he refers to concerns of use of the containers. I would say he has clearly not reviewed the full application and supporting documents and if he has his concerns would have been quashed. Indeed if he had reviewed the full application I would like to think he would be supporting this as he clearly cares about the area as much as I do.

Your faithfully,

George Leggat

6 Queen Street  
Perth  
PH2 0EQ







RECEIVED

09 JUN 2017

Anfield

PH2 6RB

8<sup>th</sup> June 2017

Development Management Control

Perth and Kinross Council

Pullar House,

35 Kinnoull Street,

Perth.

Dear Sir,

ENTERED IN COMPUTER

- 9 JUN 2017

**Planning Application, Reference Number -17/00831/FLL – Siting of two storage Containers, Land 60 metres North East of Old Village of Lawers, LochTay.**

I refer to the above planning application and wish to make objection to this application

This is the second Planning Application which has been submitted for the Old Village of Lawers by the applicant Angus Thomson by his agent Felsham PD and the third in recent years where an application was submitted for similar tree clearance work by an applicant Mr and Mrs Reid from the Bridge of Weir area and also to the building of a house on the site which was rejected at that time.

It would appear that the **applicant Mr Angus Thomson** is a Chartered Surveyor and the director of several companies **which are involved in Property Investments and also Residential Properties.**

**Felsham PD is a company which has massive association with the development of Commercial Industry, Mixed Use Housing Development and also providing Development Advice where there are Listed Buildings.**

This is an application for the siting of two containers for the storage of tools within a Scheduled Monument site, and it would seem highly unlikely that an applicant and his agent and a local Architect, all with strong connections in the development industry are merely wanting to place two storage containers on the site for tools, just to clear and tidy up trees.

Can it be inferred, that there is a perhaps a future planning application to be submitted for the development of building(s) / marina, to be erected on the site at some later stage in the future, more so as there used to be a pier at the old village, the remnants which still are apparent.

**What is the true vocation proposed for the old village by all associated with this application. No specific address has been submitted in the current planning application – only vagaries.**

In the documentation submitted by the Applicant in this Planning Application, they clear state that **the two storage cabins are not permanent** and that on removal there will be no trace of them having been placed at the location proposed, **yet in the Application for Planning Permission it is quite clearly indicated that the application is NOT for temporary permission.**

**What exactly, is the factual truth associated with this particular planning application, as there appears to be misnomers throughout documents including the Application for Planning Permission submitted by the applicant / agent.**

Storage containers are usually vibrant in colour and as there is only one substantial tree on the South East of the proposed site, there is no suitable screening for these containers either from the track or elsewhere in the field.

The storage containers will also be located in the near vicinity of the old buildings at Lawers which would detract from the setting and ambience of the buildings and also the whole Scheduled Monument area surrounding the village.

Over and above, the hill gradient at the location is steep and would not be conducive to any storage container placement or indeed any building development unless work was carried out to stabilise the ground for such placing of "units"

**In the Perth and Kinross Local Development Plan for 2014** it is clearly stated there is a "presumption against development which would have an adverse effect on the integrity of a Scheduled Monument Site and it's setting, unless there are exceptional circumstances" and that the Council will protect sites of known archaeological interest and their settings.

**This application or any other foreseeable application would also be in breach of Policy HE1A – Scheduled Ancient Monuments** which refers to presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting and also **Policy PM1A Placemaking** - which is having no respect for the character and amenity of the place.

The siting of two containers, or indeed any future developments which may or may not be proposed for the area of the Old Village of Lawers, will have a **significant and serious impact** on the Old Village irrespective whether they are sited within the two Scheduled Monuments site at the locus or even the whole area which borders onto the old village.

Historic Environment Scotland clearly state in their response to Perth and Kinross Council ( letter dated 31<sup>st</sup> May 2017) that this planning application has the potential to affect - Ref SM6280 – Old Lawers Village, deserted settlement, Lawers Acres, which has been designated a Scheduled Monument.

Although H.E.S, are not making any significant comment on this planning application, they state "Our decision not to provide comments should not be taken as our support for the proposals"

Why is there no report from the National Trust of Scotland in respect of this planning application? Surely, the applicant and his agents should have deemed it relevant and necessary, to have had a report prepared from the National Trust for Scotland for this application giving their views on the matter.

Old Lawers village is of immense national and historical heritage importance not only for the local resident population but also for tourists and those from afar, who are searching ancestral family members associated with the village.

This planning application for the siting of two storage containers for purported tree clearance work may at some later stage lead to ribbon development on the site followed by larger development, whether commercial or residential and certainly shows great insensitivity, by all concerned in the submission of this application for the significance of the whole Scheduled Monument area of the village, including the land in between both Scheduled Monument sites at the village.

I note that there have been over twenty letters of support for this application, and without wishing to detract from the authors of those letters, I ask the question – “Do they know and have respect for the significance and historical importance of the The Old Village at Lawers and what any possible future development may have on the area including traffic impact, as this has not been made clear in this Planning Application and there is certainly no reference to business undertakings mentioned in any of letters of support other than the benefit of tree clearance which has not even been mentioned, in the Application for Planning Permission Form submitted by the applicant and his agents. “Locals” not those passing through, have to live with the effects of any development taking place in the area, more so where they may have a “significant impact” (detrimental or otherwise) on the area

My family have been associated with the general area of Glen Lyon and Loch Tay for over 150 years and I have frequently visited the Old Village at Lawers over the years and would be extremely disappointed to see it’s quiet serenity, ambience and unique setting destroyed and shattered with the placement of two storage containers or indeed any future development which may or may not occur in the future.

Yours Sincerely



K. McGregor





2nd from same household

objection

**Tracy McManamon**

---

**From:** Elaine Melrose [REDACTED]  
**Sent:** 08 June 2017 22:16  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 17/00831/FLL

Dear Sirs

I have enjoyed visiting the area concerned in the application. The area is of great importance to the extended local community as well as to tourists. I wish to lodge a complaint to the proposed buildings at this site. The Breadalbane Heritage Society (BHS) has expressed well my concerns and I endorse the comments made in their submission.

Yours faithfully  
Elaine B Melrose

Schiehallion  
FEARNAN  
Aberfeldy  
PH15 2PF.





Objection

**Tracy McManamon**

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**From:** Alexander Reid [REDACTED]  
**Sent:** 08 June 2017 14:16  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application - 17/00831/FLL

34A Leurbost  
Isle of Lewis  
HS2 9NU

8 June 2017

Director of Planning  
Perth and Kinross Council  
Perth PH1 5GD

for attention of Sean Panton, Case Officer

Dear Sir,

ref - Planning Application 17/00831/FLL  
Objection to the Application proposals at Old Lawers Village

I was saddened to learn recently of the above Application proposals from Loch Tayside friends.

My grt-grt-grandparents John and Catherine Malloch from the Lawers area are buried in the old graveyard by the village, and my several visits there have been enhanced by the historic ruins and their atmospheric quality of hidden past life under the trees and vegetation..

