

**TCP/11/16(401)**  
**Planning Application – 15/01573/FLL – Erection of two dwellinghouses on land 60 metres north east of South Cottage, Inchtute**

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**TCP/11/16(401)**  
**Planning Application – 15/01573/FLL – Erection of two**  
**dwellinghouses on land 60 metres north east of South**  
**Cottage, Inchtute**

**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: ☐

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

Yes ☒ No ☐

Planning authority

PERTH AND KINROSS

Planning authority's application reference number

15/01573/FLL

Site address

LAND 60 METRES NORTH EAST OF SOUTH COTTAGE, INCHTUNE

Description of proposed  
development

ERECTION OF TWO DWELLINGHOUSES

Date of application

08/09/2015

Date of decision (if any)

15/12/2015

**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:

CONSIDER THE PLANNING REFUSAL CONTRARY TO PREVIOUS GUIDANCE FROM THE CASE OFFICER AND ALSO DOES NOT REFLECT RECENTLY APPROVED APPLICATIONS IN GOOD LIGHT (13/00662/FLL)

**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:

## Statement

## Notice of Review

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.

RECENTLY PERMISSION FOR LARGER SCALE DWELLING WAS APPROVED WHICH SITS CLOSER TO THE LISTED BUILDINGS IN THE AREA. THE ADDITIONAL SUPPORTING INFORMATION IS TO BE SUBMITTED ELECTRONICALLY.

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

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1. ORIGINAL APPLICATIONS SUPPORTING STATEMENT
2. PHOTOGRAPHS OF SITE AND SURROUNDING PROPERTIES
3. STATEMENT OF GROUNDS FOR APPEAL
4. LOCATION PLAN

**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.

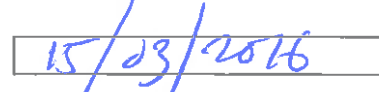
**Declaration**

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



## Grounds for Appeal

1. The application wasn't determined within the recommended statutory timeframe

The application was submitted on 8<sup>th</sup> September 2015, validated on 18<sup>th</sup> September 2015 and decided on 15<sup>th</sup> December 2015.

2. Recent development within the area

The Delegated report states that the proposed development sits within the setting of the existing listed buildings, Easter Ballindean House and Ballindean Lodge, the proposed new development would be "extremely intervisible with the existing listed buildings." Photograph's 2 and 3 within the appended supporting documentation "Photographs of site and surrounding properties" as part of the Grounds for Appeal demonstrates recent development planning reference (13/00662/FLL) and would ask the this application to be considered in line with such an application which was granted planning permission and yet is also in close proximity to the Listed buildings in question and in such an elevated position. The proposed development sits considerably below the level of the Listed buildings as not to remotely encroach on its view from the south and once the existing hedgerow has sufficiently matured this will serve to screen the development significantly so far as the impact will be insignificant compared to the properties already in the location.

3. The Application is supported by Local and National Planning Policy

The Local Development Plan 2014, Scottish Planning Guidance RD3 and Housing in the Countryside Policy 2012 each support the application. The Housing in the Countryside Policy 2012 states "1. Building Groups Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

The development sits within the existing building group, in a definable site and will contribute towards providing a more sustainable rural community. The properties are of high quality design and aesthetic and will fit in, and in the context of some of the existing properties, improve on the visual aspects of the village. So far as planning policy is concerned the proposal complies with local and national guidelines and the only overarching negative that the planning authority could cite was the proximity and perceived affect on the listed buildings in the area and the appellant does not agree that the proposal affects the listed buildings any more than the existing neighbouring properties.

4. The previous application - 13/01454/FLL

A previous application was withdrawn with significant alteration to the scale of the dwellings as these were reduced in height by 1.8m to take into account comments raised about the perceived negative visual affects on Easter Ballindean House. Continued commitment towards

the use of high quality and appropriate materials has been demonstrated within the applications to ensure the utmost care and attention lending the development as to fit within its built environment.

## 5. Access

The access route to the property will be defined so far as having a backdrop in the form of the existing residential properties. Further drawings demonstrating ground level topography would confirm the low level of visibility of the proposed access from the public roadside to the south of the development. Only viewing the properties relative to each other from a greatly elevated position would allow anyone to view the proposed access route. The cars parked at the new proposed dwellings would have no more negative aesthetic effect than those already parked at South Cottage and the Lodge.

# PERTH AND KINROSS COUNCIL

Mr Robert Morgan  
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Perthshire

Pullar House  
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PERTH  
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Date 15.12.2015

Town and Country Planning (Scotland) Act

Application Number: **15/01573/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 24th September 2015 for permission for **Erection of two dwellinghouses Land 60 Metres North East Of South Cottage Inchtute** for the reasons undernoted.

## Development Quality Manager

### Reasons for Refusal

1. As the site does not have a good, existing landscape framework which is capable of absorbing the proposal, the proposal is contrary to Perth and Kinross Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Perth and Kinross Council's Local Development Plan 2014, both of which seek to ensure that new proposals which extend existing building groups do so into definable sites that are formed by existing topography and / or well established landscape features which would provide a suitable setting for the new housing.
2. As the proposal would have an adverse impact on the historic setting of adjacent listed building(s), the proposal is contrary to Policy 3 of the Tay Plan 2012 and Policy HE2 of Perth and Kinross Council's Local Development Plan 2014 which seeks to protect the setting of listed buildings from inappropriate developments.

3. As the proposal would have an adverse impact on the historic setting of adjacent listed building(s), an approval of this application would be contrary to the Council's statutory duty in relation to listed buildings under Section 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 which states that the Council should shall have special regard to the desirability of preserving setting of listed buildings when exercising its planning function.
4. As the proposal does not have a good landscape setting and would impact on the setting of adjacent listed buildings, the proposal is contrary to Policy PM1A of Perth and Kinross Council's Local Development Plan 2014 which seeks to ensure that all new developments must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

### **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**

**15/01573/1**

**15/01573/2**

**15/01573/3**

**15/01573/4**

**15/01573/5**



# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	15/01573/FLL	
Ward No	N1- Carse Of Gowrie	
Due Determination Date	23.11.2015	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of two dwellinghouses

**LOCATION:** Land 60 Metres North East Of South Cottage, Inchture

### **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:** 21 October 2015

## SITE PHOTOGRAPHS



## BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain detailed planning permission for the erection of two detached dwellings at the eastern end of Easter Ballindean, a small hamlet located within the Carse of Gowrie. Excluding the access, the main element of the site is roughly rectangular in its shape with a length of approx. 70m in length (east to west) and with a depth of approx. 35m (north to south). The main part of the site is bounded by a pair of existing semi-detached properties to the west and by a private access road to the north. To the south and east of the site are existing agricultural fields – which are separated from the site by recently hedging which is yet to become mature.

A new vehicular access to the site is proposed from the public road (to the west), and this access will be located immediately to the south of the existing dwellings – which located to the west of the site.

The proposed houses are to be located on the site side by side, with the accesses coming via the new access road to the south. The house types will offer living accommodation over both one and two levels, with the upper level element contained within the wall heads.

## **SITE HISTORY**

A previous planning application for the erection of two dwellings on the site (13/01454/FLL) was withdrawn prior to the planning application being determined.

## **PRE-APPLICATION CONSULTATION**

The applicant has made contact with the Council since the last planning application was withdrawn, and was advised that the key issue for this proposal was the issue of whether or not the site had a suitable landscape framework which was capable of absorbing the development proposed.

## **NATIONAL POLICY AND GUIDANCE**

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

Of specific relevance to this planning application is,

### **The Scottish Planning Policy 2014**

The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Of relevance to this application are,

- Paragraphs 74 – 83, which relates to Promoting Rural Development
- Paragraphs 109 – 134, which relates to Enabling Delivery of New Homes

- Paragraphs 135 – 151, which relates to Valuing the Historic Environment.

## **Scottish Historic Environment Policy**

This document, produced by Historic Scotland provides guidance to Planning Authorities on how to deal with planning applications which affects the setting of Listed Buildings.

## **OTHER LEGISLATION**

### **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997**

*Sections 59* of this Act requires the Council to have special regard to the desirability of preserving the setting of Listed Buildings.

## **DEVELOPMENT PLAN**

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

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

Whilst there are no specific strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

**Policy 3** seeks to protect our cultural heritage from inappropriate new developments.

### **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 application site lies within the landward area of the Local Development Plan, where the following policies are applicable,

### **Policy PM1A - Placemaking**

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

All development should be planned and designed with reference to climate change mitigation and adaption.

### **Policy PM3 - Infrastructure Contributions**

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

### **Policy RD3 - Housing in the Countryside**

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

### **Policy HE2 – Listed Buildings**

This policy seeks (amongst other things) to protect the setting of listed buildings from inappropriate new developments.

## **OTHER COUNCIL POLICIES**

### **Housing in the Countryside Guide 2012**

This policy is the most recent expression of Council Policy towards new residential development within the landward area and offers support for new housing in certain instances. One of the acceptable criteria is new development which extends existing building groups into definable sites.

### **Developer Contributions 2014**

This policy seeks to secure both A9 junction contributions and education contributions in certain circumstances. As the site benefited from a detailed planning consent (when this application was made, there is no requirement for an education contribution. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

### **Developer Contributions, Transport Infrastructure 2014**

This following Supplementary Guidance is about facilitating development. It sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross. This Supplementary Guidance should be read in conjunction with Local

## EXTERNAL CONSULTATION RESPONSES

**Inchtute Community Council** have commented on the planning application and raised an objection to the proposal.

**Scottish Water** have been consulted on the application and raised no objections.

## INTERNAL COUNCIL COMMENTS

**Contributions Officer** has indicated that Developer Contributions in relation to Primary Education and Transport Infrastructure would be required as part of this development.

**Education And Children's Services** have commented on the planning application and indicated that the local primary school is operating at over its 80% capacity.

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

**Community Waste Advisor** has commented on the proposal and raised no objections.

**Environmental Health** have commented on the proposal and raised no objections to the proposal from a contaminated land point of view.

**Conservation Officer** has commented on the proposal and raised an objection to the proposal in terms of its impact on the setting of the listed buildings.

## REPRESENTATIONS

Thirty one (31) letters of representations have been received, of which 25 are objecting to the proposal and 6 are offering support for the application.

The main issues raised by the objectors are,

- Impact on the setting of the adjacent listed buildings
- Impact on visual amenity of the area
- Conflict with the Council's Housing in the Countryside Policies
- Lack of any landscape framework

These issues are addressed in the main section of this report.

In terms of the letters of support indicate that the proposal is inline with the relevant national guidance and also the Council's Housing in the Countryside Policies and to that end, the planning application should be supported.

### **ADDITIONAL STATEMENTS RECEIVED**

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

### **APPRAISAL**

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

In terms of other considerations, the requirements of the Council's other approved policies in relation to HITCG and Developer Contributions are all material contributions.

### **Policy Appraisal**

In terms of land use policy issues, the key policies are contained within the Local Development Plan. Within that plan, the site is located within the landward area where *Policies RD3 and PM1A* are directly applicable to all new residential proposals in the open countryside. *Policy RD3* refers specifically to the Council's Housing in the Countryside Policy and interlinks with the associated SPG, the Housing in the Countryside Guide 2012.

Both *Policy RD3* of the Local Development Plan and associated SPG offer support for new housing which extends existing building groups into definable sites when the extension of the existing building group takes place into a definable site which has a good landscape framework which is capable of successfully absorbing the development proposed.

*Policy PM1A* of the Local Development Plan is also relevant to new proposals, and this policy seeks to ensure that all new developments across the landward area do not have an adverse impact on the local environment

Lastly, *Policies HE2* of the Local Development Plan and also *Policy 3* of the Tay Plan seek to protect the setting of listed buildings from inappropriate new developments.

For reasons stated below, I consider the proposal to contrary to Council policies, namely the requirements of the Council's Housing in the Countryside Policies and also those in relation to built heritage.

## **Land Use**

In terms of land use acceptability, the key consideration for this proposal is whether or not the erection of a new dwelling on this site would be consistent with the requirements of the Council's Housing in the Countryside Policies, as contained with *Policy RD3* of the Local Development Plan and the associated supplementary guidance 2012. Within these policies, support is offered for new houses which extend existing building groups into definable sites formed by existing topography and / or well established landscape features which will provide a suitable setting for the development proposed. The policies also state that all proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).

Whilst there is no doubt that the dwellings which make up Easter Ballindean can be classed as a building group, I'm not convinced that the site is a natural site which is defined by existing topography or landscape features which would give the site a good landscape setting. The applicant took the opportunity some years ago to plant new hedging around the main part of the site to try and create a 'site' which would have a defined landscaped edge, which in itself is not uncommon or unusual when applicants are looking to maximise their land assets for new housing developments.

However, the planted hedgerows (as they currently are) are far some mature or substantive and in my eyes do not offer a suitable degree of containment to the sites southern and eastern boundaries. In addition to this, the new access proposed from the west is proposed to run straight across an existing field and has no level of existing landscape associated with it. I do accept that the site does have some containment to the north and west, however the openness of the other sides, as well as the openness of the proposed vehicular access means that any development of this site could not reasonably be considered as extending the existing building group into a definable site.

To this end, I consider the proposal to be contrary to the Council's Housing in the Countryside Policies. In addition to this, as the site would not respect the character the (existing) area as it would essentially be development in the



corner of a larger field, the proposal also has some conflict with the aims of *Policy PM1A* of the Local Development Plan.

### **Residential Amenity**

In terms of direct impact on existing residential amenity, the proposal is unlikely to have significant affects. Whilst the new dwellings would be fairly close to existing dwellings to the west, and also the lodge house to the north I consider the distances involved and the design of the dwellings to be such, that there is unlikely to be any significant direct impacts in terms of overlooking, loss of privacy etc.

With regards to the level of residential amenity which is associated with the new plots, I consider there to be a sufficient level of private amenity space available for future occupiers. To this end, I consider the proposal from a residential amenity point of view to be acceptable.

### **Impact on the setting of the listed lodge**

The existing lodge to the north of the site, and Easter Ballindean House are both listed buildings, and this proposal is considered to be within their setting. It is the case that the application site sits lower than the two listed buildings; however from the south in particularly (as you can see from the picture, top left) the proposed new housing would be extremely intervisible with the existing listed buildings.

General good practice issued by Historic Scotland (now Historic Environment Scotland) states that listed buildings should remain the focus of their setting, and attention should not be distracted from listed buildings by the presence of new development. Whilst development in this area could perhaps be achieved without compromising the setting of the listed buildings, the scale of the houses and the bluntness of the driveways and access would have an adverse impact on the historic setting of the two listed properties, and this view is shared by the Council's Conservation Officer.

### **Roads and Access**

The proposal raises no issues in terms of roads or access related issues.

### **Drainage and Flooding**

The proposal raises no issues in terms of flooding or drainage matters. Whilst it is likely that ground conditions will be poor, I consider private, foul drainage issues to be engineering issues which can be resolved through an appropriate technical solution.

## **Developer Contributions**

### Transport Infrastructure

The site lies within the catchment area for Transport Infrastructure Contributions. To this end, in the event that this application was to be approved Developer Contributions in respect of Transport Infrastructure would be required.

### Primary Education

As the local primary school is operating at over its 80% capacity, if this planning application was to be approved Developer Contributions in relation to Primary Education would be required.

## **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to contrary to the adopted Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012. 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 a refusal.

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

As this recommendation is for a refusal, there is no requirement for a legal agreement.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application, based on the following reasons**

- 1 As the site does not have a good, existing landscape framework which is capable of absorbing the proposal, the proposal is contrary to Perth and Kinross Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Perth and Kinross Council's Local Development Plan 2014, both of which seek to ensure that new proposals which extend existing building groups do so into definable sites that are formed by existing topography and / or well established landscape features which would provide a suitable setting for the new housing.
- 2 As the proposal would have an adverse impact on the historic setting of adjacent listed building(s), the proposal is contrary to Policy 3 of the Tay Plan 2012 and Policy HE2 of Perth and Kinross Council's Local Development Plan 2014 which seeks to protect the setting of listed buildings from inappropriate developments.
- 3 As the proposal would have an adverse impact on the historic setting of adjacent listed building(s), an approval of this application would be contrary to the Council's statutory duty in relation to listed buildings under Section 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 which states that the Council should shall have special regard to the desirability of preserving setting of listed buildings when exercising its planning function.
- 4 As the proposal does not have a good landscape setting and would impact on the setting of adjacent listed buildings, the proposal is contrary to Policy PM1A of Perth and Kinross Council's Local Development Plan 2014 which seeks to ensure that all new developments must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

### **Justification**

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

### **Informatives**

None

### **Procedural Notes**

Not Applicable.

## **PLANS AND DOCUMENTS RELATING TO THIS DECISION**

15/01573/1 - 15/01573/5 (*inclusive*)

**Date of Report 15.12.2015**

## **SUPPORTING STATEMENT FOR EASTER BALLINDEAN FOR MR ROBERT MORGAN**

### **1.0 Introduction**

The purpose of this supporting statement is to provide further information regarding the proposal for two new dwellings at Easter Ballindean.

### **2.0 Location**

The proposed houses are located within the rural settlement of Easter Ballindean, which is located approximately 11 miles west of Dundee and 15 miles east of Perth.

### **3.0 Site Description**

The site is 0.305 hectares in area and is located to the east of the Easter Ballindean Cottages and to the south of the existing road.

The site is relatively flat in nature and is bounded to the north by existing fence/wall, to the east by trees, to the west by fencing and to the south by established hedgerow.

The site is identifiably separate from the remaining agricultural field to the east and south.

### **4.0 Site History**

A previous application for two houses was submitted on 8<sup>th</sup> August 2013. The application was subsequently withdrawn.

### **5.0 Pre Application Discussions**

Pre-application discussions took place at a meeting with Mr Andy Baxter, Planning Officer for Perth & Kinross Council Planning Department, on the 9<sup>th</sup> November 2012. Further discussions have taken place since with the latest taking place in early 2015.

### **6.0 Summary of the Proposed Development**

The proposals involve the erection of two detached, two storey dwelling houses within the village of Easter Ballindean.

The two proposed dwellinghouses will be reflective of the quality of existing houses evident within Ballindean.

This revised application has taken cognisance of comments submitted in relation to a previous application for two dwellings on this site, which was withdrawn.

Alterations include but are not limited to adopting a smaller, more sensitive construction at 2 storey in light of comments raised about the proximity to the two listed buildings in the vicinity.

The landscape strategy for the site respects the existing setting by positioning the proposed houses to the south of the road in a natural gap in the village framework. The land to the north slopes upwards and provides a natural backdrop to the houses.

The architectural language proposed includes the use of high quality materials including natural slate roofs, white render walls and vertically proportioned painted timber windows. Each house has garaging, car parking and high quality garden areas.

Recent additional accommodation has been built nearby within the village network with a similar aesthetic and the proposed are similarly sympathetic with their rural context in terms of size and design.

## **7.0 Policies and Reasoned Justification**

Both national and local planning policy recognises that there are circumstances where housing in the countryside is essential and can be sensitively accommodated within the landscape

The following section of the report sets out the key planning policies and issues, which are particularly relevant. In particular, consideration is given to Scottish Planning Policy, the Perth & Kinross Local Development Plan and the Housing in the Countryside Guide 2012/

### **National Guidance - Scottish Planning Policy 2014**

The recently updated Scottish Planning Policy provides the Scottish Government's guidance on a wide range of planning topics. The following sections in relation to rural development are considered relevant to this proposal-

*74. NPF3 sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. Between these extremes are extensive intermediate areas under varying degrees of pressure and with different kinds of environmental assets meriting protection. Scotland's long coastline is an important resource both for development and for its particular environmental quality, especially in the areas of the three island councils.*

*75. The planning system should:*

- *in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;*
- *encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and*
- *support an integrated approach to coastal planning.*

*78. In the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan.*

## **Local Guidance - Perth and Kinross Planning Policy**

The Perth and Kinross Local Development Plan (2014) sets out policies and proposals for the development of Perth and Kinross through to 2014.

Within the LDP, the specific policy of particular relevance to this proposal is RD3- Housing in the Countryside. The policy is as follows-

*The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:*

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

*This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings. Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Loch and the River Tay SACs.*

**Note:** *For development to be acceptable under the terms of this policy it must comply with the requirements of all relevant Supplementary Guidance, in particular the Housing in the Countryside Guide.*

The policy as above is supported by supplementary planning guidance, in the form of the Housing in the Countryside Guide 2012.

