

<b>LRB-2020-11 – Planning Application – 19/01870/FLL - Erection of a dwellinghouse and garage, land 40 metres south west of Gateside Cottage, Forteviot</b>
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**LRB-2020-11 – Planning Application – 19/01870/FLL -  
Erection of a dwellinghouse and garage, land 40 metres  
south west of Gateside Cottage, Forteviot**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

## Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

## Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

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

Yes ☒ No ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

- |   |                                     |
|---|-------------------------------------|
| 1. Further written submissions                                    | <input type="checkbox"/>            |
| 2. One or more hearing sessions                                   | <input type="checkbox"/>            |
| 3. Site inspection  | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/>            |

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

**Site inspection**

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

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input 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**

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.

Refer to separate Notice of Review Statement

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.

Notice of Review Statement  
Application for Planning Permission  
Design Statement  
Location Plan  
Existing Site Survey Plan  
Proposed Site Plan and Garage  
Details  
Proposed Plans / Elevations  
PKC Delegated Report  
PKC Decision Notice

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.

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**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.

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**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

25 March 2020



**NOTICE OF REVIEW  
STATEMENT  
GATESIDE OF  
BROOMHILL, DUNNING**

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### Appendix 1

SITE PLAN AND DISPERSED BUILDING GROUP (DWG NO. P03 REV C)

## 1.0 Introduction

- 1.1 This Notice of Review Statement sets out Mr & Mrs I Mitchell's (the applicants) reasons for requiring a review against the delegated refusal by the appointed planning officer at Perth & Kinross (planning authority) against the proposed erection of a dwellinghouse and garage (ref: 19/01870) on 22nd January 2020.
- 1.2 The Notice of Review Statement should be read in conjunction with page 3 of the Notice of Review form.

## 2.0 Background

- 2.1 The Planning Officer refused the proposal by use of delegated powers on the grounds that it is contrary to policies in the Perth and Kinross Local Development Plan2 (2019) and the recently superseded Housing in the Countryside Supplementary Guidance primarily as noted below:

*Policy 1A and 1B, Placemaking, the proposed development would not contribute positively to the built and natural environment due to its elevated position combined with the siting, design and lack of a landscape framework.*

*Policy 19 Housing in the Countryside and the Council's Housing in the Countryside Guide 2012. The proposal fails to satisfactorily comply with any of the categories (inter alia...) (1) Building Groups.*

*Policy 39 Landscape. No assessment against a landscape capacity study has demonstrated the site is appropriate for the development and meets the criteria in Policy 39 that seeks to maintain and enhance the landscape qualities of Perth and Kinross.*

Policy 50 Prime Agricultural Land. The policy does not support development on such land outwith settlement boundaries unless it is necessary to meet a specific established need.

## 3.0 Grounds for Appeal

- 3.1 The appeal is also based on the fact that, although LDP2 was adopted by the council in November 2019, the council very recently adopted their replacement Housing in the Countryside Guidance - March 2020 and there are therefore different policy references in place from the time when the planning application was refused in January 2020. The key point is that the detailed policy criteria on which to assess and determine this proposal have not fundamentally changed since that time. i.e. the building groups category.

3.2 Our appeal is based on the following grounds:

### Placemaking

- 3.3 In line with Policy 1A and 1B Placemaking the proposed dwellinghouse shares a similar elevated position as Gateside of Broomhill farm which defines the western building line of the wider building group and would also sit at the same level as Gateside Cottage to the north. An attractive visual balance from the southwest approach towards what is a 'compact building group' including Gateside Cottage will be established.
- 3.4 The scale, layout and design of the proposal references that of other residential properties in the locality. It demonstrates a traditional architectural design which carefully integrates the house within its setting whilst appreciating the wider environmental context and which has a good fit with the surrounding landscape character.