Despite the ruins' protection as Ancient Monuments, it is disturbing that a private individual can acquire the site area and impose his development changes of whatever extent, which will inevitably detract from the experience of interested visitors to this ikon of Loch Tayside heritage.

I wish to support my friends and the Breadalbane Heritage Society in registering my objection to this Application,

Yours faithfully,  
Alexander Reid





Tracy McManamon

Objection

From: Sally Rose [REDACTED]  
Sent: 08 June 2017 09:15  
To: Development Management - Generic Email Account  
Subject: PLANNING APPLICATION 17/00831/FLL

Dear Sir

Siting of 2no. storage containers | Land 30 Metres North Of Old Church Lawers

I write to object to this planning application. I endorse fully the points made in the submission from the Breadalbane Heritage Society. In particular I wish to highlight the following concerns:

- The proposal is to site two storage containers in an exceptional historic site that is a Scheduled Ancient Monument (SAM). The proposed containers will inevitably detract from the special sense of place that pervades the whole area of the SAM. This is especially the case because, as the Proposed Site Plan shows, the storage containers are to be located within 20 metres of one of the old mill buildings. I am aware of the original planning application which had the containers sited close to the Old Church. The current application appears to recognise that this was inappropriate, but simply proposing to move them so that they would be in close proximity to a different part of the SAM is no improvement and equally unacceptable.
- It is self-evident that the placing of two storage units, even in the amended location, will detract both from the visual appearance of the whole site and from the visitor's sense of being in a historic landscape. The applicant's Supporting Statement implicitly accepts that there would be "environmental and visual considerations" resulting from the siting of the proposed storage containers and seeks to argue that approval of the proposal would bring benefits to the local economy that outweigh these environmental and visual considerations. However, the planning application gives no information about what the contents of the storage units are to be used for. It is therefore not tenable for the applicant to argue that the "needs of those using the land" and unspecified benefits to the local economy should take precedence over the adverse environmental and visual impacts.
- The stated purpose of the storage units - (i) for storage of building materials, small tools, fuel, equipment etc and (ii) for storage of PPE equipment, messing facility and toilet (chemical) - gives rise to serious concerns. What is to be built with the building materials etc? This is clearly of fundamental relevance to the application, on which the Supporting Statement is noticeably silent.

For the above reasons, I urge that consent for this application be refused.

Sally Rose  
23 Burns Brae, Abefeldy, PH15 2ER







**Tracy McManamon**

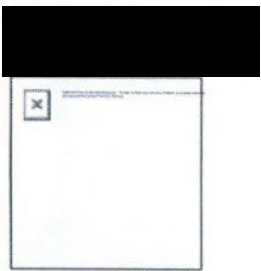
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**From:** Hilary Wheeler [REDACTED]  
**Sent:** 08 June 2017 12:51  
**To:** Development Management - Generic Email Account  
**Cc:** fwdDull Community Council  
**Subject:** Planning Proposal 17/00831/FLL - Siting of 2no storage containers at Land 80 metres North of Old Church, Lawers  
**Attachments:** Planning Proposal 17 Lady of Lawers House.docx; signboards at Lake Preston.jpg; signboards at Beach.jpg; signs at PB.JPG

I attach a submission on the above Planning Proposal. There will be four attachments. Would you please inform me if all four do NOT arrive.

Thank you

**Hilary Wheeler** BA(Sust.Dev)  
Director- Highland Health Retreats



Submission Regarding Planning Proposal 17/00831/FLL, "Siting of 2no. storage containers at Land 80 metres north of Old Church, Lawers.

The House of the Lady of Lawers and the Old Church at Lawers and the old Lawers Mill and Village are unique icons in our Scottish History. This has been formally recognised by designating them as "Scheduled Monuments".

These Three Scheduled Monument Sites are central to the history of the area of Breadalbane, the Highlands of Scotland and Scotland itself.

Any building or development within the lands of the 'Miltown and Parks of Lawers' will threaten the fabric and future of this very unique part of our history. This entire area should be protected by the Laws of Conservation and no structural or infrastructural development within the area even considered.

### **Our Unique History and Heritage**

Breadalbane, the Scottish Highlands and Scotland itself have a rich and unique history that is the envy of the world.

We are the Stewards of our Environment and the Guardians of our Heritage. It is our duty to protect both of these for our children and for their children in perpetuity. Any deviation from this on our part is irresponsible and reprehensible.

These buildings cannot be replaced. Once they have gone we will have lost forever the tangible evidence of a piece of our powerful history that is unique in this world.

#### **1. Traditional Right of Way**

The road to the jetty in the South Scheduled Monument Site was used by the people of the district for hundreds of years to access the ferry around the Loch or for the transport of goods by water. This road was used by horse and cart and people on foot.

The house of the Lady of Lawers and the Old Church were held in great respect by the inhabitants of the area as all were well aware of the predictions of the Lady and watched as they came to pass, sometimes in horror. Because of their care these buildings still stand after 400 years.

The present state of the road deters the use of vehicles down to the Loch and this, in itself, has contributed greatly to the preservation of the buildings in all three Scheduled Monument sites.

It would be extremely detrimental to the buildings if the road were improved to allow vehicular access to the Loch or to the Scheduled Monument Sites.

If this road was improved and opened up it could bring a catastrophic number of vehicles down to the Lochside for recreational purposes, picnics, canoeing, walking, etc (Right to Roam).

An uncontrolled amount of people visiting the monuments would be highly dangerous. These buildings are extremely fragile and a large number of people walking around and climbing over them could cause the walls to collapse suddenly with potentially disastrous consequences.

Vehicular access to the South Scheduled Monument Site would allow the opportunity for the buildings to be destroyed, wilfully damaged or even removed for building purposes.

**These buildings cannot be replaced once destroyed.**

## **2 The South Scheduled Monument Site**

2.1 The track from the South Scheduled Monument Site to the Middle Scheduled Monument site has, up until now, been used only for the movement of livestock and walkers accessing the North and the Middle Scheduled Monument Sites.

It would appear from the supplied documents that the proponents own this track to a width **8 metres** from the wall. The 'well-defined' boundary to the north is marked by a stone wall. There is **nothing** to define the boundary for the southern side of the track.

2.2 The distance from the drystone wall (the well-defined boundary) to the building of the House of the Lady of Lawers is **9 metres**. If a road was constructed to carry vehicles to service the building proposal within the boundaries of the proposed plan this would allow a mere **one metre** between the road and the House of the Lady of Lawers. The earth movement caused by passing vehicles alone would be catastrophic for the extremely fragile structure of these old buildings. If a road for carrying vehicles was constructed on this land the monuments would be destroyed in a very short space of time.

2.3 Having a road pass so close to the buildings would expose them to wilful destruction, vandalism or even physical removal.