The SPG provides further details on acceptable housing in the countryside as outlined in Policy RD3-

The following criteria apply to all proposals, so are relevant to this application-

*For All Proposals*

*a) Proposals should comply with the guiding principles contained in the Council's current Guidance on the Siting and Design of Houses in Rural Areas and subsequent detailed design guidance.*

*b) Pre-application discussion is recommended.*

*c) Satisfactory access and services should be available or capable of being provided by the developer.*

*d) There will be a strong presumption against the replacement of Listed Buildings, or their restoration in a way which is detrimental to the essential character of the original building.*

*e) All proposals for 5 units or more will either: require 25% of the proposed development to be for affordable housing; or require a developer contribution towards the provision of affordable housing, either on or off site. The council's housing needs assessment and the Affordable Housing Policy will be used to determine whether provision is to be on or off site or by way of a financial contribution. Note: For the purposes of this policy the restoration or replacement of an existing occupied or vacant house (as opposed to a ruin) will not constitute the creation of a new unit.*

*f) The quality of the design and materials of the house(s) should be reflected in the design and finish of outbuildings, means of enclosure, access etc. The Planning Authority will consider whether permitted development rights in respect of extensions, outbuildings and means of enclosure etc should be removed to protect the rural character of both the building and the curtilage of a new house(s).*

*g) Existing on site materials, particularly stone and slate, should be reused in the construction of the dwelling house and/or the boundary enclosure, in order to help reflect local character and contribute to sustainability*



*. h) Applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents.*

*i) Encouragement will be given to the incorporation of measures to facilitate home working within new development*

*j) The proposed development should not conflict with any other policy or proposal in the Local Plan.*

*k) It is the Council's policy to halt the loss of biodiversity. Proposals must demonstrate how they will make a positive contribution to the biodiversity of the site. Proposals which might impact on protected sites, or where protected habitats or species (eg bats, barn owls, house martins, swallows, swifts) might be present, will require submission of a survey as part of the planning application to show their location. Proposals should include appropriate measures to avoid loss or disturbance to species. Failure to undertake a survey may mean the proposal contravenes the Wildlife and Countryside Act 1981 (as amended) and European Directives.*

*l) Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Lochs and the River Tay SACs.*

*m) The proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. Open space associated with the proposal should be considered as an integral part of the development. Suburban ranch-type fences and non-native fast growing conifers should be avoided. Where new planting is considered to be in keeping with local landscape character, locally native trees and shrubs should be used to integrate buildings with the surrounding landscape and to provide additional biodiversity benefits.*

In addition to these general criteria, the following is considered particularly relevant for this application-

*1. Building Groups Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s). Note: An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy. Proposals which contribute towards ribbon development will not be supported.*

## **8.0 Comment on Policies**

- **The proposals show new dwellings which will be sympathetic to their surroundings in terms of scale and aesthetic. The finalised height of has been reduced by 1.8m following concerns that these would impact on the listed buildings within the vicinity.**
- **The proposed dwellings, in their rural setting would form as ideal home-working, live-work units encouraging local economic growth but also potentially increase numbers of school aged children for the local schools.**
- **The dwellings will be energy efficient, attractive properties encouraging professionals into the locale who will add and promote sustainable growth locally and regionally.**

## **9.0 Design Statement**

- **Aesthetic** - Natural slate is proposed for the roofs, white render walls and painted timber windows are proposed for the houses. The boundary enclosures proposed are beech hedges in keeping with the existing hedges and local character of the gardens which will provide natural screening.
- The design solution adopted for the proposals pays particular attention to the scale, layout and the integration within the landscape character of the area:

- **Site Layout** - The houses are positioned as a natural extension of the existing building group and are defined to the north with the existing road and rising land. The existing cottages to the west also provide a framework for the site. The existing landscape setting provides a mature open space amenity for each house with each garden benefiting from a southern aspect. The plots sizes are generous in keeping with this rural setting and the access road is located to west boundary. A double garage and space for two visitor cars has been provided for each house. Drainage work has been carried out adjacent to the site which has alleviated historical concerns about surface water runoff from neighbouring property.
- **Scale & Form** - The two storey form is a traditional and appropriate architectural solution, which is sympathetic to the other buildings in the locality. The linear frontage of the houses respects the access road to the rear and the rising existing topography to the north. The house proportions and traditional detailing are also sympathetic with vertically proportioned windows, pitched roofs and gable features.
- **Materials** - The high quality materials include natural slate, white render walls, black rhones/down pipes and white painted timber doors and windows. Heritage green painted timber boarding to the garage element complete the traditional aesthetic.

## 10.0 Conclusion

- In line with the spirit of The Housing in the Countryside Guide, the development proposals respect the character, layout and building pattern of the group and create a high standard of residential amenity for the existing and proposed houses.
- In addition to the focus on achieving an appropriate landscape setting for the houses, the use of high quality materials has been an important aspect of the design process. This will help to ensure that the new houses will be sensitive to their surroundings and minimise their impact on the surrounding countryside.
- In summary, it is considered that the proposed new houses meet the relevant policy aims and criteria and thus satisfying the requirements of the Housing in the Countryside Guide November 2012 and thereby the development plan. On this basis, it is considered that this application should be given favourable consideration by the planning authority and recommended for approval.



Photographs of site and surrounding properties



Photograph 1



Photograph 2

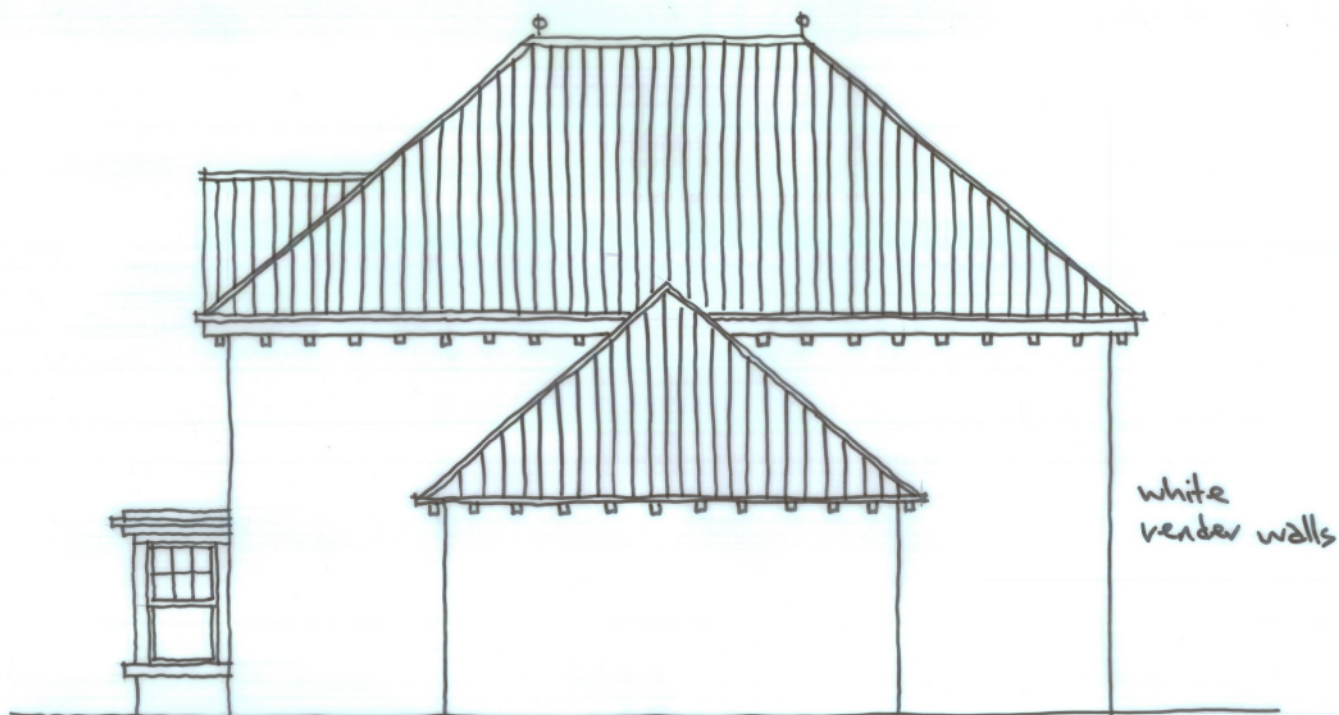




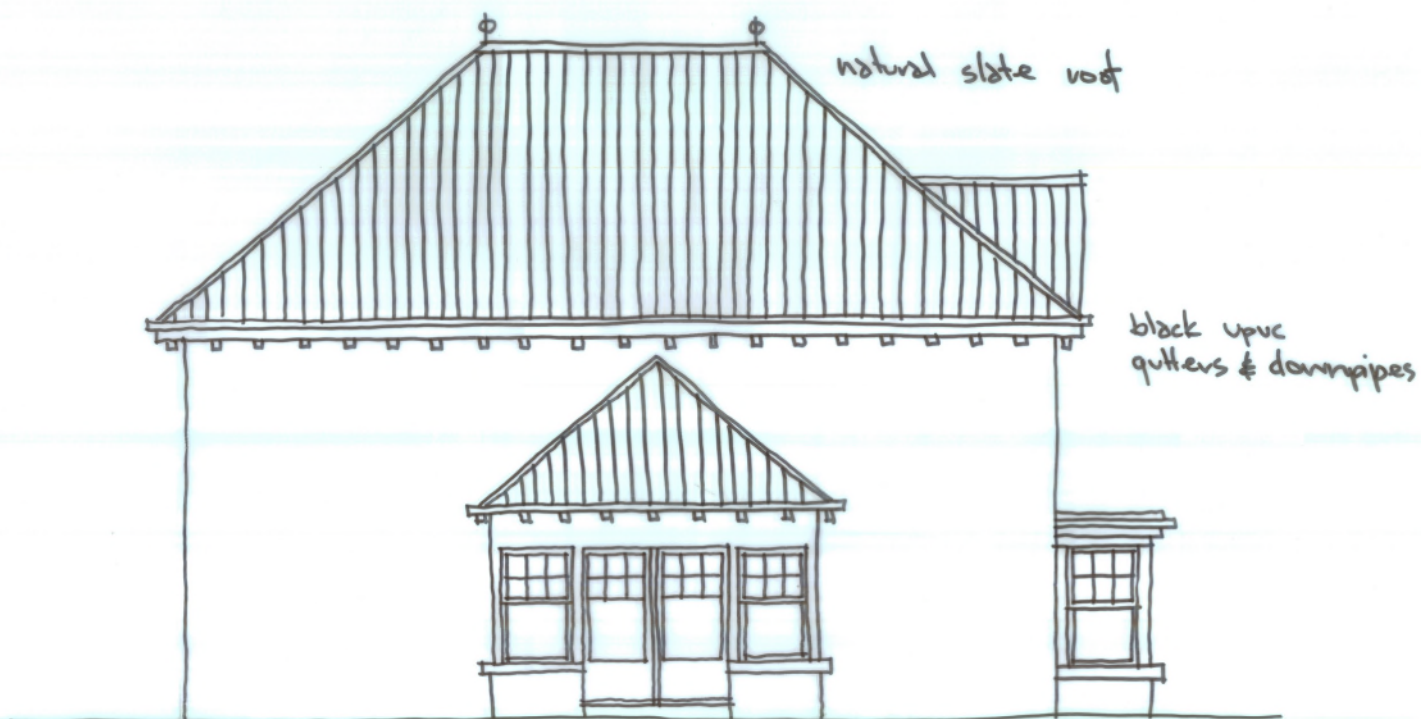
Photograph 3







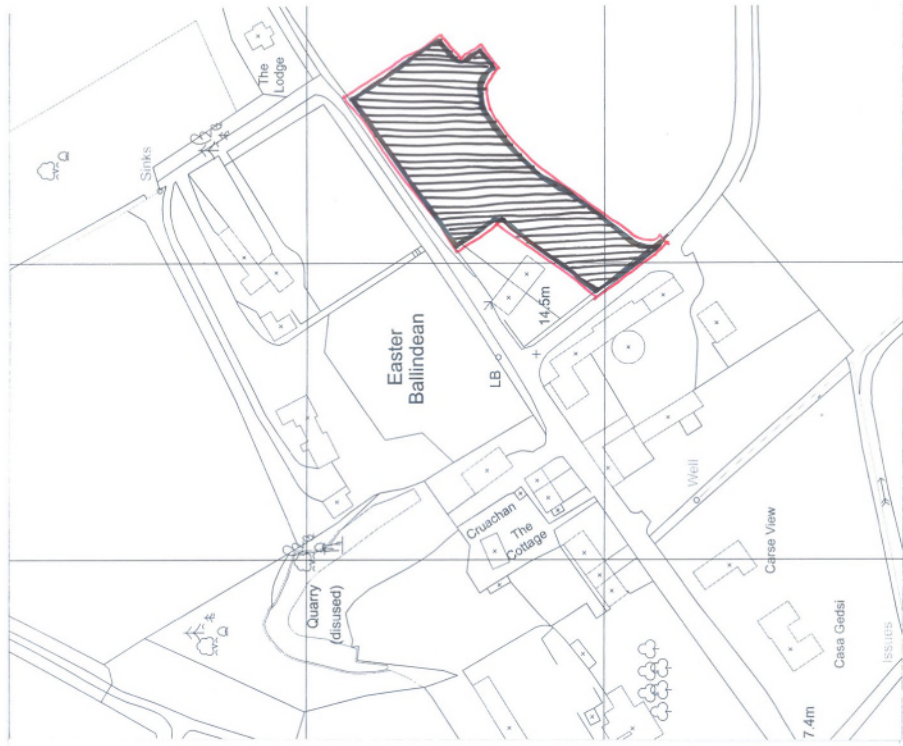
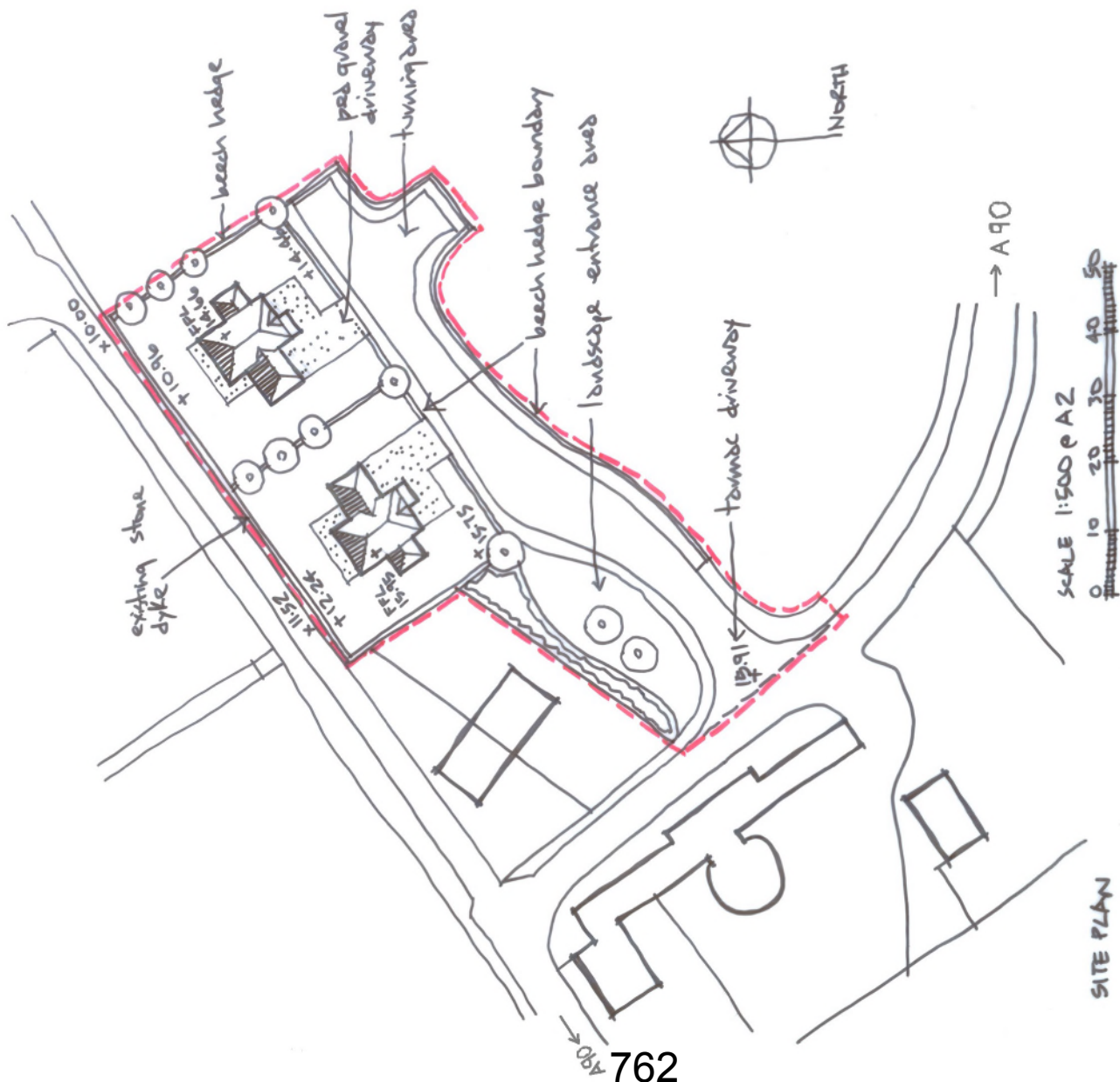
EAST ELEVATION 1:50



WEST ELEVATION 1:50

0 1 2 3 4 5  
 SCALE 1:50 0 A2

PROPOSED ERECTION OF TWO DWELLING  
 HOUSES AT EASTER BALLINDEAN FOR  
 MR ROBERT MORGAN  
 JUNE 2015



PROPOSED ERECTION OF TWO DWELLING  
HOUSES AT EASTER BALLINDEAN FOR  
MR ROBERT MORGAN  
JUNE 2015

**TCP/11/16(401)**  
**Planning Application – 15/01573/FLL – Erection of two dwellinghouses on land 60 metres north east of South Cottage, Inchtute**

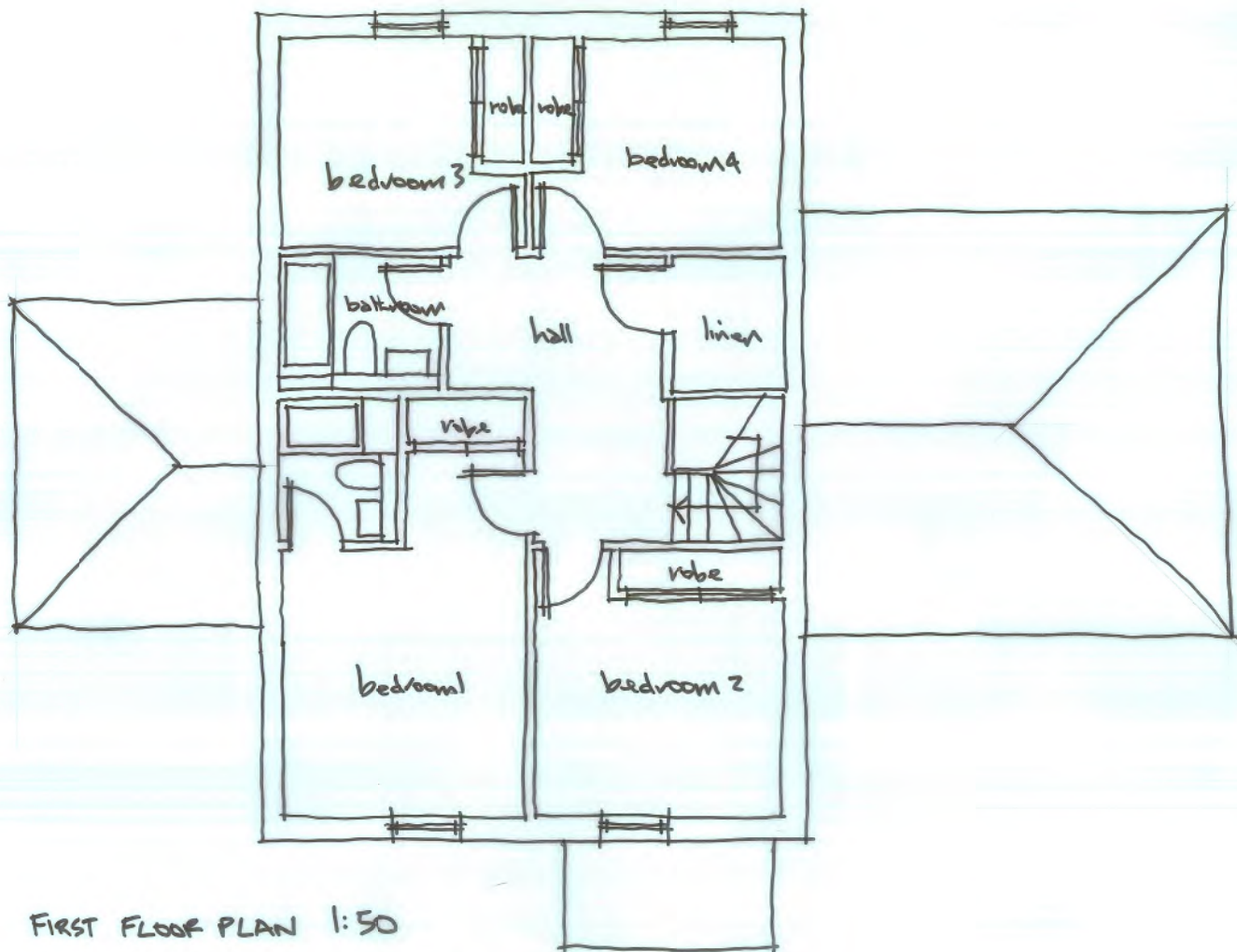
**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 735-736)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 737-748)*