### Housing in the Countryside

- 3.5 It is strongly contested that the proposed house does fit within a building group as set out in Policy 19 of LDP(2) and the recently adopted Supplementary Guidance (SG) March 2020. Our reasons are set out below:

The proposed dwellinghouse is:

- Well sited within the western boundary of the 'compact building group' of existing properties associated with Gateside of Broomhill Farm, Gateside of Broomhill House and Gateside Cottage and the wider dispersed building group. This is shown on the Site Plan and also the additional Building Group Plan that has been prepared in support of this Notice of Review to further help illustrate these points (Dwg no. P03 Rev C) at Appendix 1;
- Is a traditional building style which is sympathetic with the surrounding traditional house types;
- Protects the visual amenity of the building group when viewed from the wider landscape. The architectural design has sought to carefully integrate the house within its setting and wider environmental context;
- The siting of the house adjacent to Gateside Cottage and on the opposite side of the road from Gateside of Broomhill Farm creates the opportunity for a dwellinghouse in the compact building group with a comfortable environment and which would not distract agricultural and related activities.
- Sited in response to the gas pipeline safety zone.
- The proposed dwellinghouse shares a similar elevation to the surrounding buildings including the larger building which is Gateside of Broomhill farm. Its position on the opposite side of the B934 will establish a visual balance between the properties from the southwest approach. As the landscape framework becomes more established in time the visual amenity of the site will further improve.

*Extension to the well-established building group*

- The proposed site is a logical addition to the wider dispersed building group which extends along the northern side of the public road up to and including Broomhill Farm but which also includes Gateside Cottage and agricultural storage buildings along the southern side of the road. The grouping comprises residential and farm buildings of mixed size and typology including a new build. The site has a definable boundary which will be formed by existing topography, the public road and a well establishing native beech hedge. See Site Plan and Dispersed Building Group (Dwg no. P03 Rev C) at Appendix 1.

## Landscape

- 3.6 The proposed site is within the Ochil Hills Special Landscape Area at the edge of a building group comprising agricultural and residential buildings. It is bound on its northern side by a busy public road used by farm traffic and vehicles travelling to and from Dunning. The site also lies outwith the greenbelt around Perth. The site is not seen in isolation within the landscape and would be read as forming part of the overall building group from all surrounding vantage points.
- 3.7 The site benefits from a well established landscape framework formed by a native beech hedge and hedge planting of nearly five years which would minimise any adverse impact on the special character or quality of the wider landscape from the proposed dwellinghouse. The hedge planting enhances the area's biodiversity and the appellant is agreeable to supplement this with additional planting through planning condition.
- 3.8 For the reasons state above we refute the planning officer's assessment that the proposal does not comply with Policy 39.

## Prime Agricultural Land

- 3.9 Policy 50: Prime Agricultural Land does not oppose small scale development directly linked to rural business, including housing, on prime agricultural land, providing it is compatible with all other aspects of the policy framework of the Plan and there are no other suitable non-prime land sites available, and it does not adversely affect the viability of the agricultural unit. PKC's opposition to the proposed dwellinghouse in the context of policy 50 is refuted for the following reasons:
- The applicant has explored potential sites on non-prime agricultural land and the proposed site was concluded to be the most fitting in respect of the now previous Housing in the Countryside SG.
  - Although the site is prime agricultural land (category 2) it has not been farmed for 4-5 years. The applicant is required to set aside 22 acres to lie fallow on a revolving basis therefore the 4,357m<sup>2</sup> required for the proposed site is a negligible loss of prime agricultural land which is also separated by its defined boundaries.
  - The marginal loss of land falls would not impact upon the viability of the agricultural unit.
  - The site is rural and not within a settlement but lies within both a building group which has evolved around the farm. The applicant's daughter is not following them into farming and therefore they would like to continue to live on the farm when they reach retirement.

## 4.0 Conclusions

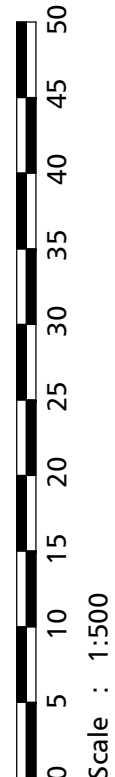
- 4.1 The main issue raised with this proposal is whether or not the application can comply with any of the relevant criteria of the housing in the countryside policy.
- 4.2 The updated 2020 (SG) has been formally adopted by the council in advance of when the LRB come to consider this Notice of Review Appeal and subsequently the 2020 (SG) provides strong support towards this proposal
- 4.3 For the reasons set out in section 3 above, it is considered that the proposed dwellinghouse complies with category 1 of the housing in the countryside policy.
- 4.4 The proposed site would also be viewed and read as forming part of the larger building group and as such would have no adverse visual impact on the wider landscape.
- 4.5 The proposal is also consistent with the policy guidance on promoting rural development set out in Scottish Planning Policy as well as the Government's stated aim of increasing rural population as set out in the Planning (Scotland) Act 2019.
- 4.6 In light of the background circumstances to this case it is therefore respectfully requested that the LRB allow this appeal subject to any conditions considered necessary, as the proposal complies with category 1 of Policy 19 from LDP2 and the associated (SG), is not contrary to Policy PM1A and B, Policy 39 or 50 of LDP2, and there are no other policy considerations or material considerations that would indicate otherwise.