**These buildings cannot be replaced once destroyed.**

## **2 Immovable Gate preventing Public Access from South Scheduled Monument Site to Middle and North Monument Site.**

A well-defined track leads from the south scheduled monument site to the other two sites. This was used for the movement of grain and flour to and from the Mill in the Old Village. A gate on the track contained the livestock held in the Millers Croft by the Lochside. This gate was easily opened and shut to allow access to and from the village, now the Middle Scheduled Monument Site and the North Scheduled monument site to the north of the Old Village.

This gate has been secured so that it cannot be opened denying public access to the Monument Sites.

This is an indication of the consequences of development on special Heritage sites.

All Monuments and Historic Sites should have access to the public for education and historic awareness. (Right to Roam).

#### 4      **The Middle Scheduled Monument Site** Middle Scheduled Monument Site

- 2.1 An area through the Old village (Middle Scheduled Monument Site) would appear to show a widening and improvement of the present track to mid-way across the burn.
- 2.2 This track is indicated right up to the Old Mill which is still in recognisable shape, an adjacent house and the loading bay for the grain for the mill.
- 2.3 If this track were to be used to transport goods from the 'Storage Units' to the Loch by vehicle using this extended track through the old village and directly past the Mill and cottages, the old buildings would be vulnerable to earth shake, collision by vehicles and wilful destruction. All these have the potential to cause the collapse and desecration of the buildings in the Middle Monument Site.
- 2.4 If this track is widened and opened to vehicular traffic it would be vulnerable to uncontrolled visitations for recreational purposes (Right to Roam), threatening the fabric of the buildings through uncontrolled movement of people. The result could be catastrophic and cause the total destruction of the settlement.

**These buildings cannot be replaced once destroyed.**

#### 4.      **Conclusion**

- 1      The Lands and buildings of Miltown and Parks of Lawers are an unique Icon in the History of Breadalbane. As such they have been recognised by being designated as Scheduled Monuments.
- 2      No building or development should be allowed to take place within the bounds of this settlement and the three Scheduled Monument Sites.
- 3      Any development would require an access road and any access road in the vicinity of the buildings would have the potential to destroy the extremely fragile 400 year old structures.
- 4      These buildings cannot be replaced once destroyed.
- 5      The lands of 'Miltown and Parks of Lawers' are Scheduled Monument Sites of World Heritage value and should be designated for conservation and education only and no structural development whatsoever within the area should even be considered.
- 6      They should be recognised as such and the public educated and informed of their heritage value. The area should be put on the map and attractive signs should be erected on the sites to educate and enlighten visitors.
- 7      As an example I attach are a series of signs I designed for the Shire of Waroona in Western Australia for an area of Lakes and Wetlands. These signs have been extremely successful in



increasing the interest, understanding and appreciation of the unique features of these particular Wetlands.

- 8 No development is allowed in the area in order to preserve and conserve its unique values.

Hilary Wheeler, 4 Appin Cottages, Dull by Aberfeldy, PH15 2JQ. 8<sup>th</sup> June, 2017.















Tracy McManamon

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Objection

**From:** Cindy Brook [REDACTED]  
**Sent:** 09 June 2017 22:30  
**To:** Development Management - Generic Email Account  
**Subject:** objection to application 17/00831/FLL  
**Attachments:** Planning application.docx

I have attached a copy of a personal letter of objection to 17/00831/FLL

Cindy Brook





Bridge of Lyon  
Fortingall  
Aberfeldy PH15 2LW

9<sup>th</sup> June 2017

Planning Department,  
Perth and Kinross Council,  
Pullar House,  
35 Kinoull Street,  
Perth

Dear Sir/Madam,

**Planning Application, Reference Number -17/00831/FLL – Siting of two storage Containers, Land 60 metres North East of Old Village of Lawers, LochTay.**

I wrote previously to object to the application placed earlier this year to site 2 storage containers in the infield, and I again write to object to this modified application. The changes proposed make no difference in my opinion to the inappropriateness of the application, as their presence has a negative impact on the character and setting of the scheduled monument site.

This area is bounded on 2 sides containing scheduled monuments and is a site of national importance relating to the history of the Lady of Lawers and development in this agricultural field will not preserve the character and appearance of the SAM.

The arguments made in the letters to planning dated 5th May 2017 are very articulate in advising why this proposal should not be refused, but what is the reason for this application? Access to this site is poor, there are no utilities, so why are 2 storage sheds proposed, and one with a toilet? This area is subject to flooding and therefore not suitable for storage - despite the applicants statement that there is no threat to life and the decision to store property is a matter of judgement for the landowner.

Poor access to the site does not suggest that the stores can be easily changed so what is the reason for their use? No reference is given to the intended activities that will be carried out other than storage.

The presence of two buildings in the infield ruins the tranquillity of the setting and a building on this site has been previously refused. This is however a prime site for future development as it borders the loch. The applicants are professionals with considerable planning experience and I fear that this is the first stage of a plan for a bigger development as the current application does not make sense in economical or planning terms.

Yours sincerely

Cindy Brook

*Response from Glen Lyon & Loch Tay Community Council*

**Tracy McManamon**

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**From:** SUSAN GARDENER [REDACTED]  
**Sent:** 09 June 2017 13:36  
**To:** Development Management - Generic Email Account  
**Cc:** June Riddell; AlanDouthwaite; fwdGlenlyon Community Council; Susan Gardener; Teresa daSilva; Willie Graham  
**Subject:** Planning app.17/00831 Siting of two containers Old Lawers Village  
**Attachments:** 1700831 CC OBJECTION.pdf

Please see attached Glen Lyon & Loch Tay Community Council's objection to this proposal.

Thank you

Susan Gardener - chair

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## Glen Lyon and Loch Tay Community Council

Nurse's Cottage, Bridge of Balgie, Glen Lyon, Aberfeldy PH15 2PP

Pullar House,  
35 Kinnoull St,  
Perth  
PH1 5GD

08/06/17

Dear Mr.Panton,

Re: 17/00831/FLL Siting of 2no. storage containers at Land 60 Metres North East Of Old Church Lawers  
Please will you refuse this application.

Apart from moving the containers from the SW corner to the NE corner of the in-field it is exactly the same as the last one.

### **Reasons for objection:**

The Supporting Statement(SS) is almost the same apart from it's heading and the inclusion of the HES document in its list of enclosures. The text still sites these containers in the SW corner near the gate!

"Recreational use of the land" is still not specified.

There is still nothing to explain the need for "building materials, small tools,fuel,equipment etc" or their relationship to "recreational use of the land"or the need for their long term storage.

There is nothing to relate the mess hut to recreational use,no definition of PPE in this context and a toilet but apparently no hand washing facilities.

There is nothing to link the use if the two containers to each other or to say if they are for completely different purposes.