**REFERENCE DOCUMENT** *(part included in applicant's submission, see pages 749-762)*

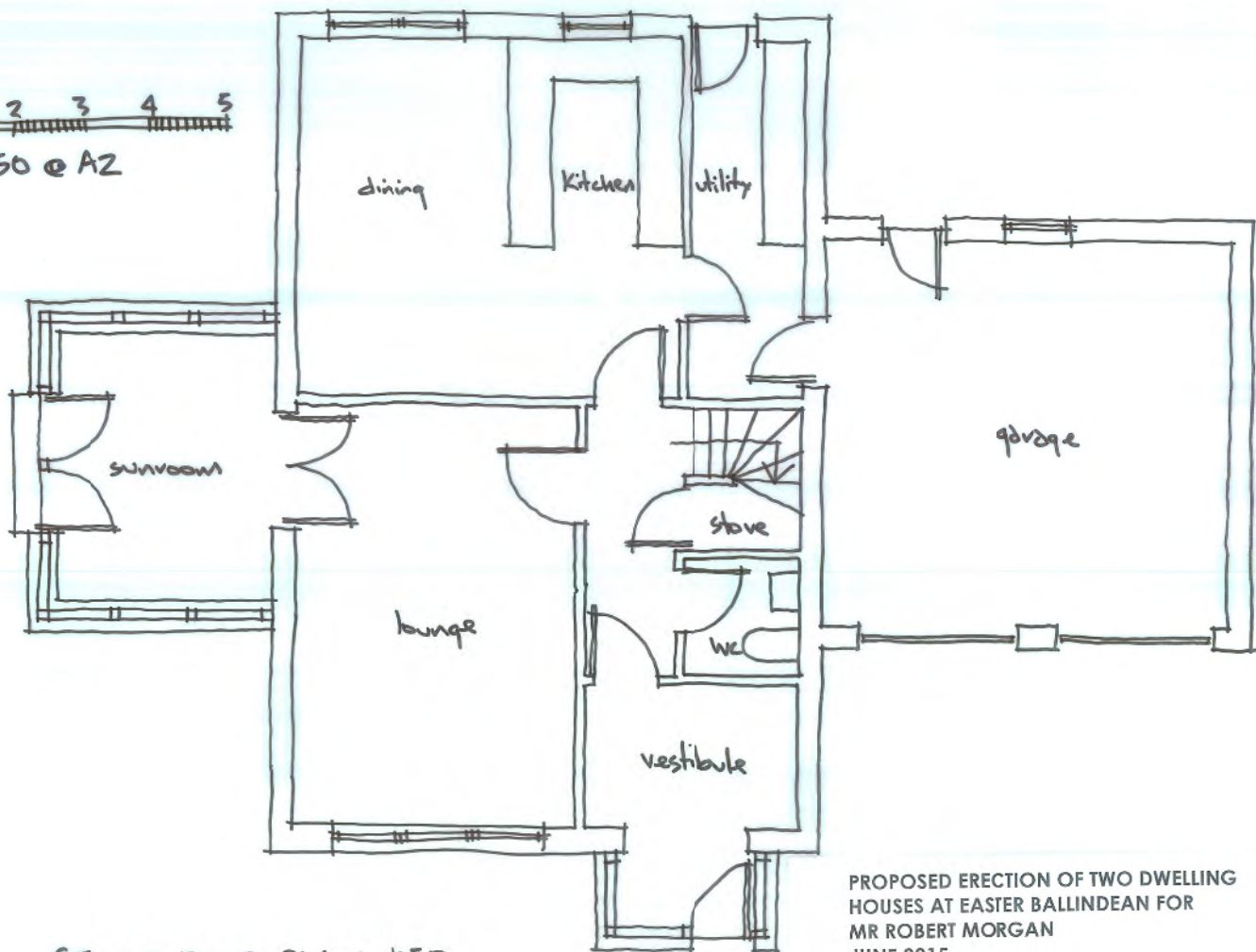






FIRST FLOOR PLAN 1:50

0 1 2 3 4 5  
SCALE 1:50 @ A2



GROUND FLOOR PLAN 1:50

PROPOSED ERECTION OF TWO DWELLING  
HOUSES AT EASTER BALLINDEAN FOR  
MR ROBERT MORGAN  
JUNE 2015



0 1 2 3 4 5  
 SCALE 1:50 @ A2

PROPOSED ERECTION OF TWO DWELLING  
 HOUSES AT EASTER BALLINDEAN FOR  
 MR ROBERT MORGAN  
 JUNE 2015

**TCP/11/16(401)**  
**Planning Application – 15/01573/FLL – Erection of two**  
**dwellinghouses on land 60 metres north east of South**  
**Cottage, Inchtute**

## **REPRESENTATIONS**





Perth & Kinross Cases Panel  
Levenbank  
Glenlomond  
Kinross  
KY13 9HF

E:

T:

W: [www.ahss.org.uk](http://www.ahss.org.uk)



THE ARCHITECTURAL  
HERITAGE SOCIETY  
OF SCOTLAND

*For the study and  
protection of Scottish  
architecture*

Head of Planning & Regeneration,  
Perth & Kinross Council,  
Pullar House,  
Kinnoull Street,  
Perth,  
PH1 5GD

22 October, 2015

Dear Sirs,

**15/01573/FLL | Erection of two dwellinghouses | Land 60 Metres North East Of South Cottage Inchtute**

The Society considers that the small hamlet at Easter Balindean on the High Carse Road has already been overdeveloped. Several modern houses have been inserted into the former orchard and on a greenfield site, moreover the former steadings have both been converted for residential uses.

This desperately suburban scheme proposal seeks to further extend the settlement envelope, will be highly visible from the approach road, will adversely affect the setting of the B listed Farmhouse and adopts a design language that is entirely alien to the context.

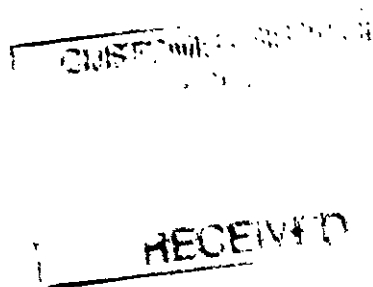
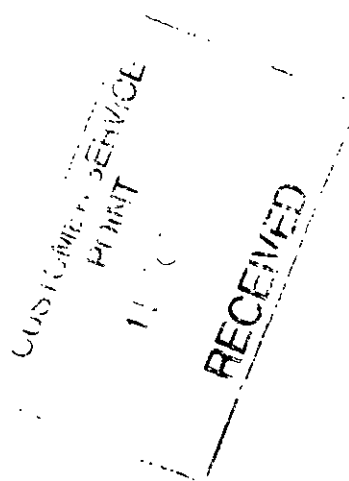
The substantial access road will be a visually unwelcome addition and we question why a turning head of the scale proposed is required for only two houses.

There should be no question of permitting further ill-judged developments of this type in this settlement or indeed others across the Carse and we consequently object to the proposals.

for The Architectural Heritage Society of Scotland.

Sent by e-mail





GEAN COTTAGE  
PIIRODDIE  
PERTH  
PH2 7RJ

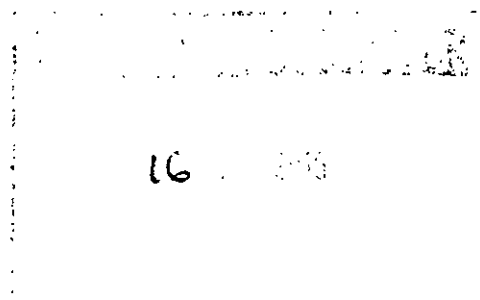
October 13 2015

Dear Mr Baxter,

**RE: ERECTION OF TWO DWELLING HOUSES – LAND 60M NORTH-EAST  
OF SOUTH COTTAGE, INCITEERE REF:15/01573**

I wish to object to the Planning Application referred to above because of the following reasons:-

- 1) In many ways the development would be contrary to PKC's adopted Local Development Plan. It does not comply with the updated Housing in the Countryside Guide 2014. In order to protect the countryside, the Council should ensure that applications are only approved where they comply with PKC policies plans
- 2) The site has been artificially created by the planting of a hedge and trees in 2012. The hedge shrubs and trees were planted into a field of cereals. I have photographs of the planting amongst the crop if you wish to see them. There was never any form of boundary here before this one was planted, obviously in an effort to try to dupe the Council into thinking that the site was part of a garden setting. It is definitely not, and has been always been a cultivated field. The application is also misleading as it indicates another hedge where none exists. The existing immature scattered planting will do nothing to screen or landscape the proposed development.
- 3) The application contravenes the HCP as it is not **within** the building group of Ballindean but an extension of it. The site is neither a "natural gap in the village" nor a "natural extension of the existing building group" as suggested in the planning application. It would be "ribbon development" contrary to PKC policy.
- 4) If this application is given the go-ahead it would set a dangerous precedent and encourage future planning applications for other artificially created small sites adjoining any other part of the village and or for the much larger 29 house development put forward to the Council by the developer (and rejected once already by PKC) for inclusion in the Local Development Plan.

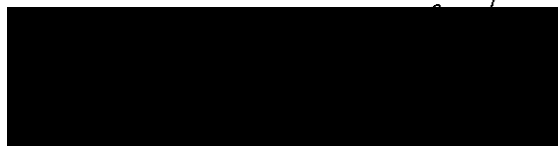


- 5) Planning policy dictates that permission should not be granted if to do so would have a materially adverse effect on the setting of listed buildings. The houses would be immediately south of Easter Ballindean House and immediately south west of Easter Ballindean Lodge (both listed buildings). The uninterrupted setting of both buildings with open countryside as backdrop and foreground when viewed from the main viewing angle being to the south would have an adverse impact on the setting of both buildings.
- 6) The site has frequently flooded in the past during periods of heavy rain with water run off from the hills behind and it cannot be guaranteed that this will not happen again in future years.
- 7) The design and size of the houses is inappropriate. They are suburban in nature and would look out of place in a rural setting. Ballindean is within the Sidlaws Special Landscape Area in terms of Landscape Supplementary Guidance recently adopted by PKC in June 2015. A stated objective of this designation is to preserve the distinctive character of the small villages in the Braes of the Carse.

I would urge you to please give consideration to the points raised above when making your recommendation on the application and to acknowledge these contraventions of PKC Policy as reasons for refusal.

Thank you.

Yours sincerely

A large black rectangular box redacting the signature of Douglas Allan.

Douglas Allan



**Kirsty Graham**

---

**From:** Dennis Burrowes <[REDACTED]>  
**Sent:** 14 October 2015 00:07  
**To:** Development Management - Generic Email Account  
**Subject:** Fwd: Planning Application Reference: 15/01573FLL



Subject: Planning Application Reference: 15/01573FLL

Dear Sir,

We would like to make an objection to the above application to erect two houses at Easter Ballindean.

The main point we would like to make is that any building on the proposed site, regardless of the quality of the construction, cannot by virtue of the situation in anyway fit in with , or enhance the existing village. The buildings would certainly not be filling in a natural gap, as claimed, within the village framework. The village of Ballindean is in some ways unique being compact with the majority of houses blending in style, nature and finish. It is an opportunity for several families to live in a smallish rural setting near to urban facilities in a long and very well established location. This opportunity is not denied to other people as there is, like other parts of the country, a turnover of inhabitants and indeed until recently there were three houses for sale in the village one of which is still available to rent.

While the point has been made that land to the north provides a natural backdrop to the proposed houses, the background is in fact a most attractive listed C sandstone country house and a listed B cottage which greatly enhance the eastern approach to the village for all travelling on that road and the proposed houses would certainly detract from the residential and visual amenity of the village.

Of particular concern, also, is that the proposed houses would be finished in " white rendered walls " given that they would be beside two attractive old country cottage type houses finished in sandstone which is totally in keeping with virtually every other other house in the village. It should be noted that a recently built house within the village has been finished in white and members of the community were very surprised this had been approved by " the planners " and it is understood that the owners will in due course be reviewing this matter and possibly making it a more compatible colour with the surrounding environment.

It is stated that the boundary enclosures proposed are " beech hedges in keeping with the existing hedges " which in fact is misleading as they were only planted comparatively recently and this could lead one to suppose that by creating a " natural gap " as it is referred to--- this site being one small part of a much larger field, then this procedure could be repeated until much of the area is covered by many more " natural gaps " in which will be built many more houses in a spasmodic manner.

It is noted too that, according to the application form, in response to the question " Is the site within an area of known risk of flooding? " the answer is " No " and that no flood risk assessment has been undertaken. It is well known locally that in wet weather there is considerable flooding in the fields adjacent to the village and there is photographic evidence to support this view.

Like our neighbours, we are not against local development provided that it complies with national and local planning policies such as the Housing in the Countryside policy and that any proposed development is of an appropriate style, situated in an appropriate location and carried out in a sensitive style. We do not think this

application meets these criteria nor that the type of houses or the proposed location can be considered beneficial for the village of Ballindean.

Yours Faithfully,

Mr and Mrs J. D. Burrowes.  
The Orchard,  
Easter Ballindean,  
Inchtute,  
Perthshire.  
PH14 9QS.

# Comments for Planning Application 15/01573/FLL

## Application Summary

Application Number: 15/01573/FLL

Address: Land 60 Metres North East Of South Cottage Inchtute

Proposal: Erection of two dwellinghouses

Case Officer: Andrew Baxter

## Customer Details

Name: Mr Peter Collins

Address: Not Available

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Contrary to Development Plan Policy
- Flooding Risk
- Inappropriate Land Use
- Loss Of Open Space
- Out of Character with the Area
- Road Safety Concerns

Comment: Dear Sir

I would be grateful if a copy of the objections of myself and Sonya Sawers to Mr Morgan's first application entered on computer 26th September 2013 (13/01454/FLL ) could be accepted as my re-submission of objection

Yours sincerely

Peter Collins





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

<b>Planning Application ref.</b>	15/01573/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin Tel: 01738 475381 Email: <a href="mailto:emclaughlin@pkc.gov.uk">emclaughlin@pkc.gov.uk</a>
<b>Description of Proposal</b>	Erection of two dwellinghouses		
<b>Address of site</b>	Land 60 Metres North East Of South Cottage Inchtute for Mr Robert Morgan		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Inchtute Primary School.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The proposal is within the reduced contributions area.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £12,790 (2 x £6,395) Transport Infrastructure: £5,278 (2 x £6,395)</p>		

	<p><b>Total: £18,068</b></p> <p><b>Phasing</b></p> <p>It is advised that the preferred method of payment would be upfront of release of planning permission.</p> <p>Due to the scale of the contribution requirement it may be appropriate to enter into a S.75 Legal Agreement.</p> <p>If S.75 entered into the phasing of financial contributions will be based on occupation of open market units with payments made 10 days after occupation.</p> <p>Payment for each open market unit will be <b>£9,034</b> (£18,068/ 2 = £9,034).</p>
<p><b>Recommended informative(s) for applicant</b></p>	<p><b>Payment</b></p> <p><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p> <p><b>NB:</b> The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.</p> <p><b>Other methods of payment</b></p> <p>Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.</p> <p><b>Remittance by Cheque</b></p> <p>The Planning Officer will be informed that payment has been made when a cheque is received. However this will require a period of 14 days from date of</p>

	<p>receipt before the Planning Officer will be informed that the Planning Decision Notice may be issued.</p> <p>Cheques should be addressed to 'Perth and Kinross Council' and forwarded with a covering letter to the following:  Perth and Kinross Council  Pullar House  35 Kinnoull Street  Perth  PH15GD</p> <p><b>Bank Transfers</b>  All Bank Transfers should use the following account details;  <b>Sort Code:</b> 834700  <b>Account Number:</b> 11571138</p> <p>Education Contributions  For Education contributions please quote the following ledger code:  1-30-0060-0001-859136</p> <p>Transport Infrastructure  For Transport infrastructure contributions please quote the following ledger code:  1-30-0060-0003-859136</p> <p>Direct Debit  The Council operate an electronic direct debit system whereby payments may be made over the phone.  To make such a payment please call 01738 475300 in the first instance.  When calling please remember to have to hand:</p> <ul style="list-style-type: none"> <li>a) Your card details.</li> <li>b) Whether it is a Debit or Credit card.</li> <li>c) The full amount due.</li> <li>d) The planning application to which the payment relates.</li> <li>e) If you are the applicant or paying on behalf of the applicant.</li> <li>f) Your e-mail address so that a receipt may be issued directly.</li> </ul> <p><b>Indexation</b></p> <p>All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.</p> <p><b>Accounting Procedures</b></p> <p>Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site address and planning application reference number to ensure the individual commuted sums can be accounted for.</p>
<b>Date comments returned</b>	05 October 2015



The Development Quality Manager  
Perth and Kinross Council  
Planning and Development  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD

Mr Grant Reid and Dr Nicola Cook  
Easter Ballindean Lodge  
Inchtute  
Perthshire  
PH14 9QS

15<sup>th</sup> October 2015

Dear Sir/Madam,

**Re: Planning Application on Neighbouring Land Ref: 15/01573/FLL "Erection of two dwellinghouses – Land 60m Northeast of South Cottage, Inchtute"**

In response to your letter dated 28<sup>th</sup> September 2015 we have viewed the details of the above planning application carefully and wish to object on the grounds listed below. Initially, we would like the committee to note that the description of the planning application in question is misleading as the word "Ballindean" does not appear anywhere within it. This does not give residents within Ballindean or close to it, other than those in the immediate vicinity who were notified, any indication of the location of the proposed development.

We would like to object to the application based on the following points:

- **The proposed dwelling houses are not in line with the "Housing in the Countryside Policy" – Perth and Kinross City Council 2012.** Specifically, the policy states that all proposals "in terms of scale, layout and design [must be] appropriate to and have a good fit with, the landscape character of the area in which it is located. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality." In addition, the section on "Building Groups" within the "Housing in the countryside Policy" states that "Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s)."
  - The proposed dwellinghouses are not in keeping with the character of the building group of Ballindean; the white render walls are in fact in stark contrast with the red stone, sourced locally, that the vast majority of houses in Ballindean are constructed from. (NB: there has been recent development in Ballindean and this new-build is at the moment finished in white as the applicant states. However, this new-build is hidden by large trees and we are led to believe that the residents are in the process of reviewing the colour of their property).
  - The proposed houses are not "within" the building group but are an extension of it.
  - The site is not a natural gap in the village as suggested in the planning application, this land was recently taken out of agricultural production by the applicant.
  - The proposed houses do not extend the building group of Ballindean within "well-established landscape features". In fact the "established" hedging and trees referred to by the applicant have only been present since the applicant himself put them there in advance of his first application to build on this site. Also, the "road" to the



north of the proposed property mentioned by the applicant is actually a private driveway.

- **The erection of the proposed dwelling houses would have an adverse effect on the setting of nearby listed buildings.**
  - Our home, Easter Ballindean Lodge, and the nearby Easter Ballindean House are both listed properties which benefit from open countryside both as a backdrop and in the foreground; a major part of their character. The erection of two large urban-style properties in the proposed location would have an adverse effect on the setting of these listed buildings.
- **Inappropriate development site**
  - In the application the applicant responds “no” to the question “Is the site within an area of known risk of flooding?” This area is a known risk of flooding with run-off from the hill affecting much of the area.
- **Works have begun in advance of approval**
  - The applicant states that works have not already been started on this site. However, “works” began almost prior to the first application on this site nearly 3 years ago, with the removal of the plot from agricultural production and the planting of trees and hedging later stated by the applicant to be pre-existing and natural “boundaries”.
- **Approval of this application may encourage future large-scale development**
  - We feel that to approve this application would lend weight to setting in motion a chain of events leading to further development of sites within other “natural boundaries” in the village artificially created by the applicant.
  - We would urge the committee to note the similarities between this application and that of a previous application by Mr Morgan seeking approval for the development of 29 houses around Ballindean. The current application, although only for 2 houses, has an access road and turning point that are identical to that of the previous plan. Approval of these two houses we feel could lead to future development that would seriously detract from the character of Ballindean.

We would like to conclude by saying that we are not in the habit of complaining for complaining's sake. However, on this occasion we feel that the proposed dwelling houses are inappropriate in the setting of Ballindean both in position and character.

Yours faithfully,

Mr Grant Reid and Dr Nicola Cook

**From:** [REDACTED]  
**Sent:** 19 October 2015 17:40  
**To:** Development Management - Generic Email Account  
**Subject:** 15/01573/FLL

Re Application ...I have moved back to The Cottage Ballindean and I received this from my neighbour .I have been on holiday so hence I am writing to you today as I never received notification about this application of two house by Mr Robert Morgan ...This has been brought to my attention as it will effect everyone who lives in the hamlet and I am disappointed with the council for not bothering to send it out to everyone who lives here about 15 houses ..

The postal address is Land 60 metres North of South Cottage Inchtute ....no mention of it being in Ballindean at all which seems strange ...Firstly the named applicant has already had planning for a house some years ago which is still not built .This application is on land where it floods and there is wildlife living there .If the developer is Mark Wilson as before this man has went bust on every development he has started leaving half built houses ,from Fowlis ,Liff and Riverside Dundee .This application is the start of a development which was objected to a few years ago involving 30 houses ..The application for two houses was then the beginning of a development and by all accounts it is the same thing happening once again .The Hamlet of Ballindean is very rural the road floods on the main road where the field is where the planning has been asked for .It is farm land which Mr Morgan has planted trees a few years ago to section off the field to make it look like it is not part of the field .There is no mains drains , gas ,street lighting on this side of the Carse .I do not feel that there is a call for more houses here , as there has been several for sale in the past which have taken a long time to sell ..I am objecting strongly to this application on the above grounds ...