## APPENDIX 1

# SITE PLAN AND DISPERSED BUILDING GROUP (DWG NO. P03 REV C)

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**HEALTH AND SAFETY NOTES:**  
SIGNIFICANT RESIDUAL HAZARDS  
Asbestos  
Health Hazards  
Structural Instability  
Groundwater Contamination  
Buried and Overhead Services  
Underground Structures  
Access Restrictions  
Other (Specify)

ACTIONS / NOTES:

REVISONS		DATE	BY	DETAILS
A	B	21/11/19	RS	Added belmouth access to site boundary
B	C	25/02/20	RS	Added indication of dispersed building group
C		11/03/20	RS	Added previous planning applications

CLIENT	DRAWING TITLE	PAPER SIZE	REVISION
Mr & Mrs I Mitchell	Site Plan & Dispersed Building Group	A1	C
PROJECT	SCALE	JOB NO.	DWG. NO.
Proposed New House Gateside Brookhill Junning, PH2 9BU	1:500	4833	P03
PURPOSE	DRAWN BY	DATE	
Planning	RS	11/03/20	







# PERTH AND KINROSS COUNCIL

Mr And Mrs I Mitchell  
c/o Denholm Partnership Architects  
11 Dunira Street  
Comrie  
PH6 2LJ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 22nd January 2020

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/01870/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 26th November 2019 for permission for **Erection of a dwellinghouse and garage Land 40 Metres South West Of Gateside Cottage Forteviot** for the reasons undernoted.

Head of Planning and Development

### Reasons for Refusal

- 1 The proposal is contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.
- 2 The proposal is contrary to Policy 1A and 1B, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The proposed development would not contribute positively to the built and natural environment due to its elevated position combined with the siting, design and lack of a landscape framework.

- 3 The site is designated as prime agricultural land (category 2). The proposal is contrary to policy 50 (Prime Agricultural Land) of the Perth and Kinross Local Development Plan 2 (2019) which does not support development on such land outwith settlement boundaries unless it is necessary to meet a specific established need.
- 4 The proposal is contrary to Policy 39 (Landscape) of the Perth and Kinross Local Development Plan 2 (2019) as it has not been demonstrated through assessment against a landscape capacity study that the site is appropriate for the development and meets the criteria in Policy 39 that seeks to maintain and enhance the landscape qualities of Perth and Kinross.

### **Justification**

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

### **Notes**

The plans and documents 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**

19/01870/1

19/01870/2

19/01870/3

19/01870/4

19/01870/5

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	19/01870/FLL	
Ward No	P7- Strathallan	
Due Determination Date	25.01.2020	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of a dwellinghouse and garage

**LOCATION:** Land 40 Metres South West Of Gateside Cottage Forteviot

#### 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:** 2 December 2019

#### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Full planning permission is sought for the erection of a dwellinghouse on land 40 metres to the south west of Gateside Cottage near Forteviot. The site is around 3km to the north east of Dunning and to the southwest of Forteviot. There is a cluster of buildings to the north of the site across a B classified public road. A single cottage lies adjacent to the site to the north.

The site is divided from the adjacent residential property curtilage by a mature hedge. The remainder of this boundary and the boundaries to the south and west are bounded by a more recently planted hedge and fence. There is a post and wire fence along the roadside boundary to the north west.

The site is within the Ochil Hills Special Landscape Area and is identified as Class 2 prime agricultural land. The site has previously been farmed for arable crops.

The proposal is for a 3 / 4 bed detached dwellinghouse with accommodation over two levels. It measures around 28 metres in length and 12 metres in width at the widest point. The height to the roof ridge is around 7.5 metres. Finishes are a mix of timber, stone and render. The property is of a modern traditional style with dormer windows in the roof.