"When removed they will leave no trace of their presence" - there is nothing to substantiate the validity of this statement. Metal containers standing on bare ground for a prolonged period of time in wet conditions may be prone to corrosion with subsequent pollution of the soil/water. The SS neglects the fact that the application is for Permanent Permission.

### **Main objection:**

The above are part of the Community Council's objection but the real nub of it's objection to this application is that it seeks to introduce structures into the in-field which lies between the two part of the ancient monument and, while it is not part of the monument, it is regarded as being integral to, it and essential to, the interpretation of the whole site.

Old Lawers is a Scheduled Monument (SM6280). It lies within the River Tay Special Area of Conservation,the Loch Tay Special Landscape Area and the National Trust for Scotland have a Conservation Agreement there. It is a Breadalbane Environmentally Sensitive Area. It's historical environment is not solely an important part of Perth & Kinross's cultural heritage but is also part of Scotland's archaeological and historical heritage and merits being respected as such. It is one of the most highly valued historical and archaeological sites in this CC's area and we seek to ensure the preservation and **protection** of the **whole site**.

Old Lawers Village is more than it's ancient monuments.

As a 'deserted village' it is special. It has an atmosphere all of its own. The HES Schedule of Works puts it nicely, " a distinct sense of place in the public conscience..."Here the visitor gets a sense of being in an historic landscape. It is a respected and revered site both locally and abroad due to its reference in "In Famed Breadalbane"by Rev. Gillies of Kenmore; its association with the Lady of Lawers and its place in local folk law. For the residents of the present day village of Lawers,the Lochside and the local area Old Lawers is very special,not just for it's archaeology and history but personally because they have relatives buried in the cemetery there and,along with many others, they value it as a place of tranquility and solitude. The reference in the SS to " transient walkers" demonstrates a serious lack of awareness of the significance of this place.

Siting these structures 15 metres approx. from the Middle Monument is as unacceptable as siting them 15 metres approx. from the Old Church. Even wood clad they would not be discrete and would introduce a modern built element incongruous to the SAM. The in-field is an open field. Their very presence would detract visually from the setting of the monuments and from the atmosphere of a **deserted village** for which Old Lawers is noted. They would have an **adverse effect** on the integrity of the SAM and its

setting contrary to Policy HE1A.

LDP Policy PM1A states that development must contribute positively to the quality of the surrounding built and natural environment. ....it should respect the character and amenity of the place. This proposal fails to meet these requirements.

The Community Council asks that the in-field be kept void of structures, please. There is a shed somewhere near the pier at Old Lawers. Perhaps a structure could be sited near it. All the 'huts' would, at least, be in one place!

### **Local Economy**

The SS with its reference to Policy ED3 Rural business and diversification infers some business exploitation of the site that is not set out in the application.

The SS in urging the Planning Authority to use its discretion to interpret the Development Plan in such a way that "the environmental objectives are balanced against the economic objectives to support the local economy and to support the social well-being of the communities within the LDP area" ignores the fact that there is **already economic benefits** brought to this community from tourism associated with Old Lawers **as it exists**. Provision of tourist accommodation is a major economic factor in this part of our CC area. The Community Council urges the Planning Authority to implement the sound policies it has to protect this site and by so doing support these economic benefits and local tourism.

### **The Schedule of Work and Method Statement**

This document appears to be out - with the scope of this application as it relates to the SAM and not the in-field which is the subject of the application. It is clearly part of a larger document produced by Historic Environment Scotland, (HES) in 2016, it is understood, for the previous owner of Old Lawers with no plans for implementation. It is not a Work and Method Statement relating to the siting of two containers. There is no mention of it in the application except in the SS list of enclosures and nothing to link it to the containers, not even in HES own letter. It just 'floats'.

In the Application for Planning Permission -12. Trees – the NO box is clearly marked and there are no trees marked on the Proposed Site Plan for cutting back or felling.

The campaign of support for this application seems to be associated with this Schedule as it majors on the maintenance and improvement of the site. As the site in this instance is the ancient monument, not the in-field it seems to be valueless.

### **Summary**

The SS is inconsistent, contradictory, light on facts, heavy with inference, implication, allusion and hints. Transparent it is not! There is frequent but inconsistent reference to "recreational" and "agricultural" use and an inference to "business" use but no details, nothing specified and certainly nothing that justifies setting aside national or local planning policy. Given the sensitivity of this site this application is inadequate and should this proposal be approved it may open the door to further development applications which would be harder to refuse.

The SPP rightly provides for the safe-guarding and protection of Scotland's heritage. The onus to ensure this rests with the Local Authorities. Perth & Kinross Council Local Development Plan contains adequate policies to protect Old Lawers Village, it's SAM, setting and amenity.

Whatever the planning requirements of an urban, commercial supermarket chain they are far removed from the need to protect this significant Scheduled Monument and it's setting in it's very rural location and designated landscape.

Please will the Planning Authority use its powers to protect Old Lawers Village, it's ancient monuments, it's in-field it's special sense of 'place' and it's economic benefits to the area, by refusing this application.

Thank you

Yours sincerely,

Susan Gardener – Chair, Glen Lyon & Loch Tay Community Council





# Comments for Planning Application 17/00831/FLL

## Application Summary

Application Number: 17/00831/FLL

Address: Land 80 Metres North Of Old Church Lawers

Proposal: Siting of 2no. storage containers

Case Officer: Sean Panton

## Customer Details

Name: Mrs Amy McDiarmid

Address: Ben Lawers Farm Cottage A827 From The West Boundary Of Bridgend House To The North West Boundary Of Chapelburn Cottage, Lawers, Perth And Kinross PH15 2PA

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Inappropriate Land Use
- Out of Character with the Area

Comment: I have to whole heartedly object to this application.

There is no way, ANY development (regardless of how "temporary" it is), should be allowed to be placed anywhere within this "infield" area of the Old Village of Lawers.

The fact there is no development, old or new, here, shows this was part of the village that was used for farming/gardening and grazing. Not to be lived in or built on. Putting any kind of structure, no matter how it is disguised, would take away from the character of the area and detract from the peaceful and historic air this site has. This application should be treated in the same manner as a previous application which was to build a dwelling on the site. It should be rejected.

It doesn't matter that there is a clear area between to historic sites. The mere fact there is a clear area, ties the two sites together as one, and putting a modern structure in the middle of it would utterly destroy the character of the whole place.

It is a beautiful, peaceful and tranquil historic area and no modern building of any kind, should be allowed. The site should be left as it is, for all to enjoy, without interference of any kind.

I also worry about the precedent that this might set further into the future, and what other developments this could lead to in a wholly inappropriate area. Thank you for your consideration and I trust you will make the right decision.