Yours sincerely Avril Douglas ....The Cottage Ballindean PH149QS







**Kirsty Graham**

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**From:** LYNNE DUFFUS [REDACTED]  
**Sent:** 18 October 2015 18:46  
**To:** Development Management - Generic Email Account  
**Subject:** Objection to 15/01573- Erection of two dwellinghouses | Land 60 Metres North East Of South Cottage Inchtute

Dear Sir/Madam,

I am writing to object to planning application 15/01573 which appears to be very similar to a previous application 13/01454 for the site that was withdrawn before it was recommended for refusal. The circumstances have not changed. The landowner suggests that the site is in a natural gap in the village framework. This is not true. This would be an unattractive extension to the village and completely out of keeping. In a very obvious attempt to support his contention that the site is within the village the owner planted a beech hedge and trees to create an artificial boundary. The site had previously always been part of the existing field and is arable land that he has simply sectioned off. I believe this the application neither complies with the Local Development Plan nor the Housing in the Countryside policy. It would be ribbon development and set a dangerous precedent.

It is well known that the site and the area surrounding it regularly floods.

The proposed development would be out of context in its environment and would have an adverse effect on the village itself and the wider landscape. In particular the houses would be out of keeping with the predominantly red sandstone houses, like my own, that are an important part of the character of Ballindean. The siting of the houses immediately in front of listed buildings that are prominent in the village would also have a negative effect on the view towards these houses and the whole village.

Yours sincerely,

Lynne Duffus  
Quarry Wynd Cottage  
Ballindean  
Nr Inchtute  
Perthshire  
PH14 9QS

ENTERED IN COMPUTER

20 OCT 2015



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

<b>Planning Application ref.</b>	15/01573/FLL	<b>Comments provided by</b>	ECS
<b>Service/Section</b>		<b>Contact Details</b>	Maureen Reid ext 76308
<b>Description of Proposal</b>			
<b>Address of site</b>			
<b>Comments on the proposal</b>	The Council has funded an increase in primary school capacity at Inchtute to meet the needs of new development resulting in it operating at below 80% capacity. In line with paragraph 4.5 of the Developer Contributions Supplementary Guidance 2014 the Council will seek a proportionate cost of this school improvement.		
<b>Recommended planning condition(s)</b>	I request that the Finalised Primary Education and New Housing Contributions Policy be applied to this application.		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>			



**Kirsty Graham**

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**From:** sheila fraser <[REDACTED]>  
**Sent:** 14 October 2015 22:07  
**To:** Development Management - Generic Email Account  
**Subject:** Re planning application 15/01573/FLL

Dear Sir

I wish to raise an objection to the planning application for 2 houses in Easter Ballindean submitted by Mr Robert Morgan reference 15/01573/FLL.

- 1.The erection of 2 dwelling houses would impinge on the outlook, & privacy of south Cottage thus have an materially adverse affect & impact on the setting.
- 2 The septic tank & drains from North/South Cottage cross this area of land thus would be required to be relocated & where would this be situated & who would be liable for this.
- 3.The public road is very narrow & lacking in passing places so more houses adds additional traffic.
- 4.The site for the proposed houses has been artificially created in 2012 by planting of a hedge & trees on what was previously part of an agricultural field which was cultivated.
5. The proposed site is not within the building group of Ballindean but an extension of it. The site is is not a natural gap in the village nor a natural extension of the existing building group. It would be a ribbon development contrary to PKC policy.
- 6.This application if successful would set a dangerous precedent & may lead to future applications for other artificially created sites adjoining other parts of the village and/or for the much larger 29 house development previously put forward to the council by the developer(and already rejected by PKC) The access to the 2 houses is in exactly the same position as the access for the 29 house development & the turning area for the 2 houses could easily become an extension to the access for futher houses.
7. The site has been frequently flooded in the past from heavy rain & run off from the hills.
8. The design & size of the houses is inappropriate to the village as they are suburban in nature & would look out of place.Ballindean is within the Sidlaws Special landscape area.

Yours sincerely  
Sheila Fraser  
14/10/15

Rathan  
South Cottage  
Easter Ballindean  
PH149QS







**Caroline Stewart - TES**

**From:** Nick Guest [REDACTED]  
**Sent:** 20 October 2015 04:50  
**To:** Development Management - Generic Email Account  
**Cc:** Nick Guest  
**Subject:** Planning application 15/01573

AMB  
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30 OCT 2015

I am a home owner in the hamlet of Ballindean however I was not on the list of notified neighbors for this application which is concerning as I would have expected to be notified and have only recently been informed and have limited time to review the planning application. In addition the application is in my view submitted with the address as Inchture which is misleading and should therefore be withdrawn and resubmitted.

I wish to object to this planning application for all of the numerous reasons stated in the objection letters that have already been submitted by residents who also live in Ballindean and were notified.

I note, however, that there is now a letter of support for the application received from Mrs Laura Pitcaithly - Halsey. I would like the planning department to note that this is the daughter of the applicant and therefore could be considered to be associated with the applicant and should not be considered as unbiased.

It raises some comments which in any event need to be addressed as they are factually incorrect

1. The suggestion is that there is a demand for housing in Ballindean that cannot be satisfied by the existing housing stock. This is factually incorrect.

(i) Cruachan was on the market for more than 2 years before it was eventually purchased by a young family.

(ii) The Round House was on the market for more than a year before it was sold.

(iii) Two cottages within the village have recently been on the market and then withdrawn as there had not been interest in them. One of these properties is currently available for let.

(iv) South Lodge is currently on the market and has been for at least 6 months.

There have been plenty of properties for sale that allow local people to stay in the area and new people to move into the area if they wish to do so. There is no pent up demand for housing as suggested.

There are also land plots with approval for building on which have not sold in area for several years.

2. To suggest that the original houses in the village, some of which, like my own, are listed, are now the "incongruent" buildings is bizarre. I disagree with her that her father's proposed houses are "well designed country houses". My view is echoed by all of the other residents in the village who have lodged objections.

I also believe there are many inaccuracies and misleading statements made in the statement of support document on the planning website. These inaccuracies include comment made around the site description as being clearly delineated from surrounding land, that the buildings are in an appropriate design and that there is need for such dwellings in the area.

I would also like to draw the Perth and Kinross planning department to the clear practice of this planning applicant in attempting to convert land originally purchased for agricultural use into housing development.

The applicant has made multiple application for development in and around the wester Ballindean area. Having originally purchased a large agricultural land holding he has subsequently sold all the land other than a portion of agricultural land around the Wester Ballindean hamlet with a view in my opinion to continually apply for development whether single, double or multiple unit applications.

Nick Guest

Wester Ballindean House

Wester Ballindean

PH14 9QS

Sent from my iPhone



**From:** Nick Guest [REDACTED]  
**Sent:** 22 October 2015 06:02  
**To:** Development Management - Generic Email Account  
**Subject:** Re: Planning application 15/01573

I have also had trouble with the website being down and getting revised password to access account to make a comment

I also note an additional letter of support from John Lamont who is also related to the applicant - I would like to understand if letters of support from a family should be clearly noted to the planning committee and planning officer as I do not believe they can be consider unbiased letters of support.

I would also like the planning committee and planning officer to note that this applicant had a tied. Farmhouse approved under application 09/01167. I understand the applicant subsequently split the land that he had claimed was used by livestock. In any event this building under application 09/01167 has not been built and I would be interested in when this planning consent become time expired.

In addition the applicant has a plot of land within the boundary of Rait Village nearby but he has not developed or built on this land - this does not support the claims by him and his family ( in their supporting letters) that demand is high.

The applicant is a developer who has clear process and track record of looking to change agricultural land around hamlet/village boundaries into housing developments. He has claimed natural boundaries however these have created by him through tree planting within crop fields.

I would like the relevant case/planning officer to confirm he has received and noted this email.

I will investigate further the issues in relation to the website and whether as a result of the problems in accessing the website the period for comment needs to be amended

Regards

Nick Guest  
Wester Ballindean House  
Wester Ballindean  
PH14 9QS



## Claire Mathieson

---

**From:** George Guild [REDACTED]  
**Sent:** 09 October 2015 14:43  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application Ref 15/01573/FLL

Dear Sir

My wife, Francoise Guild, and I, fully support the objections raised by Grant Reid and Dr Nicola Cook and Alison Ramsay and Donald MacFarlane about the above proposed development.

I would also like to add that the proposed driveway for such development is directly opposite our own driveway, therefore creating an artificial crossroads situated on an already dangerous bend in the road.

Ballindean is a quiet rural hamlet of character which would be totally spoilt by allowing modern housing to infringe on its surroundings.

Yours sincerely.

George Guild

The Walled Garden  
Easter Ballindean Steading  
Inchturk  
Perth  
PH14 9QS

9th October 2015.





2nd rep from same household.

GEAN COTTAGE  
PITRODDIE  
PERTH  
PH2 7RJ

RECEIVED

16 OCT 2015

October 14<sup>th</sup> 2015

Dear Mr Baxter,

**RE: ERECTION OF TWO DWELLING HOUSES – LAND 60M NORTH-EAST  
OF SOUTH COTTAGE, INCHTURE REF:15/01573**

I wish to object to the Planning Application referred to above because of the following reasons:-

1. The area is well known for its flooding in the winter and in the past a great deal of water has run off the hill across the proposed site for the new houses and it is therefore unsuitable for development. In spite of efforts by the applicant to control the flooding, in the medium to long term the site will still flood.
2. This site has never been a garden or in any way associated with any buildings. It has always been part of an arable field. The applicant planted a hedge and a few trees in May 2012 into an arable crop in order to try to create the illusion of an established boundary feature, but a site inspection by the planning officer will instantly reveal that this is an artificially created boundary feature, attempting to pretend that the site fits in with HICP policy, whereas the site does in fact contravene this policy. The gappy small shrubs in no way provide a mature boundary, and the Council should ensure that applicants are not allowed to bypass the well thought out and agreed HICP that is in place to ensure that inappropriate development, such as this one, is not allowed to take place.
3. The design of the proposed houses is completely out of character with those in the locality. These 'off the peg' suburban style houses, finished in white, would be completely alien to the architecture of this rural area and significantly detract from the two neighbouring Listed Buildings and the traditional character of the village of Ballindean.
4. The proposed buildings contravene the HICP policies as they do not comprise land within a building group, nor do they extend a group into a definable site within that group. In fact the new dwellings will constitute 'ribbon development' as they will extend the settlement out onto a green field site. This is likely to

ENTERED IN COMPUTER

16 OCT 2015



encourage many more similar planning applications if given a green light, much to the detriment of this attractive village.

5. It is worth noting that the applicant had previously submitted a proposal to the LDP for a 29 house development around Ballindean (which was rejected in 2013 as totally inappropriate and not taken forward in the LDP) , and that this application is basically the exact replica of part of this much larger previous application. If this current application for two houses was approved it could set a dangerous precedent and open the way for many other applications from the same applicant as a back-door way of achieving the 29 house development which has now been re-submitted by the applicant for inclusion in the LDP.
6. The Upper Carse road, which passes through Ballindean, is a single track road with very limited informal passing places. There is a dangerous series of 90° bends within a few metres of the proposed access for the new houses. There will be no sight line to the east and therefore will present a very significant potential accident threat to traffic passing through the village and especially those attempting to leave the proposed new houses.

I would urge you to please give consideration to the points raised above when making your recommendation on the application and to acknowledge these contraventions of PKC Policy as reasons for refusal.

Thank you.

Yours sincerely

A black rectangular box used to redact the signature of Christine Hall.

Christine Hall

# Comments for Planning Application 15/01573/FLL

## Application Summary

Application Number: 15/01573/FLL

Address: Land 60 Metres North East Of South Cottage Inchtute

Proposal: Erection of two dwellinghouses

Case Officer: Andrew Baxter

## Customer Details

Name: Mr Inchtute Area Community Council

Address: Not Available

## Comment Details

Commenter Type: community council

Stance: Customer objects to the Planning Application

Comment Reasons:

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

Comment: Dear Sir

15/01573-Erection of two dwellinghouses- Land 60m northeast of South Cottage, Inchtute

As Secretary of Inchtute Area Community Council (IACC) I wish to register the Community Council's objection to the above planning application.

In accordance with Schedule 5 (Consultation by the Planning Authority) of the Regulation 23 Development Management Procedure (Scotland) Regulations 2008) and the guidance in Planning Advice Note (PAN) 47 Community Councils should ascertain, co-ordinate and express the views of the local community and are advised to limit their attention to proposals which raise issues of genuine community interest. IACC is aware of the concern of many local residents regarding this application and considers that the proposed development raises issues not only in relation to this particular site but to the whole village of Ballindean and that it is also relevant in relation to other small villages within our Community Council area. For these reasons we consider it appropriate that we comment on this planning application.

We objected to a previous application (13/01454) on this site and our reasons for objecting to this current application are the same. This is a manufactured site with boundaries having been only planted three years ago. It would extend the existing small building group which is not a settlement

and therefore has no settlement boundary. It is not an infill site. It would be inappropriate ribbon development of the type that we consider the Housing in the Countryside Policy is designed to prevent.

To grant permission for this site would set a precedent that would simply encourage more "manufactured" sites adjoining Ballindean (either further sporadic small sites adjoining the village or indeed the much larger site put forward for inclusion (but not taken forward by PKC) in the LDP) or indeed manufactured sites adjoining any other small village in our area that does not have the protection of being classed as a "settlement" with a boundary.

Many of the villages within the IACC area lying to the north of the A90 have retained their historic character. This is acknowledged in the Landscape Supplementary Guidance adopted in June 2015. Most of the villages have a number of listed buildings that add value to the character and identity of the area. IACC considers that it is important that the setting of these listed buildings is protected. The proposed development is immediately in front of Easter Ballindean House and adjacent to Easter Ballindean Lodge and close to other listed buildings within the village. The proposed houses would have an adverse effect on the setting of listed buildings. The uninterrupted view of these two buildings when approaching the village from the road to the south is particularly important.

The type of suburban house proposed would also be out of keeping with the village setting and adversely affect its character.

We have noted concerns expressed by the local community that the site has regularly experienced flooding over many years. Having seen the problems already experienced by some of our residents caused by flooding in the Carse we would ask you not to support this, or indeed any other, application where potential flooding is an issue.

For all of these reasons we would object to this application.

Yours faithfully

Alasdair Bailey for and on the behalf of Inchtute Area Community Council



## Kirsty Graham

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**From:** Ernie Jamieson [REDACTED]  
**Sent:** 16 October 2015 13:42  
**To:** Development Management - Generic Email Account  
**Subject:** Development Quality Manager

Ref Planning Application 15/01573/FLL Erection of two dwelling houses.

Our objection to the above application is as follows :-

Firstly rather than repeat the objections of those already held on record we can advise you that we fully support the content of their objections.

In addition we consider the following grounds of objection valid for the Planning Officers consideration.

**1. Satisfactory Access.**

The planned access cannot be deemed satisfactory for the following reasons.

It runs in parallel to the access of South Cottage. The plans submitted do not show any access from South Cottage. The access road on which the proposed traffic (up to 8 cars) would join has a width of 400 cm. This short stretch of road has no passing places and has on either end red warning "Z" bend signs. We already have 4 access drives in place between the warning signs.

No consideration has been given to this by the applicant.

**2. Safety.**

Recently signs promoting "friendly walking cycling road" have been erected. For which we are thankful. The increase in traffic "Residential & Construction" created by this ill conceived application would most certainly be detrimental to the safety suggested by these new signs. The applicant has given no consideration to safety.

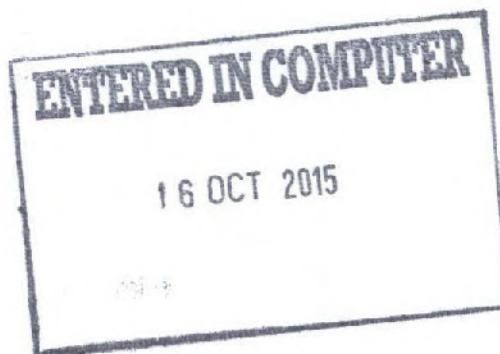
**3. Nuisance / Noise.**

The access road for the proposed development is directly opposite and 400 cm away from our small garden. We moved to this location which gave good access to a major hospital along with the quiet it offered. My wife has a critical heart condition and for her rest is essential.

This need for rest would suffer by the noise and nuisance of the heavy traffic entering and exiting in such close proximity to our home.

Yours faithfully,

Mr & Mrs E S Jamieson  
The Roundhouse  
Easter Ballindean  
Inchtute  
Perth  
PH14 9QS





20/10/15

SCANNED

Dear Sir/Madam,

2 New Dwelling houses at Ballindean - 15/01573/FLL

I would like to show my support for the above application for the following reasons:

- The site in question is in a lovely location, but in it's current state it's an eye sore and would benefit from being developed. I believe that the proposed idea would enhance the beauty of the location.
- Local businesses would benefit from the build as well as whoever chooses to live in the house. This would be a very useful source for the local economy and is very much needed in the proposed area.
- The design of the proposed buildings seem to fit very well into the general area and I do believe that they would blend in very nicely into the current view of the location and enhance it.
- As there is a national housing shortage, I do believe that these houses are in great demand. They would make a lovely family home and enable the dwellers a fantastic and sought after living experience in the countryside. I know of several acquaintances that would be very interested in living in the location but struggle to find suitable accommodation due to a

shortage in the selling market.

Regards,

Klaus Kupfer

Serendip

Perth Road

Abernethy

PH2 9LW



AMB

**Caroline Stewart - TES**

---

**From:** Jennifer Ann Lamont [REDACTED]  
**Sent:** 19 October 2015 11:58  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Case Reference – 15/01573/FLL Letter of Support

Perth and Kinross Council  
Planning Department

New Mains Cottage  
Ballindean  
Inchtute  
Perth PH14 9SE

Planning Case Reference – 15/01573/FLL

Erection of two Dwellinghouses - Land 60 Metres North East of South Cottage by Inchtute

Dear Sirs,

We write to support the above proposal as something that fits in with the area. My family has lived here for 42 years and we think that the design of the houses is no different to those already within the area. The proposed houses would nestle nicely within the village boundaries with an ideal sloped backdrop. The applicant has recently made improvements to the Ballindean village itself by carrying out drainage works in the field adjacent to the proposed site and this has considerably improved the area for all concerned.

Having lived in the area for 42 years we would be delighted to welcome these properties into the village with our full support.

Kind Regards  
John and Jennifer Lamont







Perth and Kinross Council  
Planning Department  
Perth

19<sup>th</sup> October 2015

Planning Case Reference – 15/01573/FLL

Erection of two Dwellinghouses | Land 60 Metres North East of South Cottage  
Inchtute

Dear Sirs,

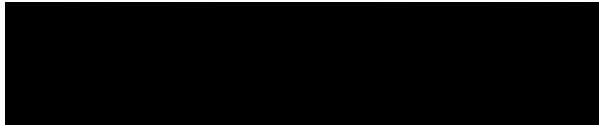
I write to support the proposal for the 2 new Dwellinghouses at Ballindean. We live and operate our business's in the locality and have witnessed a great deal of development in the area in the recent past, not all of which we necessarily would have considered as being acceptable aesthetically especially in a rural context. We consider however that the proposed form and design principles put forward by the applicant are sympathetic to their surroundings. Both Scottish Planning Policy guidance at National and Local levels are supportive to this case with specific reference given to the Housing in the Countryside Policy 2012 whereby:-

"m) The proposal, in terms of scale, layout and design is appropriate to, and has a good fit with, the landscape character of the area in which it is located, and demonstrates a specific design approach to achieve integration with its setting. Buildings should be sympathetic in terms of scale and proportion to other buildings in the locality. Open space associated with the proposal should be considered as an integral part of the development. Suburban ranch-type fences and non-native fast growing conifers should be avoided. Where new planting is considered to be in keeping with local landscape character, locally native trees and shrubs should be used to integrate buildings with the surrounding landscape and to provide additional biodiversity benefits."

Broomhall Feeds  
Low Carse Road, Inchtute, Perth PH14 9QP  
Telephone : 01828 686244 Fax : 01828 686079 Email : [info@broomhall.co.uk](mailto:info@broomhall.co.uk) [www.broomhall.co.uk](http://www.broomhall.co.uk)

We believe the proposed would sit neatly within their surroundings and that the level of landscaping and natural boundaries would serve to minimise any perceived impact.

Yours Sincerely



J Marshall Muirhead



# Comments for Planning Application 15/01573/FLL

## Application Summary

Application Number: 15/01573/FLL

Address: Land 60 Metres North East Of South Cottage Inchtute

Proposal: Erection of two dwellinghouses

Case Officer: Andrew Baxter

## Customer Details

Name: Mr Richard Neville

Address: Berryfield, Easter Ballindean, Inchtute, Perth PH14 9QS

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Affect on Visual Amenity
- Flooding Risk

Comment: Dear Sir/Madam,

I am writing to object to application 15/01573/FLL for two houses near South Cottage, Ballindean. My main objection concerns the visual impact on two listed properties in the village, Easter Ballindean House and The Lodge. I recently built my own property in the village and my application was subject to scrutiny with regards to the visual impact on neighbouring properties. While my house has relatively limited visual impact, I did make some adjustments to my plans to mitigate the view and I wholeheartedly support the principle that the setting of listed buildings should be taken into account when planning decisions are made.