The house is sited relatively centrally within a generous area of land measuring 4357 square metres. A detached garage measuring around 11 m in length by 7 m in width and 6.8 metres high is located to the north east of the proposed dwellinghouse. The garage will be timber clad and includes an upstairs room. A gas main runs between the two proposed buildings.

Access to the site is onto the B934 public road.

A Design Statement has been submitted with the application that sets out the reasons for the application. This has largely been prompted by the applicants wish to sell their farm and build a house for their retirement on land in their ownership.

## **SITE HISTORY**

99/00327/FUL Erection of 2 detached cottage (in outline) at 24 June 1999  
Application Refused

03/02128/PN Erection of a general purpose agricultural building 19 January  
2004 Application Approved

06/01299/FUL Conversion of steading to form 4 dwellinghouses and erection  
of one dwellinghouse 17 May 2007 Application Approved

07/02167/FUL Formation of a vehicular access, erection of garages and  
relocation of drainage infrastructure 12 February 2008 Application Approved

12/00848/FLL Conversion of steading to form 4 dwellinghouses and erection of one dwellinghouse (renewal of 06/01299/FUL) 6 July 2012 Application Approved

13/00243/FLL Formation of a vehicular access, erection of garages and relocation of drainage infrastructure (renewal of application 07/02167/FUL) 5 April 2013 Application Approved

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 17/00074/PREAPP

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

### **TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017**

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

### **Perth and Kinross Local Development Plan 2 (2019) – Adopted November 2019**

The Local Development Plan 2 is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 6: Settlement Boundaries

Policy 19: Housing in the Countryside

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

Policy 39: Landscape

Policy 50: Prime Agricultural Land

Policy 53A: Water Environment and Drainage: Water Environment

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 53E: Water Environment and Drainage: Water Supply

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

## OTHER POLICIES

Housing in the Countryside Guide – November 2012

Developer contributions and affordable housing supplementary guidance  
September 2016

## CONSULTATION RESPONSES

Scottish Water

No objection.

Transport Planning

No objection subject to conditions.

Development Negotiations Officer

Developer contributions required for primary education provision and transport infrastructure.

Education: £6,460 (1 x £6,460)

Transport Infrastructure: £2,639 (1 x £2,639)

Total: £9,099



Environmental Health (Noise Odour)

No objection subject to condition with regard to wood burning stove.

## REPRESENTATIONS

There have not been any representations received in relation to this application.

## ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

## APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2 (2019).

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

### Policy Appraisal

The site is outwith any settlement boundary as defined in the Perth and Kinross Local Development Plan 2 (2019). Policy 19 Housing in the Countryside applies to this proposal. This supports proposals for the erection of houses in the countryside subject to them falling into at least one of the following categories:

- 1) building Groups
- 2) infill sites

- 3) new houses in the open countryside on defined categories of sites as set out in section 4 of the Supplementary Guidance.
- 4) renovation or replacement of houses
- 5) conversion or replacement of redundant non-domestic buildings.
- 6) development on rural brownfield land.

Policy 19 of the LDP (2) is supplemented by the Housing in the Countryside Guide November 2012. Revised guidance is currently being prepared and has been out for public consultation. Until this revised guidance is formally adopted by the Council the existing guidance will be used in the assessment of planning applications.

In this case the only section of the policy and guide that is relevant to this site is Category 1) Building Groups. This states that consent will be granted for houses within building groups provided they do not detract from 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.

A building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are 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 the policy.

In this case the main building group is located to the north of the public road. This proposal would not extend the group into a site that meets the terms of policy. In particular the site does not benefit from well established landscape features which will provide a suitable setting. The hedge that has been planted to create the site is not sufficiently established to support development on the site.

The principle of the development is therefore contrary to the Local Development Plan, Housing in the Countryside policy 19. Other policies are also relevant in the assessment of the proposal and it is considered that the proposal is also contrary to placemaking policies that seek to ensure that development makes a positive contribution to the built and natural environment, policies to protect prime agricultural land and to protect landscape character. Further discussion of these aspects is set out in the report below.