## CHX Planning Local Review Body - Generic Email Account

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**From:** John Burrow [REDACTED]  
**Sent:** 25 July 2017 12:48  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Local Review Body - Application Ref 17/00831/FLL – Siting of 2 storage containers on land 80 metres north of Old Church, Lawers



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

For the attention of Gillian A Taylor  
Your ref TCP/11/16(482)

25 July 2017

Dear Gillian

### **Town and Country Planning (Scotland) Act 1997**

**The Town and Country Planning (Schemes and Delegation & Local Review Procedure) (Scotland) Regulations 2013**  
**Application Ref 17/00831/FLL – Siting of 2 storage containers on land 80 metres north of Old Church, Lawers**

Thank you for advising SNH of this review.

I note a typographical error in our response recorded on the planning portal. While our response lists the River Tay Special Area of Conservation in the title and elsewhere in the body of the response, confusion may arise because of the reference to the Forest of Clunie SPA. For the avoidance of doubt your Local Review Body should note that this is an error and should read:

We consider this proposal to have No Likely Significant Effect on the River Tay SAC and as a result we believe an Appropriate Assessment is not required.

Yours sincerely  
Via e-mail

~~~~~  
**John Burrow | Operations Officer | Tayside and Grampian Area | Scottish Natural Heritage | Battleby | Perth PH1 3EW**  
[REDACTED]



FOR THE ATTENTION OF GILLIAN TAYLOR

Perth and Kinross Local Review Body

Council Building

2 High Street

Perth

PH1 5PH

Dear M/S Taylor,

**Town & Country Planning (Scotland) Act 1997**

**The Town & Country Planning (Schemes of Delegation & Local Review Procedure)  
(Scotland) Regulations 2013**

**Application ref :- 17/00831/FLL – Siting of 2 storage containers on land 60 metres north  
east of Old Church, at the Old Village of Lawers.**

I refer to the above planning application and the decision by the applicant to request a review on why the Planning Application was turned down.

I have perused all the documents in relation to this planning application including all letters of objections and support.

All letters of objection, clearly outline the many valid reasons as to why this Planning Application should be turned down, whereas the letters of support are in the main, by those not living in the area surrounding Loch Tay and it would seem are merely “passing through” the area and “are all” supporting the clearance of trees surrounding the scheduled monument site. **This clearance of trees / scrubland as previously mentioned has not been mentioned on the Planning Application which in itself is full of discrepancies and vagaries.**

I ask, that when the Review Body, are considering this review application that they will take clear and careful cognisance of all the letters of objections submitted by those who reside in the area or have close family affiliation with the area and the reasons as to why those objections have been lodged and also that the reasons for refusal given by the Council are also considered carefully along with the many misnomers and vagaries associated with the actual Planning Application

Yours Sincerely

K. McGregor

Anfield

PH2 6RB

30<sup>th</sup> July 2017





## Glen Lyon and Loch Tay Community Council

Nurse's Cottage, Bridge of Balgie, Glen Lyon, Aberfeldy PH15 2PP

Local Review Body  
Pullar House,  
35 Kinnoull St,  
Perth  
PH1 5GD

01/08/17

Re: 17/00831/FLL Siting of 2no. storage containers at Land 80 Metres North Of Old Church Lawers

This Community Council, in support of strong local objection, the Breadalbane Heritage Society and to endorse its previous request that this Application be **refused**, wishes to register its complete agreement with the Decision Notice.

The Report of Handling, which seems a thoroughly comprehensive document, states the case succinctly in its opening **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."

The decision to refuse this application is based on sound Planning Policies and the Community Council asks that both the Policies and the Decision be upheld by the Local Review Body.

Please see attached, below, a copy of the Community Council's second submission made in response to the the Applicant's Justification Documents. This was sent, however, after the closing date for comment so does not appear in the public records but the content is referred to in the Report of Handling.

Thank you,

Yours faithfully,

Susan Gardener – Chair – Glen Lyon & Loch Tay CC



# Glen Lyon and Loch Tay Community Council

Nurse's Cottage, Bridge of Balgie, Glen Lyon, Aberfeldy PH15 2PP

Pullar House,  
35 Kinnoull St,  
Perth  
PH1 5GD

26/06/17

Dear Mr.Panton,

Re: 17/00831/FLL Siting of 2no. storage containers at Land 60 Metres North East Of Old Church Lawers  
Please will you refuse this application.

Given the recent introduction of two Justification Documents to this application, which for simplicity we will refer to as **J1** and **J2**,and having taken advice from our local Councillor Ian Campbell,this Community Council would like to make a further,supplementary submission:

- a) to try and protect Old Lawers Village and it's SAM from intrusive and unwelcome development;
- b) to support objectors who share our concern most of whom are from our CC area and also those who are from further afield especially as the time for public comment has now expired.

Firstly,thank you for seeking clarity from the applicant regarding the purpose of the application and the need for the proposal as this seems to have been completely omitted from the Supporting Information. The applicant's response raises several issues:

From **J2**. it is now clear that the applicant's supporters were privy to information not available to the Planning Dept.,not in the public domain and, apparently, not even known by the applicant's own agent as there is no mention or purpose or need in the Statement of Information.

Further,it seems unfair and unjust to chide objectors for not having read the whole application when the reason for it wasn't stated any where with it until long after the close of public consultation.

As the CC has already pointed out in it's previous submission the HES Schedule of Works was mentioned only in the list of included documents. There was **nothing,nothing at all**, to tie it to the application or explain it's relevance until June 22<sup>nd</sup>. It was like a document filed in the wrong folder! In itself the subject of this document is the SAM. It is unrelated to the in-field or containers/huts.

In **J1** Planning Policy(2.para.4) "The Council suggested in its discussion with the selling agent that small structures associated with agriculture or recreation could be acceptable". However, the sole reason stated in J2 is **neither**. It is tree felling and scrub clearance in association with an Ancient Monument and that,despite the fact that in the Application for Planning Permission -12. Trees – the NO box is clearly marked and there are no trees marked on the Proposed Site Plan for cutting back or felling.

SPP defines a hut development as "a simple building used intermittently as recreational accommodation...". As this application is not associated with recreation the containers cannot be classed as 'huts' and the applications arguments relating to them are null and void.

The need for a store for tools etc. as described in the Supporting Information is actually not established. The HES Schedule of Works under General Methodology refers to trees and scrub being cut by hand. If a hand saw was used not a chain saw and a weeding hook not a strimmer then there would be no need for fuel and are essentially easily transportable. Safety helmets etc. are carried every day by professional loggers. Much of this work is highly specialised and,as a member of the CC remarked,"tree surgeons carry their tools with and don't need a shed!"

Incidentally,there is still no explanation for the need for building materials.