These two houses would quite blatantly impact on the visual aspect of both Easter Ballindean House and The Lodge, particularly when approaching the village from the east.

I also have serious concerns about potential flooding associated with the development. The agricultural field in which the development is proposed is flooded regularly in spring, autumn and winter. Water collects and can sit for weeks at a time. Clearly putting two houses in a flood site could have an impact on the surrounding area as well as the houses themselves.

I can see no simple way of adjusting the application to mitigate the visual impact or solve the flooding problem, therefore, I object to the planning application.

Richard Neville



# Comments for Planning Application 15/01573/FLL

## Application Summary

Application Number: 15/01573/FLL

Address: Land 60 Metres North East Of South Cottage Inchtute

Proposal: Erection of two dwellinghouses

Case Officer: Andrew Baxter

## Customer Details

Name: Mrs Laura Pitcaithly-Halsey

Address: Not Available

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Employment Provision
- Enhances Character of Area
- Results in Environmental Improvements
- Supports Economic Development

Comment: Planning Case Reference - 15/01573/FLL

2 Dwellinghouses at Ballindean

Dear Sirs,

I write to support the proposal for 2 new Dwellinghouses set in Ballindean Village. As someone who has lived in the area all my life, I strongly believe that the houses would be a welcome addition, providing a positive contribution to the community with evident due care taken in the design principles adopted by the applicant. A lack of such housing has forced myself and my young family, along with many of our friends, to move out of the community we grew up in. I believe this upsets the balance of the many rural communities across the Carse. For example, Errol and Inchtute Primary Schools have found themselves having to expand due to over subscription, whereas Abernyte Primary School is suffering from a deficit of young families in and around their catchment, causing the school roll to fall substantially over recent years. The proposed properties will provide an opportunity for local families to continue to live and work in the Carse of Gowrie, not to mention making use of local businesses and trades, which often miss out on larger scale projects such as the housing development in Inchtute and Errol.

Having read the comments associated with this application, I am saddened. Historically, a

proportion of the Carse lay under water and extensive drainage has permitted many villages and hamlets to establish themselves. I am aware that the applicant has already made improvements to the drainage in the field of the proposed site and should further drainage be required, would this be to the detriment of the surrounding houses?

I am aware of a rather substantial white house having recently been built at Ballindean, and, far from detracting from the aesthetics of the surrounding red sandstone houses, which themselves vary greatly in design and colour from the original house and cottage, is testament to the charming and numerous differing stylings and characters of the properties that can currently be found in the villages and 'hamlets' that are the Carse of Gowrie. The majority of the original houses in the villages of the Carse themselves have almost become 'incongruent' on account of the influx of what some may argue are unsympathetic newbuilds, a carbon copy of which can be found on many similar sites across the country. Therefore permitting well designed, country houses should be supported by the council and community in this instance.

The application within its context is supported both by Scottish Planning Policy guidance on National and Local levels and will add to creating vibrant and sustainable rural communities, which should be of utmost importance in the Carse of Gowrie, to prevent it becoming a mere commuter town, as well as to "encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality."

Yours Sincerely

Mrs Pitcaithly-Halsey

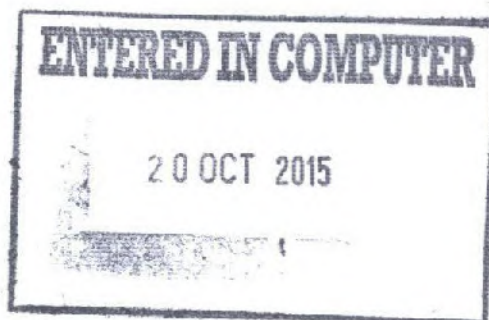
## Kirsty Graham

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**From:** Alison Ramsay [REDACTED]  
**Sent:** 16 October 2015 18:23  
**To:** Development Management - Generic Email Account  
**Subject:** Objection to 15/01573-Erection of two dwellinghouses- Land 60m northeast of South Cottage, Inchture

Easter Ballindean House  
Inchture  
Perth  
PH14 9QS

16<sup>th</sup> October 2015



Dear Sirs

### **15/01573-Erection of two dwellinghouses- Land 60m northeast of South Cottage, Inchture**

Please note that my name was wrongly omitted from the neighbour notification list. I would also ask you to note that the description of this application (like the previous application for the same site 13/01454) is misleading and does not allow residents in or close to Ballindean village (apart from those actually notified by PKC as part of the planning process) to be aware of the location to which the application relates. It would surely be preferable for the word Ballindean to appear in the address to indicate its actual location.

Planning decisions require to be made in accordance with the development plan unless material considerations indicate otherwise. The relevant plans are TAYPlan and the Perth & Kinross Local Development Plan 2014 (LDP). Policy RD3 is relevant as is the updated Housing in the Countryside Policy and the Landscape Supplementary Guidance.

I am writing to object to the above planning application. My objection is based on the following reasons.

#### **Contrary to RD3 and HCIP**

The Supporting Statement contains a number of factual inaccuracies that are of relevance when considering the application. The site does not comply with RD3 as it is neither an infill site nor does it extend the building group into a compact nucleated shape.

The site is not **within** the building group of Ballindean as suggested and it is simply factually incorrect for the applicant to assert in his Supporting Statement section 6 that the two houses would be positioned "in a natural gap in the village framework". Whilst Easter Ballindean House lies generally to the north of the site and North and South Cottages lie to the west there are no other buildings within the group defining the east and south boundaries. It is not infill. Even if it were within the building group (which it is not) it would detract from the residential and visual amenity of the group contrary to policy.

The proposal would **not** extend the group into a definable site formed by existing topography or well established landscape features which would provide a suitable setting. Again, the Supporting Statement is misleading as it states that the site is bounded on the north by "the existing road" presumably to try to imply that the new proposed housing would therefore not be ribbon development. The "road" in question is now simply a private access driveway (serving inter alia my property and Easter Ballindean Lodge) and the formation of a new access from the actual public road is proposed.



The public road passing through the village (the Higher Carse road) and from which access would be taken is narrow with passing places and cannot readily accommodate two vehicles travelling in opposite directions. Any development of the site would of necessity involve additional vehicles using the road. Further, the road has recently been designated a "walking and cycling friendly road" to encourage these pursuits. Further traffic on the road runs contrary to this aim.

The site does not have "well established" landscape features. This site was artificially created by the applicant in 2012 when a beech hedge and trees were planted along the south, west and east to enclose a corner of the field. Only a single line of beech hedging was planted along the south boundary in 2012 and the hedging is not as shown on the plan accompanying planning application. The beech hedge is very patchy and in places only a foot or so high and could in no way be termed "well established". The north boundary is a long established and historically important (see further detail later) red sandstone wall. Only part of the west boundary is well established being the eastmost edge of the gardens of North and South Cottages. To summarise the south, east and part of the west boundaries are not well established. The site does not have a landscape framework capable of absorbing the proposed development and any development would have an adverse impact on the wider landscape setting.

The site is part of a much larger field that the applicant has simply chosen to section off in the hope of speculative planning gain. In the past it has always been part of a cultivated field and photos can be produced to show this. My understanding is that it is not considered to be good planning practice to allow a landscape framework to be artificially manufactured in a manner such as this.

The site has always been agricultural land and in terms of planning policy there is a strong presumption against development as it would result in irreversible loss of agricultural land. The site has never been a paddock or any other adjunct to a house or similar. It has always been simply part of a larger field. It is stated in the planning application that the site is "disused" agricultural land but it is only so because the applicant has chosen to section it off. There is no reason why it should be disused.

It is understood that parts of the drainage systems serving both North and South cottage have been located in the site for many years and would be affected by any development and the soakaways of other properties may also be within the site. There is, of course, no mains drainage for any of the properties in the village.

This is not a proposal that respects the character, layout or building pattern of the existing building group. Any development would erode the character of the village. In addition to being contrary to the siting requirements of the HICP this is now also contrary to the Landscape Supplementary Guidance that was adopted in June 2015. It would lead to a harmful visual change to the character, amenity and appearance of the open countryside and to the attractive building group of Ballindean itself. An objective of the Guidance is to "preserve the distinctive character of small villages along the Braes of the Carse" and Ballindean is one such village. The objective would not be achieved if the current application were to be approved.

The proposal would continue the group of buildings beyond its present limits and thus would be **ribbon development**. It is specifically stated in the HICP that proposals that contribute to ribbon development will not be supported. If permission were granted for this site it would set a very dangerous precedent and would almost inevitably lead to future applications for other artificially formed "sites" on the adjoining farmland.

#### **Landscape and visual impact – setting of Listed Buildings**

If non compliance with the HICP was not sufficient in itself to warrant refusal of this application the proposed development of the site would also have a significant adverse impact on the setting of two prominent listed buildings being Easter Ballindean House (Category CS) and Ballindean Lodge (Category B).

Whilst I can find no definition for the word "setting" in planning legislation I understand that local authorities are strongly encouraged not to interpret the word narrowly. Many of the factors suggested by Historic Scotland (Managing Change in the Historic Environment – Setting) as to what contributes to "setting" would all indicate that **any** development in this artificially created plot would be inappropriate.



Historic Scotland's guidance highlights at all times the listed building should remain the focus of its setting. Easter Ballindean House and the Lodge are very prominent buildings in their settings in the Carse landscape. They draw the eye when viewed from near and far due not only to their attractive facades but also by their uninterrupted settings with open countryside as backdrop and foreground. **Any** development on the proposed site would reduce the prominence of the listed buildings when they should remain the focus of their setting.

My own renovations of Easter Ballindean House have been completed to the highest standards with guidance from both the Conservation Officer and Planning Officer acknowledging the importance of the building in its setting. For example, the part of the building that was subsiding and in danger of collapse required to be rebuilt using the existing stone and repointed using lime mortar. A Georgian style summerhouse, was sited towards the east boundary so as not to interfere with the view towards the house. It is already partly screened and will be completely hidden from view in a year or so once the rambling roses over a trellis in front of it have become established. Every care has required to be taken to preserve and enhance the principal view of the house from the south and, absolutely agreeing with the planners reasoning for this, I have been happy to do so.

The Supporting Statement refers to "additional accommodation" having been built nearby "with a similar aesthetic". He refers to the new house on the Orchard site immediately to the west of Easter Ballindean House (planning application 13/00662). In connection with this planning application concerns were raised by the Conservation Officer about the adverse impact that the proposed development might have on the setting of the listed buildings nearby. He considered that it would vie with the main house and detrimentally affect its setting. If, as was the case, that site was acknowledged by both the planning and Conservation officers to be "very sensitive" then the current site is even more so. This is not only my own view but also that of the Planning officer who, when acknowledging the Conservation officer's view that development of the Orchard site might have some undesirable intervisibility impact on the listed buildings, confirmed that the principal setting consideration for Easter Ballindean House was from the South. **i.e. across the site of the current application. Intervisibility in relation to the current site is therefore an absolutely key issue.**

Whilst the site lies at a lower level than Ballindean House and a slightly lower level than Ballindean Lodge an important part of the "setting" of these listed buildings is the foreground where an old red sandstone wall lines what is now the access driveway to both properties but which was until the 18<sup>th</sup> century the main Perth to Dundee road. This wall is a significant landscape feature framing the listed buildings behind it and clear sight of this wall would be irretrievably lost with any development of the site. The loss of the view of the wall fronting the rhododendron lined driveway would have a significantly adverse effect on the setting of Easter Ballindean House when viewed from the south and approaching from the east.

Planning legislation directs that attention must never be distracted by the presence of any new development whether it be within or outwith the curtilage of a listed building. **ANY** development of the site would clearly distract from Easter Ballindean House being directly in front of it and from Easter Ballindean Lodge being immediately to the south west of it.

### **Flooding**

Flooding issues are still of relevance to this site despite the assertion in the Supporting Statement that drainage work has been carried out adjacent to the site. Regular maintenance of the ditches higher up the hill would be needed in all time coming to avoid water regularly cascading off the hill, down the driveway of Easter Ballindean House and into the site (as has been happening for many years). Such maintenance cannot be guaranteed in the future or indeed made a condition of planning. Photos and video footage of such flooding incidents are available to show the extent of the problem. Other local residents in the village have similar photos and can speak to the frequency of these flooding incidents. The Roads Department will also be aware of flooding issues in the Ballindean area. The water table is also notoriously high in this part of the Carse which exacerbates drainage problems on the site.

### **Scale and design**

As I do not consider that development of the site is appropriate in terms of the LDP and the HICP I will be brief with my comments on the scale and design of the two proposed dwellinghouses.



Despite the assertion that the height of the houses has been reduced by 1.8m to take account of previous concerns regarding their proximity to listed buildings they are still 2 storey houses. In my opinion the scale of both buildings is inappropriate for the site and the proposed design, detail and finishes appear out of character with their surroundings. It is not a good fit with the landscape character. These are executive houses, their design being suburban in nature. They do not reflect the local architecture and would simply look out of place in a rural setting. The positioning of them would create overlooking issues to and from the existing dwellinghouses to the north. I would strongly disagree that they are "sympathetic to their surroundings in terms of scale and aesthetic" as suggested by the applicant. The recently constructed house on the Orchard site previously referred to currently has a white wood finish to its upper level. It is understood, however, that the owners intend in future to repaint this to a more subtle colour to suit the village setting. (It should also be noted that the house on the Orchard site has a very well established tree lined boundary (probably 30+ years) to the south and east almost completely obscuring the house for part of the year.) There are no buildings with white render walls in the village and they would stick out like a sore thumb against the predominantly red sandstone buildings.

Finally, I would wish to draw the following matter to your attention. It is interesting to note that the current application, like the previous application, whilst only for two houses has an access road and turning point clearly designed in future to allow for an application or applications for further development. I would refer you to the plan for 29 houses at Ballindean submitted by the applicant following the Call for Sites about 5 years ago prior to the current LDP and then again resubmitted earlier this year and would ask you to look at the similarity of the positioning of the access and the fact that the turning point could easily be extended into the access for future housing. It should also be noted that the applicant has planted a tree line generally along what would be the south boundary of the 29 house development. This submission for 29 houses was rejected as inappropriate for the area and not taken forward in the LDP being both contrary to TAYplan which does not support large scale development in the Carse and PKC's decision not to create new settlements. The Main Issues Report is scheduled for issue in autumn but is not yet available. I assume that the site will again be rejected but it is indicative of the applicant's overall scheme for a much larger development for the village.

In light of all of the above comments I would urge you to refuse the application.

Yours faithfully

Alison Ramsay



Alison G Ramsay MBE  
1 Charlotte Street Perth  
PH1 5LP  
T: 01738 631666  
F: 01738 643430

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





ENTERED IN COMPUTER

AMB

Planning 19 OCT 2015  
Pent & Kinross Buid.  
Pillar House, Pent.

Hill House  
Bellindeen,  
Inchture,  
Perthshire.

RECEIVED

PH149QS.

19 OCT 2015

14/10/15.

Dear Sir,

Planning Application 15/01573/FL

I write to object to the above application on the following grounds:

This development would be outside the envelope of the hamlet of Bellindeen and is not within the building group.

The development could form the thin end of the wedge of further development along this line, making this ancient Carse rural area just another housing scheme.

The field where the houses are proposed is prone to flooding as I, in

over 35 years here, have seen many times. It is too low-lying as water naturally flows off the hills so to it no matter what drainage is done, the water-table is high enough.

The same applies to any proposed development of 29 houses to the south of the hamlet, as all these points do.

It would adversely affect the setting of listed buildings in the immediate vicinity and are of inappropriate design to fit into the traditional setting.

The site is not a gap site or a well established one, being created in recent times by planting small hedges.

I hope you will reject this plan.

Yours faithfully,

# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	15/01573/FLL	Our ref	MP
Date	19 October 2015	Tel No	01738 476415

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission**

### **RE: Erection of two dwellinghouses Land 60 Metres North East Of South Cottage Inchtute for Mr Robert Morgan**

I refer to your letter dated 29 September 2015 in connection with the above application and have the following comments to make.

#### Recommendation

I have no adverse comments in relation to this application





Aeggatland Farm  
Inchtune  
Perthshire

Perth and Kinross Council  
Planning Department

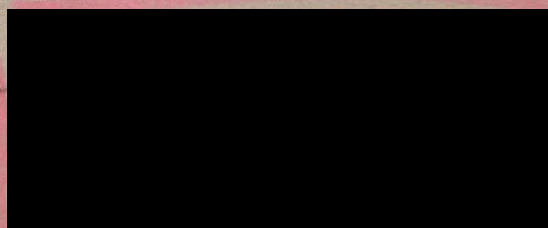
Planning Case Reference -- 15/01573/FLL

Erection of two Dwellinghouses - Land 60 Metres North East of South Cottage by  
Inchtune

Dear Sirs,

I recently reviewed the above cited planning application and write to offer my full support to the applicant. I live and farm in the vicinity and know Ballindean and the local area well. I also have carried out development of my own previously and so have some knowledge of the planning system. I consider the proposals to erect the two dwellinghouses as being appropriate in their planning context and most importantly they are very positive steps in what continues to be a testing economic climate. In my opinion Scottish Planning policy encourages appropriate development that equally encourages economic benefits to a locality. The type of houses proposed by the applicant are of a high quality which will attract professionals and therefore economic growth to area in terms of the purchase of building materials supplied in construction but also by means of income tax/council tax when the property purchasers have moved in. The National Planning Framework 3 encourages the need to address the shortage in Scotland's property supply by stating "1.6. A sustainable, economically active rural area, which attracts investment and supports vibrant, growing communities, is essential to our vision..." and I am fully supportive of fulfilling this need by recommending the approval of the proposed development within its context.

Yours

A large black rectangular redaction box covers the signature area, with a red outline around it.





**Kirsty Graham**

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**From:** J SMITH [REDACTED]  
**Sent:** 16 October 2015 21:30  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 15/01573/FLL

Erection of two dwelling houses - Land 60m northeast of South Cottage, (EASTER BALLINDEAN), Inchtute

We are writing to object to the above application for the following reasons. The application is contrary to the PKC's adopted Local Development Plan and does not comply with the updated Housing in the Countryside Guide 2014. The proposed site has been artificially created three years ago, when the original application (13/01454) was submitted, in the corner of a larger arable field, and lies outwith the existing boundary of the hamlet. The visual impact of these houses would have an adverse effect on the hamlet. Having lived in Easter Ballindean for over thirteen years now we are acutely aware of the continuing problem of flooding in the proposed site, despite extensive drainage work by the applicant. We would also like it to be noted that this application involves land where our shared septic tank lies. It is difficult to tell from the plans but it looks like our septic tank will end up under the tarmac driveway!

We note that the two proposed houses in this application are in the same position as the access for the 29 house development in his original application from 2009. Along with other falsely created boundaries this would therefore appear to us to be the start of several piecemeal applications to try and obtain his original intentions.

For the above reasons we strongly object to this application.

John and Agnes Smith  
North Cottage  
Easter Ballindean  
Inchtute







**From:** [REDACTED]  
**Sent:** 17 October 2015 18:31  
**To:** Development Management - Generic Email Account  
**Subject:** Objection to Application 15/01573/FLL Erection of two dwelling houses, Ballinden area, near Inchture

To Whom it May Concern,

We are writing to object to Application 15/01573/FLL. We live at East Cottage, Wester Ballinden, and have several reasons for our objections which we will explain below.

While this application is for two dwellings, the land owner (Mr Robert Morgan) has been trying for several years to get permission for a development in which a significant number of dwellings would be built and which PKC has rejected the former application (13/1454). [REDACTED]

If you look, you will clearly see that the access to these two proposed dwellings is in exactly the same position as the access for the 29 house development and the turning area for the two houses could easily become an extension of the access to further housing. This is because Mr Morgan, having once again, asked PKC to include the much larger area still in his ownership, and around which he has planted a line of trees, to be included in PKC's future plans for housing. This shows his intention of getting a large scale housing development put in one way or another despite PKC having already rejected this application previously. This would set a very dangerous precedent and encourage further planning for other 'artificially created' small sites adjoining any other part of the village and/or for the much larger housing development already put forward (and rejected) to PKC.

Planning policy dictates that permission should not be granted if doing so would have a materially adverse effect on the setting of listed buildings. The houses would most definitely cause direct adverse effects materially on at least two listed houses and fundamentally on all the listed buildings in the village. The proposed houses would be immediately south of Easter Ballinden House and immediately south west of Ester Ballinden Lodge, both of which are listed buildings. The uninterrupted setting of both buildings with open countryside is a backdrop and forego undo when viewed from the main viewing angle being to the south would have an adverse impact on the setting of both buildings.

As the design and site of the houses are suburban in nature, it is inappropriate for the proposed setting. This would be completely out of keeping with the village and as Ballindean sits within the Sidlaws Special Landscape Area in terms of Landscape Supplementary Guidance, which PKC recently adopted just this summer (June 2015), one of the stated objectives is to preserve the distinctive character of the small villages in the Braes of the Cares. The two proposed dwellings and the landowners determination to get substantially more in his ribbon of farmland approved, goes directly against the Landcape Supplementary Guidance and would completely ruin the distinctive character of Ballindean.

This site has been artificially created by the planting of hedge and trees in 2012, previously this site was just part of a larger cultivated field. The site does not have 'well established' landscape features, as required by PKC policy. The south boundary is simply a patchy beech hedge of varying heights, having been planted just a mere 3 years ago.