## **Design and Layout**

The proposal is for a substantial detached dwellinghouse on a site that is detached from the existing building group. Placemaking policy 1A requires development to contribute positively to the built and natural environment and policy 1B requires developments to meet a range of placemaking criteria. Criterion b) requires proposals to respect site topography. Due to the elevated nature of the site the house sited in the centre of the site away from the main building group would lead to the development being unduly

prominent. It also fails to meet criteria d) which requires proposals to respect an existing building line. Existing development in the area is generally parallel to the road. This development is sited across the site facing away from the building group and as such does not relate well to it. the proposal is therefore contrary to policy 1A in that it does not contribute positively to the built and natural environment and does not meet placemaking criteria set out in policy 1B.

## **Landscape**

The site is within the Ochil Hills Special Landscape Area. A hedge has recently been planted around the proposed site boundaries to create a site. This hedge is not sufficient to provide a suitable setting for the development. Policy 39 Landscape requires proposals, including individual developments, to demonstrate with reference to an appropriate landscape capacity study that they meet a number of criteria and do not conflict with the aim to maintain and enhance the landscape qualities of Perth and Kinross. In this case no such assessment has been made and as such the proposal is contrary to policy 39, Landscape.

## **Agricultural Land**

The site is located on Class 2 agricultural land which is categorised as prime agricultural land. Policy 50, Prime Agricultural Land, does not support development on prime agricultural land outside of defined settlements unless it is necessary to meet a specific established need and there is no other suitable site available on non-prime land. The proposal must also satisfy all other relevant policies in the Local Development Plan. With regard to policy 50 the applicant has not demonstrated that this is the only site available for the development. In particular there is a recent planning permission (18/00546/FLL), mentioned in the applicant's submission, within the adjacent building group to the north of road. This is for a similar style of house. Whilst this site is not within the applicant's ownership it does demonstrate that there are other sites in the area that would fulfil the applicant's requirement for a house in the locality. Policy 50 seeks to protect prime agricultural land from development. Development of a house on this site would be contrary to policy 50.

## **Residential Amenity**

The proposed dwellinghouse is over 35 metres from any neighbouring property. The garage building is 18 metres from the adjacent property. There will not be any adverse impact on residential amenity in terms of overlooking, impact on privacy or overshadowing. There is ample garden ground proposed for the property.

Environmental Health has been consulted with regard to air quality and in particular the proposed wood burning stove that is proposed. Should the

application be approved an informative note would be added to ensure that the stove is operated in accordance with the manufacturer's instructions to ensure nuisance from smoke and odour is minimised.

### **Visual Amenity**

Due to the topography of the land the proposed development would be in a visually exposed position. The development would be highly visible particularly when approaching from the south west. The lack of a suitable landscape framework and proposed siting of the property would detract from the visual amenity of the area.

### **Roads and Access**

The site is adjacent to the B934 public road. The application is being recommended for refusal. However if approved a condition and informative note with regard to the access specification has been requested by Transport Planning.

### **Drainage and Flooding**

The development would connect to a public water supply however private arrangements for foul drainage infrastructure would be required. An indicative location for a septic tank and soakaway is indicated on the submitted plans.

### **Conservation Considerations**

The site is not within a conservation area. There are no listed buildings in the vicinity. The proposal would not impact on any assets of cultural heritage interest.

### **Developer Contributions**

#### **Primary Education**

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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Dunning Primary School.

A primary education contribution of £6,460 (1 x £6,460) is required.

## **Transport Infrastructure**

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.

The site is within the reduced contributions area.

A transport infrastructure contribution of £2,639 (1 x £2,639) is required.

## **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2 (2019). I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

**Refuse the application**

## **Conditions and Reasons for Recommendation**

1 The proposal is contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.

2 The proposal is contrary to Policy 1A and 1B, Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The proposed development would not contribute positively to the built and natural environment due to its elevated position combined with the siting, design and lack of a landscape framework.

3 The site is designated as prime agricultural land (category 2). The proposal is contrary to policy 50 (Prime Agricultural Land) of the Perth and Kinross Local Development Plan 2 (2019) which does not support development on such land outwith settlement boundaries unless it is necessary to meet a specific established need.

4 The proposal is contrary to Policy 39 (Landscape) of the Perth and Kinross Local Development Plan 2 (2019) as it has not been demonstrated through assessment against a landscape capacity study that the site is appropriate for the development and meets the criteria in Policy 39 that seeks to maintain and enhance the landscape qualities of Perth and Kinross.