**J1** Planning Policy(2 para.1) re. the local economy and the social well-being of the communities within the LDP area – the CC raised this previously but there is still no indication that this proposal would benefits either.

**J1 Impact on the in-field (1)** The agent has, in several places, tried to infer that HES supports this application despite HES' own letter "**We have considered the information received and do not have any comments to make on your proposals. Our decision not to comment should not be taken as our support for the proposals. The application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.**"

While pre-planning advice is helpful to the applicant and the discussion supportive, in this case by suggesting an alternative site, if this means a guarantee of Approval for the application then that means there is something far wrong and raises very serious issues with the Planning Decision making process. For one thing it means that Neighbourhood Notification, CC and public consultation and letters of objection are merely box-ticking exercises. It also calls into question the integrity of the Planning Authority.

While the CC would very much like to see the SAM cared for it is not at any price. The end does not justify the means and intrusive development in the in-field is not acceptable. This site is still only about 15 metres from the Monument.

The fact is that **no site** on the in-field is acceptable. Development, any structures here would rob the whole site of its atmosphere of a deserted village. Despite the Supporting Information assertions that the containers are small in comparison to the site which it maintains would be big enough to absorb them there would be visual impact.

**J1 Access track (2)** refers to *limited impact*. Put simply – **NO Containers = NO Impact !**

The in-field, while not part of the SAM, is essential to its understanding. To put it in modern terms the in-field is to Old Lawers Village what the rigg – system field pattern is to Fearnan just a few miles east of Old Lawers. It gives the village its character. It is its 'greenspace' and merits preserving and protecting as such in much the same way as Fearnan is safeguarded in the Local Development Plan (page 179).

**Trojan horse** – the reference to *de novo* is objectionable in that, in this context, it applies a double standard insisting that objectors must take each application on its own merit while the application has many references to previous applications – too many to list. Further it resorts to citing cases in Dundee and the Cairngorm National Park which are totally unrelated to Old Lawers.

For this work to be carried out the applicant needs consent from the National Trust for Scotland. There is no evidence of this being sought.

There is no bat survey which would be required.

The Community Council has already objected to this application and given all these issues it objects even more strongly and asks again that this application be refused.

Thank you

Yours sincerely,

Susan Gardener – Chair, Glen Lyon & Loch Tay Community Council



West Ardtrasgairt Cottage  
Fortingall  
Aberfeldy  
Perthshire  
PH15 2LN

Gillian A Taylor  
Clerk to the Local Review Body  
Corporate and Democratic Services  
Perth & Kinross Council  
2 High Street  
Perth  
PH1 5PH

3 August 2017

Dear Ms Taylor

**Town & Country Planning (Scotland) Act 1997**

**The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013**

**Application Ref: 17/00831/FLL – Siting of 2 storage containers on land 80 metres north of Old Church, Lawers**

Thank you for sending me a copy of the Council's Decision and advising me that the applicant has made an application for a review of that decision by the Perth and Kinross Local Review Body. I fully agree with the Council's decision and trust that the Local Review will come to the same conclusion.

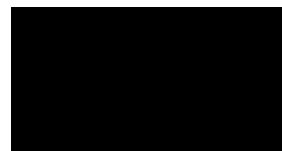
I mentioned in my previous letter that as part of the Perth & Kinross Archaeology Year I would be leading a walk round old Lawers; this took place on Tuesday 25<sup>th</sup> July when I had almost 30 participants in total, some from the locality and others from further afield, showing the great interest there is in the old village. If the applicant will outline his plans for using the site and clearing and maintaining the surroundings I am sure he will have great support in the community. This must not, however, include building on the scheduled areas or on the field between them. I noticed during our walk how important it is to have a clear view of the loch when walking from one site to the other across the field, and noted that this route is also necessary for access to the old burial ground, where there is a Commonwealth War Grave, as well as a great source of information on the history of local families.

I also noticed how the building recently erected to the south-west of the village in connection with the electricity power lines merges into the landscape and is practically invisible from the path to the village. Surely if storage huts are really necessary for the work the applicant plans they can be built in a similarly unobtrusive place away from the ruins and the infield.

Yours sincerely

Neil S Hooper MA MSc

(Secretary, The James M Maclaren Society,  
for the Fortingall Roots Project)







**P&KC LOCAL REVIEW BODY: Case TCP/11/16(482)**

**P&KC PLANNING APPLICATION 17/00831/FLL**

**STATEMENT from  
THE BREADALABANE HERITAGE SOCIETY to the LOCAL REVIEW BODY**

04 August 2017

*To the Assessor and Members of the Local Review Body*

The locus and credentials for the Society to comment have been well-established already<sup>1</sup> and we do not propose to take up the time of the **LRB** in repetition here. We have read carefully all the documentation submitted by the applicant in the **Notice of Review** dated 13 July including the 25 e-mails in Documents 5 and 6 therein. In general terms, it does seem to us the problem has arisen through a profound lack of local knowledge, understanding and appreciation of the historical significance of this specific Scheduled Monument to Perthshire and Scotland.

We consider that the review can be adequately handled by assessment of review documents only, but if other procedures are invoked at the request of the applicant<sup>2</sup> then we respectfully seek the opportunity to speak at a hearing session. We would welcome participation in any site visit which we're confident will show the complete absence of any tree cover to screen the proposed storage huts.

In briefly summarising the consolidated case we wish to put before the **LRB**, our principal points follow.

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<sup>1</sup> 'Objection from the Breadalbane Heritage Society' 07 June 2017 page 1, para 1

<sup>2</sup> Notice of Review, page 2 (Review procedure)



## 1. Number, nature and character of Objections

- 1.1. The applicant appears to unusually pre-occupied with the belief that the Planning Authority has in some way acted improperly. He suggests that **PKC** has acted to “appease objectors”<sup>3</sup>, clearly questions the integrity of “officers responsible”<sup>4</sup> and asserts that the mere “fact of a large number of objections does not make them well founded”<sup>5</sup>. By dismissing the objections as trivial in this way, it seems quite clear no real attempt of any kind has been made to genuinely understand the grounds for objection or the depth of local feeling engendered by this somewhat cavalier and arrogant behaviour.
- 1.2. In direct response to this, the Society wishes to re-state its unambiguous view that the application is in manifest breach of LDP Policies **PM1A Placemaking**, **HE1A Scheduled Ancient Monuments** and probably **ED3 Rural Business and Diversification** for the reasons stated earlier<sup>6</sup> and which we’ll not repeat here.
- 1.3. The applicant seems to believe that planning officers have improperly changed their view during the course of the two applications. We are not entirely clear what purpose public consultation is supposed to serve if not to allow planners to take fully into account, and to respond to, valid objections in planning law.