The description of the application site is misleading. It is NOT 'within' the building group of Ballindean, but would, in fact, be an extension of it. The site is neither a 'natural gap in the village', nor is it a 'natural extension of the existing building group' which has been suggested in the planning application. It would, in fact, be a 'Ribbon Development' which is contrary to PKC Policy. There is yet more misleading information to PKC in this application, as the plan attached to the application indicates beech hedging where none actually exists at present. This site does not provide a suitable setting.

It should also be noted that the site has frequently flooded in the past during periods of heavy rains and in the winter, with runoff from the hills behind. Even after numerous attempts and much expense to stop the flooding from happening, it still floods and it cannot be guaranteed that this will not happen again in future years. Again, this site does not provide a suitable setting.

This development would also be contrary to PKC's adopted Local Development Plan. It does not comply with the updated 'Housing in the Countryside Guide 2014'.

Thank you for your time and attention and we strongly urge you to reject this application [REDACTED]

Please do not hesitate to contact us if you require clarification on any information we have provided.

Sincerely,

Prof. Terence Smith and Mrs Shelley Smith

Address: Wester Ballindean Farm Cottage East  
Inchtute, Perthshire PH14 9QS





SUPPORT

AMB

Geoffrey & Kathleen Smith  
The Garden House, Ballindean, Inchtute, Perth PH14 9QS.

CUSTOMER SERVICE  
POINT

30

17. 10. 15.

Senior Planning Officers  
Applications  
Perth & Kinross Council  
Perth.

RECEIVED

21 OCT 2015

RECEIVED

Dear Sir

Planning Applications  
Ballindean Inchtute  
R. Morgan Ref 15/01573/FLL

I write in support of the above application and hope that your department sees fit to grant the application for the good of the community.

Having farmed adjacent for 22 years, I have seen the 'evolution' of housing in the Parish and Carse villages. What is most concerning is the way that the families of Carse residents are 'driven' from the area by the lack of suitable accommodation, whether for sale or rent, in the area.

This demands the countryside of dwellers, and not allowing them to remain in the area they grew up in.

This is very relative in this area due to being an ideal road commute from Ninewells Hospital and Dundee University. Indeed in Ballindean village medical staff are on emergency 'bleep' coverage from Ninewells. This attraction in itself prices properties above what true buyers and lower echelon buyers.

At one time your Council saw fit to try to inject life into the rural villages, letting residents stay in the countryside, and local employment. This also injected 'life' into village schools, shops, tradesmen and the community at large.

Unfortunately the 'winds of change' now say people should reside in or next to larger areas of habitation. In my opinion as a Retired Land Agent of 50 years Scottish experience, a very retrograde step.

Surely low key sympathetic injection of houses into rural communities, where screened, not 'skylined' keeps the character of the Carse and is a community asset, with all that conveys.

Planning officer

2

Your authority has caused consternation recently by the approval of a 'white house' in Balthidean, after for decades having kept the village character of red stone from the local quarry or equivalent. This is a totally unexplained departure of concern to those who have had to adhere to the previous regulation at great cost!

We have also seen the principal house in the village, which is very conspicuous, having its listed extension rebuilt departing completely from the original fenestration and affecting the whole character of the property. Why again? When other residents of the area have to adhere to most stringent listing provisions (in many cases in excess of historical fact or character)

These variations are worthy of deeper consideration and the provision of sympathetic lower cost housing within the community should be supported for the overall good.

I would therefore commend this application to your Council in the hope that this can be a constructive point in building this community, and allow local families to remain therein.

yours sincerely.



Chartered Surveyor.  
(F.R.I.C.S. Ret'd)

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

<b>Planning Application ref.</b>	15/01573/FLL	<b>Comments provided by</b>	Tony Maric Transport Planning Officer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	75329 amaric@pkc.gov.uk
<b>Description of Proposal</b>	Erection of two dwellinghouses		
<b>Address of site</b>	Land 60 Metres North East Of South Cottage Inchtute		
<b>Comments on the proposal</b>	<b>Insofar as the roads matters are concerned, I do not object to this proposal, provided the undernoted conditions are attached in the interests of pedestrian and traffic safety.</b>		
<b>Recommended planning condition(s)</b>	<ul style="list-style-type: none"> <li>• Prior to the occupation or use of the approved development the vehicular access shall be formed in accordance with specification Type B, Fig 5.6 access detail to the satisfaction of the Planning Authority.</li> <li>• Visibility splays of 2.4m x 43m to the north and 2.4m x 70m to the south (measured from the centre line of the new access) shall be provided along the nearside channel of the public road prior to the commencement of the development and thereafter maintained free from any obstruction of a height exceeding 1.05 metres above the adjacent road channel level.</li> <li>• Prior to the occupation or use of the approved development turning facilities shall be provided within the site to enable all vehicles to enter and leave in a forward gear.</li> <li>• Prior to the occupation or use of the approved development a minimum of 2 No. car parking spaces per dwelling shall be provided within the site.</li> </ul>		
<b>Recommended informative(s) for applicant</b>	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.		
<b>Date comments returned</b>	15 October 2015		





# Comments for Planning Application 15/01573/FLL

## Application Summary

Application Number: 15/01573/FLL

Address: Land 60 Metres North East Of South Cottage Inchtute

Proposal: Erection of two dwellinghouses

Case Officer: Andrew Baxter

## Customer Details

Name: Dr Ben Ulyatt

Address: Not Available

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Flooding Risk
- Out of Character with the Area
- Road Safety Concerns

Comment: Dear Sirs,

I am writing to object to the planning application 15/01573 in Wester Ballindean. It is not in Inchtute as stated in the application. This is a repeat submission of 13/01454 which was withdrawn by the applicant in 2013. This was following multiple public objections.

The plans, I believe, are contrary to both the council's local plan and the Housing in the Countryside Policy.

The development site currently forms part of an agricultural field outwith the natural boundary of the hamlet. The scale, colour and design of the development is completely out of keeping with the existing buildings and indeed would have significant visual impact on the hamlet and listed buildings.

Road safety is also likely to be compromised by the inadequate sight lines produced by the proposed access to the development. The site is also prone to repeated flooding from water run off from the hills above.



[REDACTED]

RECEIVED

14 OCT 2015

Kinpowie  
Ballindean  
Perthshire  
PH14 9QS  
9<sup>th</sup> October 15

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

Dear Sirs

**Erection of two dwellinghouses  
Land 60m northeast of South Cottage, Inchtute  
15/01573**

We are concerned that the above project title misrepresents the location of the proposed development and the application should be resubmitted correctly locating it at 'Ballindean' and not 'Inchtute'.

The revised proposal varies little from the previous submission 13/01454 and all the comments made in our letter of 14<sup>th</sup> September 2013 still apply. The location in a fairly recently partitioned area of field seems to have no logic and has no relevance to the village framework.

The proposed houses are still inappropriate both in size and design and suburban in character.

As previously stated the only logical location for such a small development at the east end of the village would be on the main road roughly in line with N/S Cottage. We would have no objection to the construction of two appropriate cottages in this location.

Yours faithfully

[REDACTED]

George & Estelle Ward





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

<b>Planning Application ref.</b>	15/01573/FLL	<b>Comments provided by</b>	Melanie Lorimer								
<b>Service/Section</b>	Waste Services	<b>Contact Details</b>	01738 475268								
<b>Description of Proposal</b>											
<b>Address of site</b>	Erection of two dwellinghouses Land 60 Metres North East Of South Cottage Inchtute										
<b>Comments on the proposal</b>											
<b>Recommended planning condition(s)</b>	<p><b>Conditions for Planning Consent</b></p> <p>1. Requirements for Bin Provision</p> <p>1.1 Domestic Properties Serviced by the 3 Bin System</p> <p>All domestic properties require an appropriate storage area for a minimum of 3 x 240 litre bins (1 for general waste, 1 for garden &amp; food waste and 1 for dry mixed recyclates/paper) and suitable access/surface to wheel the bins from the storage area to the kerbside where they must be presented for collection.</p> <p>Bin Dimensions</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Capacity (litres)</th><th style="text-align: left;">Width(mm)</th><th style="text-align: left;">Height (mm)</th><th style="text-align: left;">Depth (mm)</th></tr> </thead> <tbody> <tr> <td style="text-align: center;">240</td><td style="text-align: center;">580</td><td style="text-align: center;">1100</td><td style="text-align: center;">740</td></tr> </tbody> </table> <p><b>1.3 Domestic Properties in Rural Area's</b></p> <p>Council policy states that refuse collection vehicles will only provide kerbside refuse and recycling collections to properties situated on a private road if all of the following conditions are met :</p> <ol style="list-style-type: none"> <li>1. the private road serves a settlement, or settlements, rather than sporadic individual properties (as a guide, a settlement is a grouping of six or more properties);</li> <li>2. there is sufficient turning space for a refuse collection vehicle at the road end (i.e. a turning circle, t-junction or hammerhead), or if the vehicle can enter/exit the road by other safe means (as specified in point 3 below);</li> <li>3. the condition of the road surface is acceptable for a refuse collection vehicle to access (as specified in point 4 below);</li> <li>4. sufficient and safe access for the refuse collection vehicle is</li> </ol>			Capacity (litres)	Width(mm)	Height (mm)	Depth (mm)	240	580	1100	740
Capacity (litres)	Width(mm)	Height (mm)	Depth (mm)								
240	580	1100	740								



	<p>maintained - i.e. absence of overhanging branches / over grown bushes acceptable surface condition etc. (as specified in point 2 below)</p> <p>5. the owner of the private road agrees to indemnify the Council (through a signed waiver) against any damage caused from reasonable use of the road by a refuse collection vehicle;</p> <p>6. any bridges or other structures along the private road are certified by a competent person to be safe and meet Perth and Kinross Council health and safety requirements. It is the responsibility of the owner(s) of the road to demonstrate the safety of these structures;</p> <p>If the properties can be accessed safely by service vehicles then condition 1.1 must be followed. If the properties cannot be accessed safely by service vehicles then provision must be made at the road end for the safe storage and servicing of the bin(s) in which case condition 1.2 must be followed.</p> <p>Please contact M Lorimer to discuss the above.</p>
<b>Recommended informative(s) for applicant</b>	
<b>Date comments returned</b>	8 October 2015

# Comments for Planning Application 15/01573/FLL

## Application Summary

Application Number: 15/01573/FLL

Address: Land 60 Metres North East Of South Cottage Inchtute

Proposal: Erection of two dwellinghouses

Case Officer: Andrew Baxter

## Customer Details

Name: Mrs Marilyn Webb

Address: Not Available

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Pitroddie Old Manse

Pitroddie

Perth

PH2 7RJ

14 October 2015

Dear Sirs

15/01573-Erection of two dwellinghouses- Land 60m northeast of South Cottage, Inchtute

The Braes of the Carse Conservation Group (BCCG) was formed in 2009 to try and conserve the unique beauty, character and historical environment of the Braes of the Carse of Gowrie. Our Group's aim is to provide a voice for residents and interest groups in an area north of the Perth - Dundee dual carriageway (A90) approximately between Glendoick in the West and Knapp in the East. We have participated fully in the community involvement process for various strategic planning matters since our formation, in particular in relation to TAYPlan, the Local Development Plan (LDP) and, more recently, the new Landscape Supplementary Guidance. We wish to object to the above planning application for reasons consistent with views we have previously expressed.

When previously commenting during and after the preparation of the LDP we have consistently expressed concern that any wavering by PKC in the rigorous enforcement of the policy in the Housing in the Countryside Guide might result in ribbon development and/or the suburbanisation of the countryside with the resultant loss of the distinctive character of the small villages and

hamlets.

The current planning application is in terms almost identical to application 13/01454 withdrawn by the applicant when we understand that the planning officer was intending to recommend refusal. The current application, just like the 2013 application, is exactly the type of application about which our members have consistently expressed concern.

We consider that the application is contrary to RD3 in the LDP and the updated HICP and that these policies should be rigorously applied.

This is a totally contrived site formed in part of a field that was previously cultivated. Contrary to the applicant's suggestion in his design statement it is clearly not "in a natural gap in the village framework" and therefore would not qualify as "infill" in terms of RD3.

Neither does it extend the village into a compact shape any more than a development on any other boundary of the village. The boundary hedging and trees cannot be classed as "well established" having only been planted 3 years ago. Approval of this application would set a dangerous precedent and be a green light to landowners to simply plant hedging adjacent to any group of houses to artificially form building sites. Approval of this application would result in exactly the type of ribbon development that the Policy is designed to prevent and about which we and our members are concerned.

We consider the style, design and detailing of the housing proposed is also entirely inappropriate for the area. Most of the houses, and all of the listed buildings, are built of red sandstone and most other houses are predominantly reddish in colour. We are concerned that such development would be entirely contrary to the Landscape Supplementary Guidance adopted in June 2015. The Landscape Supplementary Guidance acknowledged that the Braes of the Carse retains an important relationship with the adjacent Carse of Gowrie. The settlements along the foot of the Braes were acknowledged as being important features with special qualities retaining their historic character. An objective of the Guidance is to "preserve the distinctive character of small villages along the Braes of the Carse". Ballindean is a perfect example of such a small village. The objective will not be achieved if applications such as the one under consideration are approved.

The Landscape Supplementary Guidance acknowledged the view of our Group that the small hamlets and villages in the Braes, such as Ballindean, are an important part of our landscape and deserve protection. The Illustrated Architectural Guide to Perth & Kinross (a publication supported by PKC, PKHT and Perth Civic Trust and others) acknowledges the special character of the village and calls Ballindean "a picturesque estate hamlet". An important part of the character of the village are its various listed buildings. The proposed development would have a major adverse impact on the setting of two of the prominent listed buildings in the village being Easter Ballindean House (Category CS) and Ballindean Lodge (Category B).

Historic Scotland's (Managing Change in the Historic Environment - Setting) guidance suggests that at all times the listed building should remain the focus of its setting. Easter Ballindean House and the Lodge are prominent in their settings in the landscape. They enjoy uninterrupted settings with open land in front and behind them so that any development on the proposed site would undoubtedly reduce their prominence on the landscape. The question of inter visibility simply cannot be overcome. It should be noted that BCCG did not object to the development of a house in the field to the west of Easter Ballindean House as we did not consider that it sufficiently affected the setting of listed buildings and we considered that it was infill development within the village. This application is, however, completely different in that the current site is immediately to the south of the listed buildings (being the main aspect when viewed by the public) and, as stated previously, would constitute ribbon development and not infill.

As a side issue, we are also concerned that the current application may well be a precursor to the revival of the 29 houses on Site 132 that was submitted for inclusion in the LDP (but rejected by the Council as inappropriate). This site has again been resubmitted for inclusion in the LDP in the Call for Sites earlier this year. We assume that the Main Issue Report scheduled for this autumn will again reject the site as inappropriate but it is not yet available. The access is in the same location and the turning point shown on the current plan could easily be extended to form the access to further housing in future. We will not at this stage rehearse all the reasons why we think such a large scale development would be inappropriate but we would ask you to simply note the layout of the current application and the possibilities it might hold for the future should planning permission be granted.

Finally, as we have consistently argued to the Council, we do not consider that it is appropriate to grant permission to build housing in areas that have in the past or are likely in the future to suffer flooding. It is known that the water table is very high in this part of the Carse. This site is also at the very foot of a steep hill and we are aware of the flooding experienced in the village in general, and this site in particular, from water run off from the hills.

For all of the above reasons we would strongly object to this application.

Yours faithfully

Marilyn Webb  
Secretary BCCG





# Comments for Planning Application 15/01573/FLL

## Application Summary

Application Number: 15/01573/FLL

Address: Land 60 Metres North East Of South Cottage Inchtute

Proposal: Erection of two dwellinghouses

Case Officer: Andrew Baxter

## Customer Details

Name: Dr Roland Wolf

Address: Not Available

## Comment Details

Commenter Type: Neighbour

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: This is a re-application which was withdrawn because the applicant was told the application would not be supported. My comments remain unchanged and are given below.

I am writing to object to the planning application 13/01454. The applicant states that the development is in a natural gap in the village framework. This is clearly not the case. This represents an incongruous extension to the village and out of context of the hamlet. In an attempt to support the contention that the development is within the village the applicant recently planted a hedge of trees to create an artificial boundary. This is clearly contrived and the area described is part of existing arable land. Indeed, the applicant fails to include the name Ballindean in the title of their application. It is also stated that the application is consistent with the Perth and Kinross guidelines for Housing in the Countryside. I fail to see how this can remotely be considered to be the case. It contravenes almost all of these guidelines. The development is not sympathetic to its environment and will be on arable land. The proposed building design is incongruent with a village constructed predominantly of red sandstone. The development is out with the curtilage of the village and will significantly detract from an environment, which includes a number of, listed buildings.



Development Quality Manager  
Perth & Kinross Council  
Planning and Regeneration  
Pullar House  
35 Kinnoull Street  
Perth, PH1 5GD

Lomond View  
Kinnaird  
Inchtute  
Perthshire  
PH14 9QY



15<sup>th</sup> October 2015

Dear Sir/Madam,

**15/01573 – Erection of two dwelling houses – Land 60m northeast of South Lodge, Inchtute**

I write to **object** to the above application for the following reasons:

1. The application contravenes Scottish Planning Policy, Perth & Kinross Local Development Plan (2014) and Housing in the Countryside policy RD3 (2012). LDP Policy PM1A requires that the siting of new development should respect the character and amenity of the place. LDP Policy PM1B favours development that respects site topography, surrounding important landmarks, ... and the wider landscape character of the area. LDP Policy RD3 (Housing in the Countryside) requires new development to conform to a range of permitted categories. This application fails to meet any of these categories. The site location is artificially and recently created within a field that has been cultivated for generations. Housing in this field would not add to an identifiable "sense of place"; it is outwith the existing Ballindean village framework, and certainly not "a natural gap in the village framework", as suggested in the applicant's design statement.
2. PKC Housing in the Countryside, Supplementary Planning Guidance (2012) sets out more detailed criteria that determine the suitability of new housing in rural areas. The two most relevant criteria are (a) Building Groups, and (b) infill sites. The application site is not within the building group of Ballindean. It is not an infill site, and would not extend the Ballindean building group into a definable site "formed by existing topography or well established landscape features." The hedge and trees marking the south and east boundaries were planted only 3 years ago, and cannot be described as "well established". The Guidance is clear that "Long established boundaries must separate the site naturally from the surrounding ground. Sub-division of a field ... artificially,

e.g. by a newly planted hedge in order to create the site, will not be acceptable”.

3. Ribbon development: I am concerned that if this application were to be approved, it would open the way to further development at the site, using the same access routes. PKC HICP (2012) states that “Proposals which contribute towards ribbon development will not be supported”.
4. Listed Buildings: Easter Ballindean House (Category CS) and Ballindean Lodge (Category B) are prominent buildings in the Carse landscape. They are clearly landmarks as one approaches Ballindean from the east (as I have done regularly over the past 32 years). They should remain, in the words of Historic Scotland's 'Managing Change in the Historic Environment – Setting' – “the focus of their setting”. Any housing development in front of these listed buildings would have a detrimental effect on their setting in the landscape.
5. Building Design: Ballindean has been described as "a picturesque estate hamlet". The listed buildings and most of the houses are built of red sandstone. The scale, colour and design of the development is completely out of keeping with the existing buildings and indeed would have significant visual impact on the hamlet and listed buildings

Application 15/01573 appears to be a naïve and cynical attempt to flout Scottish and local planning policy. Even the given address is misleading. 'South Lodge' may have an Inchtute postcode but is 80m distant from the application site which is adjacent to 'Ballindean'. I would ask you not to approve this application.

Yours faithfully,

Dr J.A.T. Woodford



## Kirsty Graham

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**From:** Barbara [REDACTED]  
**Sent:** 16 October 2015 15:53  
**To:** Development Management - Generic Email Account  
**Subject:** Re: RE PLANNING APPLICATOIN REFERENCE 15/01573/FLL

Dear Kirsty  
So sorry I did not put the address. It is  
Mrs B Young  
The Steading  
Wester Ballindean  
Inchtute  
Perthshire  
PH14 9QS



Many thanks  
Barbi Young

Sent from my iPhone

On 16 Oct 2015, at 14:45, Development Management - Generic Email Account  
<[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)> wrote:

Good Afternoon

Thank you for your email, in order to register your comment on our system we require confirmation of your full postal address.

Kind Regards

Kirsty

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**From:** PETER YOUNG [REDACTED]  
**Sent:** 15 October 2015 12:28  
**To:** Development Management - Generic Email Account  
**Subject:** RE PLANNING APPLICATOIN REFERENCE 15/01573/FLL

Development Quality Manager

I am writing to object to the planning application for 2 dwelling houses North East of South Cottage Inchtute.

As I am sure you are aware, Ballindean is a small Hamlet of old sandstone houses, steading and cottages some of which are listed. The building of 2 new dwellings in this hamlet will be totally out of character and importantly their proposed position will obscure Easer Ballindean house and Lodge which are both listed and are significant within Ballindean. Ballindean is within the Sidlaws Special Landscape Area in terms of Landscape Supplementary Guidance recently adopted by PKC with an objective to preserve the character of small villages in the Braes of the Carse. It would not be a "natural extension of existing building group" as suggested in the application and the proposed houses are not in keeping with the local area.