## **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**

19/01870/1

19/01870/2

19/01870/3

19/01870/4

19/01870/5

### **Date of Report**

22 January 2020







Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100201167-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Proposed New House

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Denholm Partnership Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Denholm	Building Name:	
Last Name: *	Partnership Architects	Building Number:	11
Telephone Number: *	01764670899	Address 1 (Street): *	Dunira
Extension Number:		Address 2:	Street
Mobile Number:		Town/City: *	Comrie
Fax Number:		Country: *	Scotland
		Postcode: *	PH6 2LJ
Email Address: *	admin@james-denholm.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	
First Name: *	I	Building Number:	
Last Name: *	Mitchell	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

GATESIDE OF BROOMHILL FARM

Address 2:

FORTEVIOT

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

PERTH

Post Code:

PH2 9BU

Please identify/describe the location of the site or sites

Northing

717037

Easting

304086

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

4357.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Vacant land.

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<div style="border: 1px solid black; padding: 2px 10px;">0</div>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<div style="border: 1px solid black; padding: 2px 10px;">4</div>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? * <div style="margin-top: 5px;"> <input type="checkbox"/> Yes – connecting to public drainage network  <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements  <input type="checkbox"/> Not Applicable – only arrangements for water supply required         </div>	
As you have indicated that you are proposing to make private drainage arrangements, please provide further details.  What private arrangements are you proposing? * <div style="margin-top: 5px;"> <input checked="" type="checkbox"/> New/Altered septic tank.  <input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).         </div>	
What private arrangements are you proposing for the New/Altered septic tank? * <div style="margin-top: 5px;"> <input checked="" type="checkbox"/> Discharge to land via soakaway.  <input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).  <input type="checkbox"/> Discharge to coastal waters.         </div>	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: * <div style="border: 1px solid black; height: 100px; margin-top: 5px; padding: 5px;">           Septic tank to soakaway.         </div>	
Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *	
Note:-  Please include details of SUDS arrangements on your plans  Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	

<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h3>Assessment of Flood Risk</h3> <p>Is the site within an area of known risk of flooding? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</span></p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</span></p>	
<h3>Trees</h3> <p>Are there any trees on or adjacent to the application site? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h3>Waste Storage and Collection</h3> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes or No, please provide further details: * (Max 500 characters)</p> <div style="border: 1px solid black; height: 50px; padding: 5px;">         Bin store.       </div>	
<h3>Residential Units Including Conversion</h3> <p>Does your proposal include new or additional houses and/or flats? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>How many units do you propose in total? * <span style="float: right;"><input style="width: 100px;" type="text" value="1"/></span></p> <p>Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.</p>	
<h3>All Types of Non Housing Development – Proposed New Floorspace</h3> <p>Does your proposal alter or create non-residential floorspace? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p>	
<h3>Schedule 3 Development</h3> <p>Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</span></p> <p>If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.</p> <p>If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.</p>	

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \* ☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \* ☒ Yes ☐ No

Is any of the land part of an agricultural holding? \* ☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Denholm Partnership Architects

On behalf of: Mr & Mrs I Mitchell

Date: 11/11/2019

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☒ Elevations.

☒ Floor plans.

☒ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☒ Other.

If Other, please specify: \* (Max 500 characters)