- 1.4. The applicant further states that he “was directed...to submit this application in this location”<sup>7</sup>. Clearly this is a matter for the Planning Authority and not for us but, from our reading of the mail trails enclosed in Documents 5 and 6 of the **Notice of Review** bundle, this far-reaching statement seems to be patent nonsense, just as we have flagged before<sup>8</sup> in relation to the applicant’s assertion that the “Old Village of Lawers was a beautiful quaint recognisable village with the majority of the buildings intact” not more than five years ago<sup>9</sup>.
- 1.5. Even in this most recent Notice of Review, the applicant compounds previous errors in continuing to refer incorrectly to the “proposed stores...situated in the south west corner of the site, close to the field gate. They are each more than 100m away from either SAM”<sup>10</sup> and that they are situated “as far as practical away from the Scheduled Monument site”, utilising the “screening provided by the existing trees”<sup>11</sup>. All these statements are categorically untrue.

<sup>3</sup> Notice of Review bundle, page 6 (1.0 Introduction), para 3, line 3

<sup>4</sup> Ibid, page 7 (2.0 Background), para 7, line 3

<sup>5</sup> Ibid, page 92 (mail dated 15.06.2017 at 16:07 Neaves to Panton) line 1

<sup>6</sup> ‘Objection from the Breadalbane Heritage Society’ 07 June 2017, para 3.3

<sup>7</sup> Notice of Review bundle, page 7 (2.0 Background), para 6, line 1

<sup>8</sup> ‘Response from BHS to the Applicant’s Justification Documents’ 23 June 2017, at para 2.3

<sup>9</sup> Notice of Review bundle, page 103, para 3, lines 1-2

<sup>10</sup> Notice of Review bundle, page 6 (1.0 Introduction), para 5, line 5

<sup>11</sup> Ibid, para 7, line 3



- 1.6. The applicant states that the “impact of the location and design (of the storage huts) is limited to those who are transient and simply passing through the landscape”<sup>12</sup> as if they are few in number and the impact of no consequence. In fact, there are frequent guided walks and considerable interest shown by local people in the Scheduled Monument. As recently as Tuesday 25 July, a substantial group of residents and visitors was guided around the Old Village by Neil Hooper of BHS and Fortingall Roots. Just some of the magic of Old Lawers Village is captured in an excellent local blog on this engaging visit (<http://bit.ly/2vtjOU5>) which shows the true level of activity and interest in this very special place. We urge members of the Review Body to look briefly at this blogsite. This is not new information for it simply adds depth and colour to the arguments already made at length in previous documents.

## 2. Response to Applicant’s Justification Documents dated 21 June

- 2.1. On 23<sup>rd</sup> June the Society commented upon the two Justification Documents requested from the applicant by the Planning Authority<sup>13</sup> but our document was not published on the website because the consultation period had closed. However, we do now wish to ensure its consideration by the **LRB** because we believe it offers an essential rejoinder to the applicant’s **Justification Documents**. That short document has now been annexed to this statement. We commend it to the **LRB** not least because it embraces a possible compromise<sup>14</sup> and because it re-iterates our offer to provide volunteers to help with the tree and scrub control, as well as our willingness to accept Mr Thomson’s invitation to meet him<sup>15</sup>.
- 2.2. We have been pleased to note in Mr Thomson’s personal **Justification Document** that the reason for this application is “solely...to meet the demands of **Historic Environment Scotland** and the **National Trust for Scotland** to take the responsibility of preserving the ruins seriously”<sup>16</sup>. But in fact, no ‘demands’ have been made by **HES** because their advice was solely for tree and scrub control on request from the previous landowner<sup>17</sup>. There is no **Scheduled Monument Consent** in place to undertake any other actual physical works to the ruins<sup>18</sup> and we would be highly alarmed and extremely concerned if such action were to be contemplated by the applicant. In a very recent telephone

<sup>12</sup> Ibid, page 18 (4.0 Assessment, second page), para 7, lines 1-2

<sup>13</sup> ‘Response from the Breadalbane Heritage Society to the Applicant’s Justification Documents’ 23 June 2017

<sup>14</sup> Ibid at para 3.2

<sup>15</sup> Ibid at para 3.4

<sup>16</sup> Notice of Review bundle, page 103, para 1, lines 1-3

<sup>17</sup> PKC Report of Handling, page 8, para 4, line 4

<sup>18</sup> PKC Report of Handling, page 8, para 4, line 6





conversation<sup>19</sup> it became clear that **NTS** is also very concerned at recent developments and have set up a close watching brief in respect of their **1983 Conservation Agreement** that covers part of the site.

### **3. Conclusion**

- 3.1. We respectfully suggest to the **Review Body** that the appeal be refused.
- 3.2. If minded to approve the appeal, we respectfully ask the **Review Body** to consider the application of conditions such as those set out in the **Annex** to this document at **para 3.2**

Nicholas Grant  
Chairman  
for and on behalf of the Breadalbane Heritage Society

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<sup>19</sup> Michael Sedgwick MRICS, Estates Surveyor (East), National Estates Management, NTS: 04 August 2017



**P&KC LOCAL REVIEW BODY: Case TCP/11/16(482)**

**Annex to**

**BHS STATEMENT TO LOCAL REVIEW BODY for 17/00831/FLL OLD LAWERS VILLAGE**

**RESPONSE from THE BREADALABANE HERITAGE SOCIETY  
to the 'APPLICANT'S JUSTIFICATION DOCUMENTS dated 21 June 2017'**

For the attention of Sean Panton, Case Officer  
23 June 2017

Dear Mr Panton

**WITHOUT PREJUDICE**

We have noted the publication yesterday of two Justification Documents from the applicant following the request for more information from the planning authority. It's not our intention to reiterate previous arguments, but we do feel strongly that a small number of points in these new documents should be rebutted.

**1. Justification Document 1 – Felsham PD**

- 1.1. The applicant continues to assert incorrectly that the location is “as far as practical away from the Scheduled Monument site”<sup>1</sup>, that “screening (is) provided by the trees”<sup>2</sup>, that the HE1 policy test is for (our emphasis) a “significant adverse effect”<sup>3</sup> and that the use of the stores includes “building materials”<sup>4</sup>
- 1.2. It is argued both that each planning application must be considered *de novo*<sup>5</sup> and simultaneously that advice in the prior application (17/00251/FLL) must be taken into account in the present application (17/00831/FLL)<sup>6</sup>

**2. Justification Document 2 – Mr Angus Thomson**

- 2.1. We are truly pleased and delighted that Mr Thomson has now stated the reason for the application is “solely...to meet the demands of Historic Environment

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<sup>1</sup> Page 1, para 3, line 3

<sup>2</sup> Page 2, para 10, line 4

<sup>3</sup> Page 3, para 2, line 1

<sup>4</sup> Page 1, para 4, line 3

<sup>5</sup> Page 3, para 6, line 3

<sup>6</sup> Page 3, para 4-5 indented as 1 and 2



Scotland...and to take the responsibility of preserving the ruins seriously”.<sup>7</sup> We argued for this in para 1.12 of our previous submission.

- 2.2. We are, however, slightly puzzled that no mention of any kind was included in the previous application which the applicant considers to be integrally related to the present application (see para 1.2 above).
- 2.3. The assertion that “not more than 5 years ago the Old Village of Lawers was a beautiful quaint recognisable village with the majority of buildings intact”<sup>8</sup> is, with great respect, total nonsense. The Old Village has not been occupied since the 1920s, the Laird’s House was abandoned in 1933 and the ruins – part of their mystique – have remained as they are today for well over 50 years. Mr Thomson is absolutely right, however, to say that vegetation growth has now intruded to a huge extent and we welcome his commitment to take action in accord with HES advice.
- 2.4. We are also pleased that he has emphatically stated he has no intention of building a house. We would welcome an equally emphatic statement ruling out his intention to introduce any form of commercial recreational/water-sports activity to the in-field and a similar positive commitment to implement the HES Schedule of Works within a stated time period.