The proposed site appears to have been manufactured recently by the planting of a hedge around it which had originally been a cultivated field. The sight had been manufactured on the edge of the hamlet, not within the hamlet boundary. I am aware that planning was previously sought for this sight but withdrawn and also planning for a 29 house development was also put

forward and rejected. I feel that planning for 2 dwelling proposed would set a precedent for further planning of 29 houses in this area which does have a tendency to flood with the heavy rainfall running off the hills behind.

Yours Mrs B A Young

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## **CHX Planning Local Review Body - Generic Email Account**

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**From:** sheila fraser [REDACTED]  
**Sent:** 04 April 2016 19:51  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(401)

Dear Sir/Madam

I wish my original letter of objection to be re applied to this appeal & re application for planning.

Thanks

Sheila Fraser

South Cottage

Easter Ballindean

By Inchtire

03/04/16



## Kirsty Graham

---

**From:** sheila fraser <[REDACTED]>  
**Sent:** 14 October 2015 22:07  
**To:** Development Management - Generic Email Account  
**Subject:** Re planning application 15/01573/FLL

Dear Sir

I wish to raise an objection to the planning application for 2 houses in Easter Ballindean submitted by Mr Robert Morgan reference 15/01573/FLL.

- 1.The erection of 2 dwelling houses would impinge on the outlook, & privacy of south Cottage thus have an materially adverse affect & impact on the setting.
- 2 The septic tank & drains from North/South Cottage cross this area of land thus would be required to be relocated & where would this be situated & who would be liable for this.
- 3.The public road is very narrow & lacking in passing places so more houses adds additional traffic.
- 4.The site for the proposed houses has been artificially created in 2012 by planting of a hedge & trees on what was previously part of an agricultural field which was cultivated.
5. The proposed site is not within the building group of Ballindean but an extension of it. The site is is not a natural gap in the village nor a natural extension of the existing building group. It would be a ribbon development contrary to PKC policy.
- 6.This application if successful would set a dangerous precedent & may lead to future applications for other artificially created sites adjoining other parts of the village and/or for the much larger 29 house development previously put forward to the council by the developer(and already rejected by PKC) The access to the 2 houses is in exactly the same position as the access for the 29 house development & the turning area for the 2 houses could easily become an extension to the access for futher houses.
7. The site has been frequently flooded in the past from heavy rain & run off from the hills.
8. The design & size of the houses is inappropriate to the village as they are suburban in nature & would look out of place.Ballindean is within the Sidlaws Special landscape area.

Yours sincerely  
Sheila Fraser  
14/10/15

Rathan  
South Cottage  
Easter Ballindean  
PH149QS





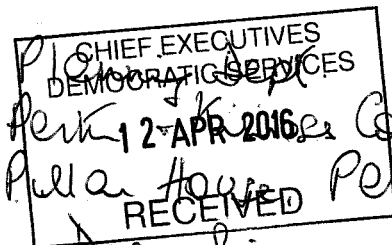
We were surprised to see that the original application had been rejected and would like to continue with our full support.

The new houses will fill in a gap in the village and wont detract visually or otherwise from either of the listed buildings any more so than those already there. Having lived in the area for nearly half a century, we regularly drive through the village and have witnessed various developments including extensions and changes to both the listed buildings themselves and think these new proposed houses are a welcome addition to the local area providing only advantages to the village.

John and Jennifer Lamont  
New Mains Cottage  
Inchtute







Hill House  
Ballinacorney  
Keshmone.

RECEIVED

11 APR 2016

6/4/16

PA14903

Dear Sir,

Planning Application 15/01573/FL

I write to object to the above application, and re-iterate the points I raised in my previous letter.


This development is outwith the envelope of Ballinacorney, and not in a building group. It would be out of character with the neighbouring and listed houses, and would impinge adversely on their amenity.

The site has been deliberately created by the planting of a still small hedge which is now likely to be of a height to screen these houses from others. It would also create a line for further "ribbon" development along

the "Auld" the old name for the  
original Perth to Dundee coach  
road, which should be preserved.

This is an ancient and historic  
rural area, see Melville's "Fair Land of  
Gowrie", and the Council were  
correct in their refusal of consent  
under Section 59 of the Planning  
(Listed Buildings and Conservation  
Areas, Scotland) Act 1997.

I would repeat that the area  
is prone to flooding, and even in  
fields already drained the water is  
lying in great pools and has been  
all winter. I see it daily from here.  
We are also in the Siddons Special Landscape  
Area and must preserve it as such.

Yours faithfully,  


CHIEF EXECUTIVES  
DEMOCRATIC SERVICES

12 APR 2016

RECEIVED

15/01573/FLL  
RECEIVED

11 APR 2016

Kinpowie  
Ballindean  
Perthshire  
PH14 9QS  
6<sup>th</sup> April 16

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

Dear Sirs

**Erection of two dwellinghouses  
Land 60m northeast of South Cottage, Inchtute  
Appeal TCP 11/16(401)**

Further to our objection to the original application we are surprised that we have not received notification of the above appeal. The comments made in our letters of 14<sup>th</sup> September 2013 and 9<sup>th</sup> October 2015 still apply.

The artificial creation of the site comprising a partitioned area of field with the need for an extended drive would seem to have no logic. The two additional houses could more appropriately be accommodated on the existing main road within the existing boundary of the village.

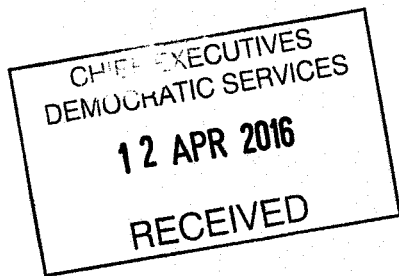
Our view of the scale and design of the proposed houses is unchanged.

Yours faithfully

  
George & Estelle Ward







RECEIVED  
11 APR 2016

Gean Cottage  
Pitroddie  
Perth  
Scotland  
PH2 7RJ

8 April 2016

Dear Councillor

**Appeal TCP 11/16 (401)** relating to refused planning application **15/01573** -  
Erection of two dwellinghouses- Land 60m northeast of South Cottage, Inchtute

I have a number of comments to make the following comments in relation to the appeal by Mr Morgan in relation to the planning application 15/01573 and hope you will take these comments into consideration when considering this appeal.

The proposed development does lie within the village as suggested by the applicant but in an area of what was until recently agricultural land to the east of the village.

The site is not within an existing landscape boundary/framework. I have photographs of the hedge being planted in the summer of 2012 into the middle of a field of barley. If you wish to see these photographs I would be happy to send them.

The proposed development is out of character for Ballindean and also it does not sit within the village boundary. If this development is granted it could open the door for additional house building, creating ribbon development and detracting from the attractive character of the village.

The area in question floods in some years and this proposed site is badly affected after there has been heavy prolonged rainfall. It would be difficult to protect the new houses from this flooding as the water runs down the hill and gathers considerable speed/power as it does so, and has washed out deep gorges in the past.

Please take the above points into consideration when making a decision about this appeal.

Yours sincerely

Douglas Allan





Gean Cottage  
Pitroddie  
Perth  
Scotland  
PH2 7RJ

RECEIVED  
11 APR 2016

10 April 2016

Dear Sir/Madam

**Appeal TCP 11/16 (401) relating to refused planning application**

**15/01573 -Erection of two dwellinghouses- Land 60m northeast of South Cottage, Inchture**

I would like to make the following comments in relation to the appeal by Mr Morgan in relation to the planning application 15/01573.

Firstly – the proposed development does not lie within the village boundary as claimed by the applicant. It is within an area of agricultural land to the east of the village, and will constitute an extension to the village boundary by creating ribbon development and a precedent for further ribbon development in the future.

Secondly – the area proposed for development is prone to severe flooding damage, as the burn that flows down the hill above the site can carry a huge amount of water after heavy rain. This water then flows down across the site and in recent year has caused massive deep channels to be washed out, directly where the houses are to be built.

Thirdly – the site is not surrounded by an established boundary to landscape the site as claimed. The short, patchy beech shrubs were planted in the summer of 2012 in the arable field in order to create an “existing boundary”. This sparse hedge will do nothing to landscape or screen a new development.

Fourthly - Ballindean is within the Sidlaws Special Landscape Area in terms of Landscape Supplementary Guidance adopted by PKC in June 2015. This designation recognises the value of attractive villages in this area and was put in place to prevent out of character and ribbon development which would detract from the character of the village and the local landscape.

Fifthly – the proposed access point is far too close to a dangerous corner, and could result in accidents with other cars or bikes, as it will be impossible to see traffic around the corner until it is just a matter of metres away.

I hope you will take these points into consideration when making a decision about this appeal.

Yours sincerely

Christine Hall





## CHX Planning Local Review Body - Generic Email Account

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**From:** Dennis Burrowes [REDACTED]  
**Sent:** 11 April 2016 18:45  
**To:** PlanningLRB@pkc.gov  
**Cc:** Ali Ramsey; Grant Reid Nicola (cottage)  
**Subject:** Planning Application 15/01573

I refer to your email of 30 March 2016 notifying us of an appeal regarding the above application and inviting us to make further representations, if we wish, to the Local Review Body. We would like to make the following comments and presume the Local Review Body will also have copies of our letters of objection on the same subject dated 14/10/15 and 13/9/13. We will not, therefore, repeat the points raised in those submissions except to say we still hold the views to be valid and important.

Regarding the current appeal, we would strongly like to support Ms Alison Ramsay MBE.'s excellent submission to the Local Review Body in which she very clearly supports the Appointed Officer's decision to refuse the application on the grounds of its clear contravention of the Perth and Kinross Council's Plans and Policies and National legislation in relation particularly to listed buildings. As the longest living residents in the hamlet of Easter Ballindean we can assure the Review Body that the unrestricted view of the listed buildings referred to in the application greatly enhances the view for the public approaching Easter Ballindean and adds greatly to the pleasantness and environment of the hamlet which is one of the Council's most attractive areas in the District.

We also fully support Ms Ramsay's other very relevant and clearly defined reasons as to why this appeal should be refused.

We understand that in the appeal, reference has been made to a house built recently in the hamlet and which has been finished in white. This finish does not fit in with the surrounding houses but the owners of this house are aware of this and are currently reconsidering this situation and are likely to subsequently change it.. Relevant to this is that a current planning application by Mr D McRobbie of Easter Ballindean (Application reference: 16/00394/FLL ) concerns an extension to his house, Cruachan, and he has taken the trouble to visit his neighbours and explain his plans. In doing so he has made it clear that no part of the extension would be finished in white and consequently it is very probable that there will be no houses in Easter Ballindean finished in white and that all houses will blend in with the very attractive sandstone finish that makes it such an attractive and environmentally friendly hamlet.

We would like to add, also, that no real comparison can be drawn between the proposal to build two houses, the subject of this appeal, and the granting of planning permission to build a house in the hamlet comparatively recently built on the grounds that the latter was on a clearly defined in-fill site bordered by hedges, fences etc some 25 years old, it did not contravene any Council planning policies and to which there were no local objections whatsoever.

It is to be hoped that the Local Review Body, having read the representations from the local residents and bearing in mind the decision of their Appointed Officer to refuse the original application, will decide to refuse this appeal.

Gill and Dennis Burrowes,  
The Orchard,  
Easter Ballindean,  
Inchtute,  
Perthshire.  
PH14 9QS.





## CHX Planning Local Review Body - Generic Email Account

---

**From:** NICK GUEST [REDACTED]  
**Sent:** 11 April 2016 06:29  
**To:** CHX Planning Local Review Body - Generic Email Account; Paige Crighton; Development Management - Generic Email Account  
**Cc:** Nick Guest  
**Subject:** Original application 15/01573 - Appeal TCP 11/16 (401) -Erection of 2 dwellinghouses - Land 60m northeast of South Cottage, Inchture

I lodged an objection to the original planning application 15/01573/FLL and now wish to respond to the landowner's grounds of appeal. Please take note of my previous emails/correspondence giving many reasons for me objecting to this proposed development. These are all still applicable. I also remind you that the few letters of support for the development came from the applicants family members and acquaintances who do not live in the village and that every household in the village itself was and still is against the proposal with almost every single house taking the trouble to object.

The landowner seems himself to have accepted that his beech hedge which has been ravaged by deer and rabbits isn't a "well established" boundary, in deed the land was part of agricultural land prone to severe flooding and the applicant has artificially create a potential boundary only to support a weak planning application and rationale. There is absolutely no support for the claim that the housing should be allowed under the Housing in the Countryside Policy 2012 as extending the building group of Ballindean into a definable site. It is clearly incorrect to claim that the site "sits within the building group". It would extend the building group into historically agricultural land and would be ribbon development specifically contrary to planning policy. It would not respect the character of the area as it is just a recently sectioned off part of a field and would develop extremely poor precedence for the area.

The landowners sole ground of appeal seems to be that the fact that planning was granted for Berryfields means that his application should also have been granted, such rationale is again weak precedence. Although there is concern in the village at the white colour of the exterior of Berryfields that was permitted by the planning authority, the house complied with the HCIP as it was clearly within the building group. It also has mature trees on its boundary to the south and east. It was not a contrived site like the one under review.

The landowner suggests that the setting of the listed buildings of Easter Ballindean House and the Lodge wouldn't be affected at all by his proposed houses. This is clearly inaccurate. They would be right in front of the listed houses and whether they were painted white or not they would detract from the view of these houses that are prominent when entering the village from the east. Berryfields affects the setting of just one of the listed buildings and to a much lesser extent due to the screening of trees and it being adjacent to rather than directly in front of the Easter Ballindean House. As the setting of both listed buildings would be severely compromised the planning officer was correct in refusing the application.

Ballindean is a small hamlet with several listed buildings (including my own) and the character of these villages needs to be protected. This was acknowledged when it was included in the Sidlaws Special Landscape Area in terms of Landscape Supplementary Guidance adopted by PKC last year. This designation is to preserve the distinctive character of the small villages in the Braes of the Carse. It is another reason why i believe the planning officer was right when refusing this planning application.

The line of beech hedges does not enclose the whole site i.e. it wouldn't, even in further 10 or so years when it has grown to a decent height, screen the proposed development including the access road. The site therefore doesn't have well established boundaries. The access would be seen from the public road and look out of place.

The style and size of the houses are not suitable for the village but this is incidental as the site itself is inappropriate and fails to comply with either local or national planning policy.

The application does not fall within the criteria of the HCIP and it is contrary to Policy RD3, PM1A and HE2 of the Local Development Plan and also TayPlan. I strongly suggest that none of the grounds of appeal justify the overturning of the planning officer's original decision to refuse the application.

I am also concerned with the manner in which this applicant has been continually pushing the boundaries of the planning rules and regulations with continual applications. The landowner whilst presenting themselves as local farmer is in reality interested in land development however is using his landownership to plant artificial boundaries on existing agricultural land to effectively establish some form of grounds for extending the hamlet boundaries. The landowner used very weak agricultural needs / employment to previously obtain planning permission for a significant and in appropriate farm house in the field immediately next to this application, although he then attempted to sell the land with the relevant planning permission. The granting of any planning on this land would I fear be used by the applicant to then extend the rationale for development to link the developments. The applicants past planning applications and actions surrounding this hamlet should be taken into account.

regards

Nick Guest  
Wester Ballindean Farmhouse  
PH14 9QS

Easter Ballindean House  
Inchtute  
Perth  
PH14 9QS

12<sup>th</sup> April 2016

Dear Sirs

**TCP 11/16 (401) - Erection of two dwellinghouses- Land 60m northeast of South Cottage, Inchtute**

I have been notified of the applicant's appeal to the Local Review Body and wish to comment on the grounds of appeal.

The panel will be aware of the large number of objections from local residents to the application 15/01573. Please note that the applicant's decision to lodge his notice of appeal on the very last day possible may have resulted in some of the objectors being unable to comment on his grounds of appeal due to the fact that the period for comment is entirely within the Easter school holiday when many are absent from the area. Presumably, however, you will take into account the original number of genuine local objectors and the grounds of their objections.

I would ask that you take time to read my detailed original letter of objection to application 15/01573. Many of the points raised were accepted by the planning officer and reflected in his decision to refuse the application. I will therefore primarily restrict my comments to the applicant's stated grounds of appeal in this letter.

One point however not referred to in the decision notice (presumably because the application already failed on other grounds) is that the proposed development would be contrary to the Landscape Supplementary Guidance that was adopted in June 2015. A specific objective of the Guidance in relation to the Sidlaw Special Landscape Area is to "preserve the distinctive character of small villages along the Braes of the Carse". Ballindean is one such village. This is exactly the type of situation that this very recently adopted guidance is designed to cover and I would ask you to give weight to it.

My comments to the applicant's numbered stated grounds of appeal are as follows:

1. Accepted. However a decision was made by the planning officer on the legitimate grounds stated in his decision notice.
2. The applicant seeks to rely on the granting of permission 13/00662 as justification for his appeal succeeding. That new house sits at a higher elevation and is close to Easter Ballindean House (but not Easter Ballindean Lodge.) He suggests that the fact that the proposed development "sits considerably below the level of the listed buildings" would mean it would "not remotely encroach on its view from the south". This is completely incorrect.  
The proposed development site does **not** lie considerably below The Lodge which is a grade B listed building. Whilst it does lie below Easter Ballindean House (C(S) listed) it is immediately in its foreground.

An important part of the “setting” of these listed buildings is the foreground across an open field to where an old red sandstone wall lines what is now the access driveway to both properties but which was until the 18<sup>th</sup> century the main Perth to Dundee road. This wall itself is a significant landscape feature framing the listed buildings behind it. Clear sight of this wall and the rhododendron lined driveway behind it would be irretrievably lost with **any** development of the site and would have a significantly adverse effect on the setting of the listed buildings when viewed from the south and approaching from the east.

For the applicant to suggest that the view of the listed buildings from the south would not be encroached is clearly untrue. Everyone else thinks otherwise. I would ask you to accept that the views of both of the planning officers (for both this application and that of 13/00662), the Council’s own Conservation Officer, the Inchtute Community Council, the Braes of the Carse Conservation Group, the Architectural Society of Scotland and all of the many objectors are a more accurate and indeed the true reflection of the situation.

Intervisibility is a key issue here. Historic Environment Scotland’s guidance highlights that listed buildings should always remain the focus of their setting. Easter Ballindean House and the Lodge are very prominent buildings in their settings in the Carse landscape. They draw the eye when viewed from near and far due not only to their attractive facades but also by their uninterrupted settings with open countryside as backdrop and foreground.

I would ask you to make it clear that for planning purposes the proposed site is now, **and will always be**, extremely intervisible with the existing listed buildings and, as such, **any** future development would necessarily have a significant adverse effect on the setting of the listed buildings and thus be unacceptable in terms of both local and national planning policy. This might deter the applicant from repeatedly applying for planning for this particular manufactured site and indeed the larger site around the village of Ballindean which he has tried unsuccessfully on more than one occasion to have included within the Local Development Plan.

3. and 4. The application is neither supported by local nor national planning policy. The applicant suggests the site “sits **within** the existing building group”. He suggested in the supporting statement to his original application that the two houses would be positioned “in a natural gap in the village framework”. Both statements are factually incorrect as would be seen from a site visit.

Neither would the development extend the building group into a definable site formed by existing topography and/or well established landscape features which would provide a suitable setting. In his grounds for appeal 2. he mentions that “once the existing hedgerow has sufficiently matured” it will screen the development. He himself has therefore accepted that the hedge that he planted to artificially create the site within an open field a couple of years ago is not at present “well established”.

The proposed development would also not respect the character of the area as it is simply a corner of a field that he has tried to section off as the enclosed photo (taken just yesterday) showing sheep grazing actually inside the site illustrates. It would simply be ribbon development and, as such, contrary to planning policy.

The properties may well be “of high quality design and aesthetic and fit in”.....but in a suburban setting somewhere, not in a rural setting. These are executive houses, their design being suburban in nature and not reflecting the local architecture. Despite the assertion that the height of the houses has been reduced by 1.8m the scale of both houses would still be inappropriate for the site and the proposed design, detail and finishes would be out of

character with their surroundings. I cannot see how they could possibly “improve the visual aspects of the village” as suggested.

As mentioned in appeal ground 2 the applicant seeks to rely on 13/00662 to justify his appeal. That planning application however materially differed from the current application.

(i) That site was clearly **within** the existing building group and not an extension to it.  
(ii) That site is screened on the south and east by very well established (over 30 years) trees and hedges which almost entirely screen the house especially when the trees are in full leaf.  
(iii) That site, albeit sensitive to listed buildings, does not have the same intervisibility impact on either Easter Ballindean House or The Lodge as the principal view of both buildings is from the South looking directly at the buildings. This latter point was specifically considered and commented on by the planning officer for 13/00662.

I think I am a reasonable person. I do not object to planning applications if they comply with planning policy. Indeed I did not object to planning application 13/00662 on the basis that I felt it complied with HCIP policy.

The applicant cannot rely on 13/00662 as precedent for the above three reasons, however I too was concerned about the colour of the wooden boarding on the top half of the new house. I was very disappointed that the planning officer, knowing that every other house within the village was either built in red sandstone or was of that approximate colour, did not make it a condition of planning that the exterior should be of a colour that would allow it to blend sympathetically into the village setting. In my opinion that was an error of judgement by the planning officer and one that should certainly not be compounded by allowing any other such future development in the village. Out of interest you may wish to know that the owners of the house have said that when repainting the wooden boarding it will be in a more subtle colour appropriate to the rest of the village so that the existing colour will not remain indefinitely.

