

PERTH AND KINROSS COUNCIL  
LOCAL REVIEW BODY  
2 APRIL 2019

## **PERTH AND KINROSS LOCAL REVIEW BODY**

Minute of meeting of the Perth and Kinross Local Review Body held in the Council Chamber, 2 High Street, Perth on Tuesday 2 April 2019 at 10.30am.

Present: Councillors L Simpson, B Brawn and R McCall.

In Attendance: D Harrison (Planning Adviser), C Elliott (Legal Adviser) and D Williams (Committee Officer) (all Corporate and Democratic Services).

Also Attending: A Rennie (Housing and Environment); L Potter (Corporate and Democratic Services); Councillor G Laing; members of the public, including agents and applicants.

Councillor L Simpson, Convener, Presiding.

### **168. DECLARATIONS OF INTEREST**

There were no declarations of interest made in terms of the Councillors' Code of Conduct.

### **169. MINUTES**

The minute of meeting of the Local Review Body of 5 March 2019 was submitted and noted.

### **170. APPLICATIONS FOR REVIEW**

- (i) **TCP/11/16(587)**  
**Planning Application – 18/01297/FLL – Change of use from church (class 10) to dwellinghouse (class 9), Morenish Church, Killin – Mr A & Mrs A Johnson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the change of use from church (class 10) to dwellinghouse (class 9), Morenish Church, Killin.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

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Thereafter, resolved by majority decision that:

- (ii) the Review application for the change of use from church (class 10) to dwellinghouse (class 9), Morenish Church, Killin, be granted subject to:
  - 1. The imposition of relevant terms, conditions and informatives, including conditions regarding the positioning of the proposed water tank and work not commencing until the after the securing of an archaeological standing building survey.

**Justification**

Whilst accepting that the proposal was contrary to Policy TA1B of the Perth and Kinross Local Development Plan 2014, it was considered that the retention of, and securing of a viable new use for, this fine Arts and Crafts Category B listed building outweighed concerns regarding road safety due to the lack of on-site parking provision.

**Note:** Councillor Simpson dissented from the majority decision. He considered that the Appointed Officer's decision should be upheld and permission for change of use from church (class 10) to dwellinghouse (class 9) be refused. He considered that the proposal did not accord with Policy TA1B of the Perth and Kinross Local Development Plan 2014, highlighting concerns regarding the lack of on-site parking to serve the proposal on an A class road.

- (ii) **TCP/11/16(588)  
Planning Application – 18/01796/FLL - Erection of cider/juice production building with pick your own facility and farm shop, siting of an accommodation unit (for a temporary period), erection of a polytunnel and formation of vehicular access, parking and associated works, land 100 metres south of 3 Gowrie Farm, Stanley – Mr PJ Neill**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a cider/juice production building with pick your own facility and farm shop, siting of an accommodation unit (for a temporary period), erection of a polytunnel and formation of vehicular access, parking and associated works on land 100 metres south of 3 Gowrie Farm, Stanley.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;

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- (ii) the Interim Development Quality Manager be invited to comment on the certified accounts lodged as part of the Review, indicating the level of investment;
- (iii) the Interim Development Quality Manager be invited to comment on the potential running of operation, as it may affect neighbouring residential properties, in consultation with Environmental Health, based on the additional information submitted with the Review.
- (iv) the Interim Development Quality Manager be invited to comment on the assessment of application as a new business, including as a site specific resource, under Policy ED3 of the Perth and Kinross Local Development Plan 2014 based on the additional information submitted with the Review.
- (v) the Interim Development Quality Manager be invited to provide comment and consideration of the letter from Stanley and District Community Council dated 16<sup>th</sup> January 2019, submitted with the Review and to clarify if the Community Council submitted a representation to the planning application, and if so, to provide a copy of that representation.
- (vi) the Interim Development Quality Manager be invited to provide any other comment on the additional information submitted with the Review.
- (vii) an unaccompanied site visit be carried out.
- (viii) following the receipt of all requested further information, the application be brought back to the Local Review Body.

**(iii) TCP/11/16(589)**  
**Planning Application – 18/01994/FLL – Erection of a dwellinghouse and formation of vehicular access, land 40 metres north of Bradyston Cottage, Murthly – Mr C and Mrs M Pryde**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse on land 40 metres north of Bradyston Cottage, Murthly.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse and formation of vehicular access on land 40 metres north of Bradyston Cottage, Murthly, be refused for the following reason:

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1. The proposal does not extend the existing building group into a definable site formed by existing topography and / or well established landscape features which would provide a suitable setting and would result in 'backland' development which is out of character with the existing building pattern of the existing group of buildings. The proposal is therefore contrary to the specific requirements of the building groups section of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of Perth and Kinross Local Development Plan 2014, which both seek to ensure that all proposals which extend existing building groups do so into definable sites formed by existing topography and / or well established landscape features which provide a suitable setting, and that all new proposals respect the character, layout and building pattern of the existing group.

**Justification**

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

**(iv) TCP/11/16(590)  
Planning Application – 18/01820/IPL – Erection of a dwellinghouse (in principle), land 120 metres north east of East Tulchan Farm, Glenalmond – Mr D Cartwright**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse the erection of a dwellinghouse (in principle) on land 120 metres north east of East Tulchan Farm, Glenalmond.

The Planning Adviser displayed photographs of the site and described the proposal, and thereafter summarised the Appointed Officer's Report of Handling and the grounds set out in the Notice of Review.

**Decision:**

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure.

Thereafter, resolved by unanimous decision that:

- (ii) the Review application for the erection of a dwellinghouse (in principle) on land 120 metres north east of East Tulchan Farm, Glenalmond, be refused for the following reasons:
  1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance where a dwellinghouse would be acceptable in principle at this location, including and in particular category 3.2 on

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- flood risk. Furthermore, the proposed dwelling position does not achieve a suitable landscape fit to protect and enhance the landscape interests of this area of Perth and Kinross due to the lack of established landscape or topographical features which would provide containment.
2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse would be acceptable in this location due to the lack of established landscape or topographical features which would provide containment.
  3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development in the corner of a field with no landscape framework does not respect the character and amenity of this area of Perth and Kinross.
  4. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside, due to the lack of established landscape or topographical features which would provide containment.
  5. 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 development within this area of Perth and Kinross, due to the lack of established landscape or topographical features which would provide containment.

**Justification**

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

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