### **3. Conditional Acceptance**

- 3.1. Our view remains that the over-riding importance is to protect and respect the calm tranquillity of the Scheduled Monument and that unless clear conditions are attached the application should be refused.
- 3.2. However, we are very well aware that storage huts can be used for different purposes after the initial project has been completed. If the planning authority is minded towards acceptance of the application we suggest it is essential to attach conditions, relating to:
  - 3.2.1. the exclusive use of the storage huts for the purpose of arboriculture;
  - 3.2.2. a commitment to implement the HES plan within a given time period;
  - 3.2.3. the removal of the storage huts when this major work is complete;
  - 3.2.4. the exclusion of any commercial recreational/water-sports activity.
- 3.3. We would suggest that the time period for completion of the major work be no more than two years. Tools and equipment for regular maintenance could then be accommodated either in a store located well out of sight as we suggested in

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<sup>7</sup> Page 1, para 1, lines 1-3

<sup>8</sup> Page 1, para 3, lines 1-2



para 1.6 of our previous submission... which is also happens to be very proximate to the southern SM site where continuing arboriculture will be required.

- 3.4. We deeply regret Mr Thomson is “bewildered” by what he sees as our negativity. We welcome and share his commitment to the “preservation of this treasured site” and we could provide volunteers to assist if this would be useful. We bear him absolutely no ill-will of any kind and would be very happy meet with him as he suggests in the document.

Nicholas Grant  
Chairman  
for and on behalf of the Breadalbane Heritage Society





CHIEF EXECUTIVES  
DEMOCRATIC SERVICES

- 9 AUG 2017

RECEIVED

RECEIVED

08 AUG 2017

7 AUG 2017

Bridge of Lyon,  
Fortingall  
Aberfeldy  
PH15 2LW

7<sup>th</sup> August 2017

Shaun Panton  
Planning Manager,  
Perth and Kinross Council,  
Kinoull Street,  
Perth PH1 5GD

Dear Mr Panton,

Re Appeal against PKC decision to refuse to accept application for planning ref: 17/00831/FLL

I have previously objected to the planning application 17/00831/FLL on the grounds that it was not in keeping with the Perth and Kinross Development Plan, and that the proposed development of storage containers on land 80metres north of Old Church Lawers was detrimental to the setting of the area and its important local history, including several listed monuments.

I am pleased that Perth and Kinross Council have recognised the significance of the area and the inappropriateness of this application. The reasons for refusal are given in their letter of 27<sup>th</sup> June 2017, and I seek to uphold their decision to refuse planning permission when the appeal against this decision is considered.

Yours sincerely,

  
Cindy Brook



**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 2008**

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

**PLANNING APPLICATION 17/00831/FLL**

**APPLICATION FOR SITING OF TWO STORAGE HUTS, LAND 60 METRES NORTH EAST OF OLD CHURCH LAWERS**

**THE OLD VILLAGE OF LAWERS, LOCH TAY, PERTHSHIRE**

**Appeal to Local Review Body**

**Response to Objectors' Submissions**

**On Behalf of Mr Angus Thomson**

**August 2017**

We refer to the Council's email and letter to us dated 10<sup>th</sup> August 2017 and set out a point by point response to the submissions made by objectors that we feel need to be rebutted.

The key point to note is that the Breadlebane Heritage Society and Glen Lyon and Loch Tay Community Council have sought to introduce evidence having previously missed the required deadlines. This evidence is inadmissible and in any event a full rebuttal can be found by reading the application supporting statement and appeal statement. Very little else requires further comment because the rebuttal is clearly set out in the application supporting statement and appeal statement.

We wish to remind the LRB of the critical need to read the objections in the context of the appellant's supporting material.

The objectors do not seem to have given any weight to the fact that the appellant is trying to do his best to preserve the ruins for generations to come and is in fact fighting for the same outcome they are but to achieve it requires some level of onsite servicing.

**Bredalbane Heritage Society**

**Para 1.1 to 1.6** - the pre-application discussions with the planning authority specifically directed the applicant to the locations chosen for the containers. This will be apparent from consideration of the emails contained in Documents 5 and 6, which are very clear on this matter. At no time did the planning authority state that if this location was chosen development would be unacceptable.

The policy arguments in support of this location are fully addressed in the application supporting statement and appeal statement.

We do not intend to address the pejorative statements made by the Society in these paragraphs because these are what they are, pejorative statements made by a body that appears to have failed to turn its attention to the question of whether the applicant may in fact have an argument in support of his case.

**Para 2.1 to 2.6** – the Society has attempted to put before the LRB a document that has previously been ruled as inadmissible. The rules governing the LRB and the deadlines for submission of evidence are clear. It is too late now to introduce new material that was not part of the determination of the application. If the LRB were to consider this document and give weight to its content it could leave its decision *ultra vires*.

The applicant has fully addressed the points raised in this inadmissible document in its appeal statement and application supporting statement. We do intend to address the statements made in this inadmissible document which are neither impartial nor objective.

#### **McGregor**

There are no statements in this submission that require comment. The application supporting statement and appeal statement provide a clear rebuttal of the comments made. That case is clear and concise and does not contain *discrepancies and inaccuracies*.

#### **Glen Lyon and Loch Tay Community Council**

The Community Council supports the position of Breadlebane Heritage Society. It is necessary to remind the LRB of the comments made above that the Heritage Society has sought to introduce inadmissible evidence that is clearly contrary to the rules governing the LRB. As previously stated these matters are fully addressed in the application supporting statement and appeal statement and it is not necessary for us to provide further comment.

We note that the Community Council has also sought to introduce its own inadmissible evidence. It seems to be a common theme that that bodies well versed in the planning system seem incapable of making submissions within the required timescales and then resort to seeking to submit inadmissible evidence. The rules governing the LRB and the deadlines for submission of evidence are clear. It is too late now to introduce new material that was not part of the determination of the application. If the LRB were to consider this document and give weight to its content it could leave its decision *ultra vires*.

The applicant has fully addressed the points raised in this inadmissible document in its appeal statement and application supporting statement. We do intend to address the statements made in this inadmissible document which are neither impartial nor objective.

There are no other matters in the Community Council's statement that require further comment.

#### **Hooper**

There are no matters that require comment. The application supporting statement and appeal statement clearly set out the case to grant planning permission for the appeal proposal.

#### **Brook**

There are no matters that require comment. The application supporting statement and appeal statement clearly set out the case to grant planning permission for the appeal proposal.