5. The extent of the site for which the application was lodged includes the route of the proposed access. The planning officer was correct in that the current patchy line of hedging is within, rather than forming the south boundary of, that site. This reinforces that the whole site itself therefore does not have a good landscape framework. The proposed access just runs across the open field and, contrary to the applicant’s assertion, would indeed be clearly visible from the public road.

The application does not comply with the Landscape Supplementary Guidance, or the policies in the HCIP, or the Local Development Plan or TayPlan and there are no material reasons to depart from them. In light of the comments in my original objection and these further comments on the applicant’s grounds of appeal I would strongly urge you to uphold the Planning officer’s refusal and dismiss the appeal.

Yours faithfully

Alison Ramsay



868



## Paige Crighton

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**From:** J SMITH [REDACTED]  
**Sent:** 12 April 2016 23:56  
**To:** CHX Planning Local Review Body - Generic Email Account; Paige Crighton  
**Subject:** Re: TCP/11/16(401)

### **Town & Country Planning (Scotland) Act 1997**

### **The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013**

### **Application Ref: 15/01573/FLL – Erection of two dwellinghouses, Land 60 Metres North East of South Cottage, Inchtute**

In reference to the above application. We lodged an objection to the original planning application and now wish to respond to the landowner's grounds of appeal.

His first ground for appeal appears to compare the granting of the development of Berryfield (13/00662/FLL) with his own application. There are several differences between the two applications but the main difference is that Berryfield was built within the existing boundaries of the houses already present. This new application would mark an extension to the existing building group as the houses would be built on arable land, outwith the existing boundaries, in a area that the applicant has falsely created. This application would therefore be a ribbon development, contrary to planning policy, and would set a dangerous precedent for future expansion of the hamlet.

The applicant also suggests that these new houses would not detract from the listed buildings that would be to the north and east of the proposed development. Any development directly in front of Easter Ballindean House would be seriously detrimental to it's setting. To claim otherwise is a falsehood. As is his claim that his recently planted beech hedge is "well established". The site therefore doesn't have well established boundaries and would detract from the visual amenity of the existing building group. The proposed access route would also be clearly visible from the public road and look out of place.

Ballindean is a small hamlet with several listed buildings and the character of these villages needs to be protected. This was acknowledged when it was included in the Sidlaws Special Landscape Area in terms of Landscape Supplementary Guidance adopted by Perth & Kinross Council last year. This designation is to preserve the distinctive character of the small villages in the Braes of the Carse.

For the above reasons we suggest that the planning officer was correct in his decision to refuse this application and would suggest that the Local Review Body should likewise refuse this appeal.

John and Agnes Smith  
North Cottage  
Easter Ballindean



# The Braes of the Carse Conservation Group

Pitroddie Old Manse  
Pitroddie  
Perth  
PH2 7RJ

13 April 2016

Dear Sirs

**Notice of Review TCP 11/16 (401) re planning application 15/01573-Erection of two dwellinghouses- Land 60m northeast of South Cottage, Inchtute**

The Braes of the Carse Conservation Group (BCCG) was formed in 2009 to try and conserve the unique beauty, character and historical environment of the Braes of the Carse of Gowrie. Our Group's aim is to provide a voice for residents and interest groups in an area north of the Perth - Dundee dual carriageway (A90) approximately between Glendoick in the West and Knapp in the East. We have participated fully in the community involvement process for various strategic planning matters since our formation, in particular in relation to TAYPlan, the Local Development Plan (LDP) and, more recently, the new Landscape Supplementary Guidance.

We objected to the above planning application and wish to reiterate our objections to the grounds of the requested review. Please take note of the terms of our various objections in our letter of 14<sup>th</sup> October 2105. These all still apply.

When previously commenting during and after the preparation of the LDP we have consistently expressed concern that any wavering by PKC in the rigorous enforcement of the Housing in the Countryside Policy might result in ribbon development and/or the suburbanisation of the countryside with the resultant loss of the distinctive character of the small villages and hamlets. This is exactly the type of application about which our members have consistently expressed concern.

This is a contrived site formed in part of a field that was previously cultivated. Contrary to the applicant's suggestion in his design statement it is clearly not "in a natural gap in the village framework" and therefore would not qualify as "infill" in terms of RD3. In his grounds of appeal it is suggested that the site is "within" the village. It is not.

Neither does it extend the village into a defined shape any more than a development on any other boundary of the village. The boundary hedging and trees cannot be classed as "well established" having only been planted 3 years ago. They have been ravaged by rabbits and deer and also now by sheep which are presently in the field clearly showing that the site is simply part of a larger field and nothing else. There is no hedging at all along the southern boundary of the proposed access so that the whole site does not have an appropriate setting. Approval of this application would set a dangerous precedent and be a green light to landowners to simply plant hedging adjacent to any group of houses to artificially form building sites. Approval of this application would result in exactly the type of ribbon development that the Policy is designed to prevent and about which we and our members are concerned.

Members of BCCG participated in numerous community sessions that PKC organised when consulting on future Landscape designation. Taking into account this community consultation The Landscape Supplementary Guidance was introduced in June 2015. It acknowledged that the Braes of the Carse retains an important relationship with the adjacent Carse of Gowrie. The settlements along the foot of the Braes were acknowledged

as being important features with special qualities retaining their historic character. An objective of the Guidance is to "preserve the distinctive character of small villages along the Braes of the Carse". Ballindean is a perfect example of such a small village. Any development at all of the proposed site would run counter to the objectives of this recently introduced Guidance.

The Illustrated Architectural Guide to Perth & Kinross (a publication supported by PKC, PKHT and Perth Civic Trust and others) acknowledges the special character of the village and calls Ballindean "a picturesque estate hamlet". An important part of the character of the village are its various listed buildings. Contrary to the suggestion in the grounds for review the proposed development would indeed have a major adverse impact on the setting of two of the prominent listed buildings in the village being Easter Ballindean House (Category CS) and Ballindean Lodge (Category B).

Historic Scotland's (Managing Change in the Historic Environment - Setting) guidance suggests that at all times the listed building should remain the focus of its setting. Easter Ballindean House and the Lodge are prominent in their settings in the landscape. They enjoy uninterrupted settings with open land in front and behind them so that any development on the proposed site would undoubtedly reduce their prominence on the landscape. The question of inter visibility simply cannot be overcome. We understand that this is also the view of the Council's own Conservation Officer. We also consider the style of the housing proposed is entirely inappropriate for the area contrary to the suggestion in the grounds of review but feel this is of secondary importance given we consider that NO development at all would be appropriate on the site.

It appears that the granting of permission for the house now known as Berryfields (13/00662) is cited as the main reason in the grounds of review why permission should be granted for the site in question. It should be noted that BCCG did not object to the application for Berryfields. We did not consider that it sufficiently affected the setting of listed buildings, that it would be infill development within the village well screened by the existing tall trees and hedges. This application is completely different in that the current site is immediately to the south of the listed buildings (being the main aspect when viewed by the public) and, as stated previously, it would constitute ribbon development and not infill.

As a side issue, we are also concerned that this appeal against the refusal of planning is important to the landowner it may well be a precursor to the revival of his proposed 29 houses on Site 132 that has now been submitted twice for inclusion in the LDP (LDP1 and LDP2) and not accepted as appropriate. This larger site has not been included in the Main Issues Report for LDP2. The access is in the same location and the turning point shown on the current plan could easily be extended to form the access to further housing in future. This is perhaps why no further hedge planting has been carried out (as noted by the planning officer in his decision notice) to screen the proposed access to the site. We will not at this stage rehearse all the reasons why we think such a large scale development would be inappropriate but we would ask you to simply note the layout of the current application and the possibilities it might hold for the future should planning permission be granted.

Finally, we were disappointed to note that the planning officer had not considered that flooding was an issue in relation to the site. A site inspection would show the proliferation of reeds and plants that grow in saturated soil. We have consistently argued to the Council that we do not consider it is appropriate to grant permission to build housing in areas that have in the past or are likely in the future to suffer flooding. It is known that the water table is very high in this part of the Carse. This site is also at the very foot of a steep hill and we are aware of the flooding experienced in the village in general, and this site in particular, from water run off from the hills.

For all of the above reasons we consider that the planning officer was correct in refusing the application. We do not consider any of the grounds of review warrant a change in his decision and would ask you to uphold the refusal.

Yours faithfully

  
Mrs Marilyn Webb  
Secretary BCCG

Perth and Kinross Local Review Body  
The Atrium  
137 Glover Street  
Perth  
PH2 0LQ

Mr G. Reid and Dr N. Cook  
Easter Ballindean Lodge  
Perthshire  
PH14 9QS

11<sup>th</sup> April 2016

Dear Ms Taylor,

**Re: Application Ref: 15/01573/FLL | Erection of two dwellinghouses | Land 60m North East of South Cottage, Inchture**

Thank you for your invitation to submit further representation on the above planning application.

We objected to the above planning application and feel that the decision by Perth and Kinross Council (PKC) to refuse planning was correct. Rather than repeat all of our comments from our original objection letter we would like to start by saying that all of our original comments still stand. Many of those points raised in our objection letter were taken on board by the planning officer and reflected in the decision to refuse the application. As stated in the decision notice issued by PKC, the proposed dwellinghouses would be in direct contravention of both local and national planning policy. Indeed, this application is in contravention of PKC's own Housing in the Countryside Policy and Local Development Plan.

Further to our original comments and in response to the applicant's appeal we would be grateful if you would consider the below when processing the appeal:

- 1) The applicant makes reference to recent development in Ballindean (13/00662/FLL aka "Berryfield") also close to the listed buildings Easter Ballindean Lodge (Category B listed) and Easter Ballindean House (Category C listed). That new house sits at a higher elevation and is close to Easter Ballindean House (but not Easter Ballindean Lodge.) He suggests that the fact that the proposed development "sits considerably below the level of the listed buildings" would mean it would "not remotely encroach on its view from the south". This is completely incorrect. The proposed development does not lie considerably below The Lodge - It is almost directly in front of it – interfering with the setting of the Lodge and blocking the view of the Rhododendron-lined driveway of Easter Ballindean House. Whilst it does lie below Easter Ballindean House it is immediately in its foreground.
- 2) Contrary to the applicant's statement, this planning application is not in line with Local and National Planning Policy. The proposed development is not within an existing site defined by existing topography or local landscape features. The proposed site is agricultural land taken out of use by the applicant and the hedgerow planted very recently as previously stated. Indeed there have been sheep grazing in this land over the last two weeks.
  - a. It should be noted that in his grounds for appeal 2. he mentions that "once the existing hedgerow has sufficiently matured" it will screen the development. He himself has therefore accepted that the hedge that he planted to artificially create the site within the field a couple of years ago is not at present "well established".

- b. The proposed development would also not respect the character of the area as it is simply a sectioned off corner of a field. It would be ribbon development and, as such, contrary to planning policy.
- 3) The applicant makes reference in the appeal documents to his previous application to build on this site which was subsequently withdrawn, the dwellings reduced in height by 1.8m. A reduction in height does not alter the visual effect on the listed buildings. As outlined above, and in our previous letter, it is the location that is the problem – 2 large white buildings placed in agricultural land right in front of the two listed properties will have a negative visual effect. Any development on this proposed site will always be intervisible with the listed buildings.
- 4) The site for which the application was lodged includes the route of the proposed access. The current patchy line of hedging is within, rather than forming the south boundary of, that site. This reinforces that the site itself therefore does not have a good landscape framework. The proposed access just runs across the open field. Contrary to the applicant's assertion, the access would indeed be visible from the public road.

In light of the comments in our original objection and these further comments on the applicant's grounds of appeal, we would strongly suggest that the planning officer's original decision to refuse the application, in line with local and national planning policy, is upheld.

Yours sincerely,

Mr. Grant Reid and Dr. Nicola Cook



## Paige Crighton

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**From:** Alasdair Bailey (Inchturre CC) <inchturreareacc@outlook.com>  
**Sent:** 13 April 2016 15:09  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(401)

Dear Sir/Madam,

TCP 11/16 (401) relating to Erection of two dwellinghouses- Land 60m northeast of South Cottage, Inchturre (Refused Planning application 15/01573)

As Secretary of Inchturre Area Community Council (IACC) I wish to register the Community Council's continued objection to the above planning application and its rejection of basis of the applicant's grounds of appeal to the Local Review Body..

In accordance with Schedule 5 (Consultation by the Planning Authority) of the Regulation 23 Development Management Procedure (Scotland) Regulations 2008) and the guidance in Planning Advice Note (PAN) 47 Community Councils should ascertain, co-ordinate and express the views of the local community and are advised to limit their attention to proposals which raise issues of genuine community interest. IACC is aware of the concern of many local residents regarding this application and considers that the proposed development raises issues not only in relation to this particular site but to the whole village of Ballindean and that it is also relevant in relation to other small villages within our Community Council area. For these reasons we considered it appropriate to comment on and object to the original planning application and now consider it proper that we should comment further on the grounds of review.

We objected to a previous application (13/01454) on this site and our reasons for objecting to this current application are the same. We would ask you to take account of the full terms of our objection letter. The Community Council is not persuaded by any of the arguments put forward in the grounds of appeal.

Many of the villages within the IACC area lying to the north of the A90 have retained their historic character. The IACC participated in the consultation process that led to the adoption of the Landscape Supplementary Guidance adopted by PKC in June 2015. One of the principal objectives of the Sidlaw Special Landscape designation is to "preserve the distinctive character of small villages along the Braes of the Carse". Most of the villages have a number of listed buildings that add value to the character and identity of the area. IACC considers that it is important that the setting of these listed buildings is protected. The proposed development is immediately in front of Easter Ballindean House and adjacent to Easter Ballindean Lodge and close to other listed buildings within the village. We simply do not agree that the proposed development would not encroach on their view from the South as the applicant suggests in his appeal. The proposed houses would have an adverse effect on the setting of the village and these listed buildings in particular as the uninterrupted view of these two buildings when approaching the village from the road to the south is particularly important. Whilst there is general concern at the white colour of the new house Berryfields it should not be used as a precedent to allow the present appeal to succeed for 3 reasons. It does not affect the setting of the listed buildings in the same way as new development immediately in front of it, it is clearly on a site **within** the village and it is screened by tall mature trees and existing long established planting.

We think that any development will neither "fit in" nor "improve the visual aspects of the village" as suggested in the grounds of appeal.

It is not an infill site within the building group of Ballindean village. It does not extend the building group into a definable site with well established landscape features. This is a manufactured site in the corner of a field with boundaries on two sides having been planted only three years ago. The beech hedge and trees planted are not well established and in any event, as mentioned by the planning officer in his decision notice, they do not include the route of the proposed access road. Ballindean, like many of the villages within our IACC area does not have a settlement boundary. The Community Council therefore considers it extremely important that the terms of the Housing in the Countryside Policy are strictly enforced to protect the identity of these small hamlets. This type of proposed ribbon development should not be allowed.

To grant permission for this site would set a precedent that would simply encourage more "manufactured" sites adjoining Ballindean (either further sporadic small sites adjoining the village or indeed the much larger site put forward for inclusion)(but not taken forward by PKC) in the LDP1 and not recommended for inclusion in the Main Issues Report for LDP2) or indeed manufactured sites adjoining any other small village in our area that does not have the protection of being classed as a "settlement" with a boundary.

Please note that we are concerned that the planning officer did not perhaps take full account of the concerns expressed by the local community that the site has regularly experienced flooding over many years. Having seen the problems already experienced by some of our residents caused by flooding in the Carse we would ask that planning is not granted for this, or any other site in our IACC area, where potential flooding is an issue.

For all of these reasons we would ask you to uphold the planning officer's refusal and reject this appeal.

Yours faithfully

Alasdair Bailey for and on the behalf of Inchtute Area Community Council

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Alasdair Bailey

Secretary

[Inchtute Area Community Council](#)

## Paige Crighton

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**From:** Ernie Jamieson [REDACTED]  
**Sent:** 13 April 2016 12:13  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** RE: TCP/11/16(401)

Reference the above appeal for review.

In addition to our original objections to the above application :-

We support fully the planning officers reasons for refusing the application.

No justifiable material reasons have been given to support the appeal.

We ask for the "Review Body" to consider the proposed entry/access to the development.

The risk created by construction vehicles and thereafter further vehicles (up to 8) entering/exiting onto such a narrow length of road with a blind bend has not been given any consideration by the applicant.

This road has been designated "walking, cycling friendly". Along with other residents and visitors to the area we would like it to remain so.

Thank you for your consideration.

Yours sincerely

E.S & L.S Jamieson



Development Quality Manager  
Perth & Kinross Council  
Planning and Regeneration  
Pullar House  
35 Kinnoull Street  
Perth, PH1 5GD

Lomond View  
Kinnaird  
Inchture  
Perthshire  
PH14 9QY

12 April 2016

Dear Sir/Madam,

**Town & Country Planning (Scotland) Act 1997**

**The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013**

**Application Ref: 15/01573/FLL – Erection of two dwellinghouses, Land 60 Metres North East of South Cottage, Inchture**

I objected to application 15/01573/FLL in my letter to you, dated 15 October 2015, mainly because I considered that it contravened Scottish Planning Policy, Perth & Kinross Local Development Plan (2014) and Housing in the Countryside policy RD3 (2012). I also objected because of the proximity of the proposed development to two listed buildings, Easter Ballindean House and Ballindean Lodge. I would ask you to refer to that letter because the reasons I gave then are still relevant now.

In refusing the application (15 December 2015), the Perth & Kinross Council Development Quality Manager said “The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan”. The applicant disputes this interpretation and claims that the proposal complies with Local and National Planning Policy and Housing in the Countryside Policy 2012. Specifically, he considers that:

1. “The development sits within the existing building group, in a definable site and will contribute towards providing a more sustainable rural community.
2. The properties are of high quality design and aesthetic and will fit in, and in the context of some of the existing properties, improve on the visual aspects of the village.”
3. He believes that the two houses, which are the subject of the present application, meet criteria in the Housing in the Countryside Policy 2012.
4. Despite locating these houses directly in front of, and in the sightline of listed buildings in the area he considers that they would be no more intrusive than existing neighbouring properties.

I disagree with these grounds for appeal for the following reasons.

1. The development does not sit within an existing building group. The location is beyond the existing Ballindean buildings, in part of a field delineated only by a recently-planted and still immature hedge. As stated by the Development Quality Manager, there is no good existing framework to absorb the proposal; it does not extend existing buildings into a definable site, and therefore contravenes Perth and Kinross Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Perth and Kinross Council's Local Development Plan 2014.

2. Notwithstanding the house design, the location would have an adverse effect on the historic setting of the adjacent listed buildings. Development in this site is inappropriate and runs contrary to TayPlan 2012, Policy 3, and Policy HE2 of Perth and Kinross Council's Local Development Plan 2014 which have been written to protect the setting of listed buildings from inappropriate developments.

3. The two most relevant criteria in PKC Housing in the Countryside, Supplementary Planning Guidance (2012) refer to building groups and infill sites. As noted at 1. above, the application is not an infill site, and would not extend the Ballindean building group into a definable site "formed by existing topography or well established landscape features."

4. The applicant refers to a recently approved planning application for the construction of a house not far to the west of the listed buildings. That house is within the existing Ballindean hamlet framework, and is partly shielded from view by mature trees. It does not create a precedent for approving the present application. The proposed development (15/01573/FLL), directly in front of listed buildings, would be intrusive and contrary to PKC LDP 2014, Policies PM1A and HE2.

I would ask you not to approve this application.

Yours faithfully

Dr J.A.T. Woodford



## Paige Crighton

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**From:** Development Management - Generic Email Account  
**Sent:** 14 April 2016 14:10  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** FW: appeal TCP 11/16(401) relating to refused planning 15/01573

Hi

Please see representation from Barbara Young

Thanks  
Claire

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**From:** PETER YOUNG  
**Sent:** 13 April 2016 14:59  
**To:** Development Management - Generic Email Account  
**Subject:** appeal TCP 11/16(401) relating to refused planning 15/01573

I am writing with regard to the appeal of the refused planning application for two dwelling houses north east of South Cottage, Ballindean.

The site of the proposed dwellings does not sit within the boundary of the hamlet and not in the local planning policy.

The listed Lodge House of Easter Ballindean is almost at the same level as the proposed dwellings which will impact on the Lodge. Eastert Ballindean House is also a listed building and any development in front of it will have a dramatic impact on the setting of the listed building.

The hamlet of Ballindean is almost entirely made up of sand stone houses and cottages and the proposed houses do not seem appropriate in size or design for this unique hamlet.

The site is not a well established area but a just a beech hedge planted recently to try and section off an area

Over the past few years, and now at an increasing rate the land around this proposed site has been prone to flooding. The soil is very heavy clay and is saturated and flooded for many months each year, in fact some areas never dry out and more housing will not help with this for the farmland surrounding

The hamlet of Ballindean is in the Sidlaw Special Landscape Area with the objective of preserving the unique character of small hamlets and villages in the Bares of the Carse. This is the type of development the Landscape Supplementary Guidance was designed to stop

I feel it must be reinforced that the listed building of Easter Ballindean and the Lodge House are special buildings and any development detracting from their setting and having a negative visual affect would be wrong

I believe the decision taken by the planning officer with regard to this application was correct in his decision to refuse the application.

Yours  
Barbara Young