Design Statement

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

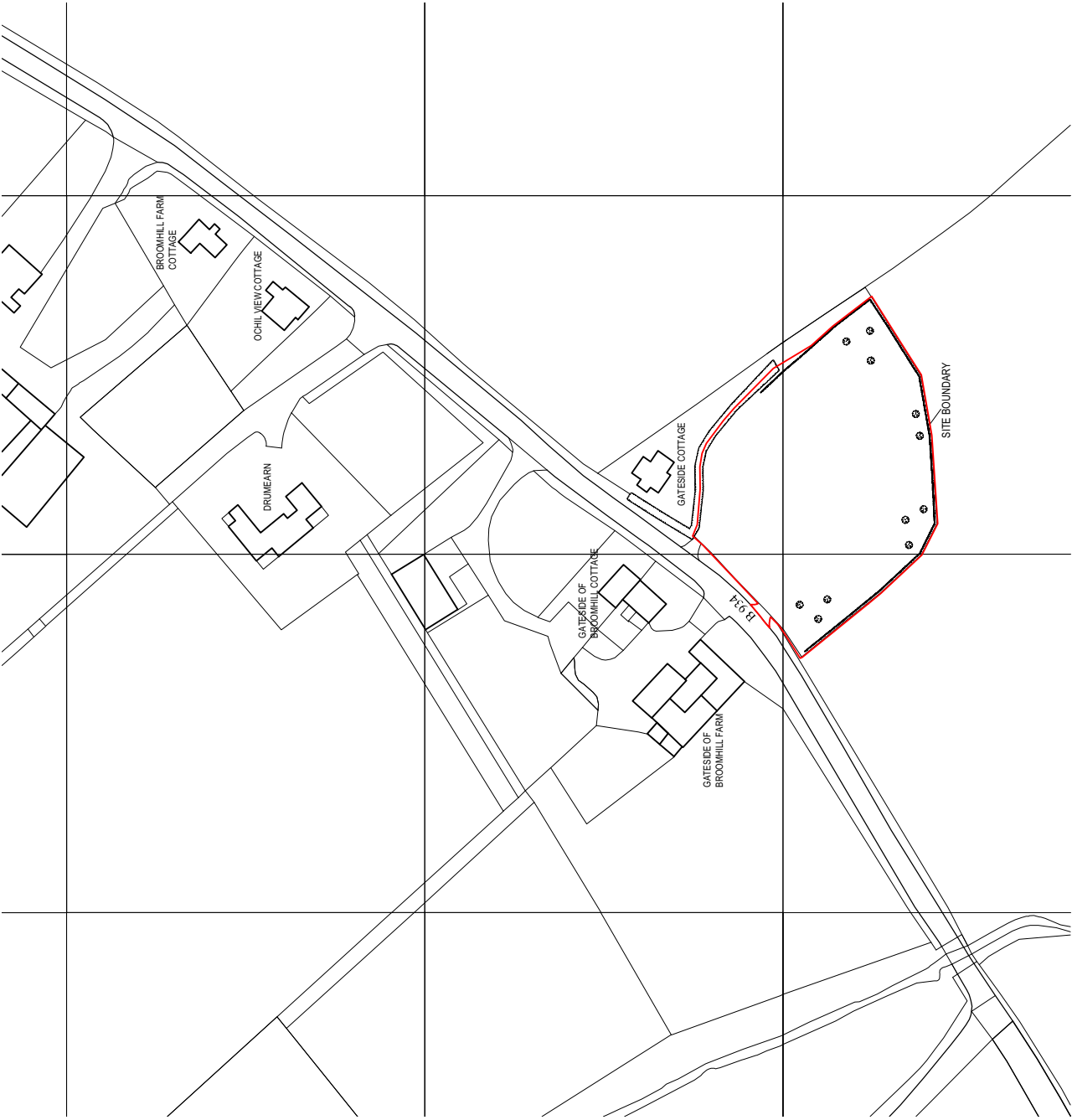
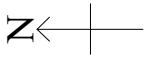
I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: . Denholm Partnership Architects

Declaration Date: 11/11/2019

## Payment Details





NOTES

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ARCHITECTS FOR  
CONSTRUCTION PURPOSES

HEALTH AND SAFETY NOTES

SIGNIFICANT RESIDUAL HAZARDS	PRESENT	DESCRIPTION
Asbestos	<input type="checkbox"/>	
Health Hazards	<input type="checkbox"/>	
Structural Instability	<input type="checkbox"/>	
Ground Conditions	<input type="checkbox"/>	
Contamination	<input type="checkbox"/>	
Buried and Overhead Services	<input type="checkbox"/>	
Unstable Structures	<input type="checkbox"/>	
Adverse Access	<input type="checkbox"/>	
Site Restrictions	<input type="checkbox"/>	
Other (specify)	<input type="checkbox"/>	

ACTIONS / NOTES:

REV

DATE

REVISIONS

BY

DETAILS

CLIENT

Mr & Mrs I Mitchell

PROJECT

Proposed New House  
Gateside of Broomhill  
Dunning, PH2 9BU

PURPOSE

Planning

DATE

18/11/19

DRAWN BY

RS

DWG. NO.

P03

REVISION

1

DRAWING TITLE

Location Plan

SCALE

1:1250

JOB NO.

4833

PAPER SIZE

A3

DENHOLM

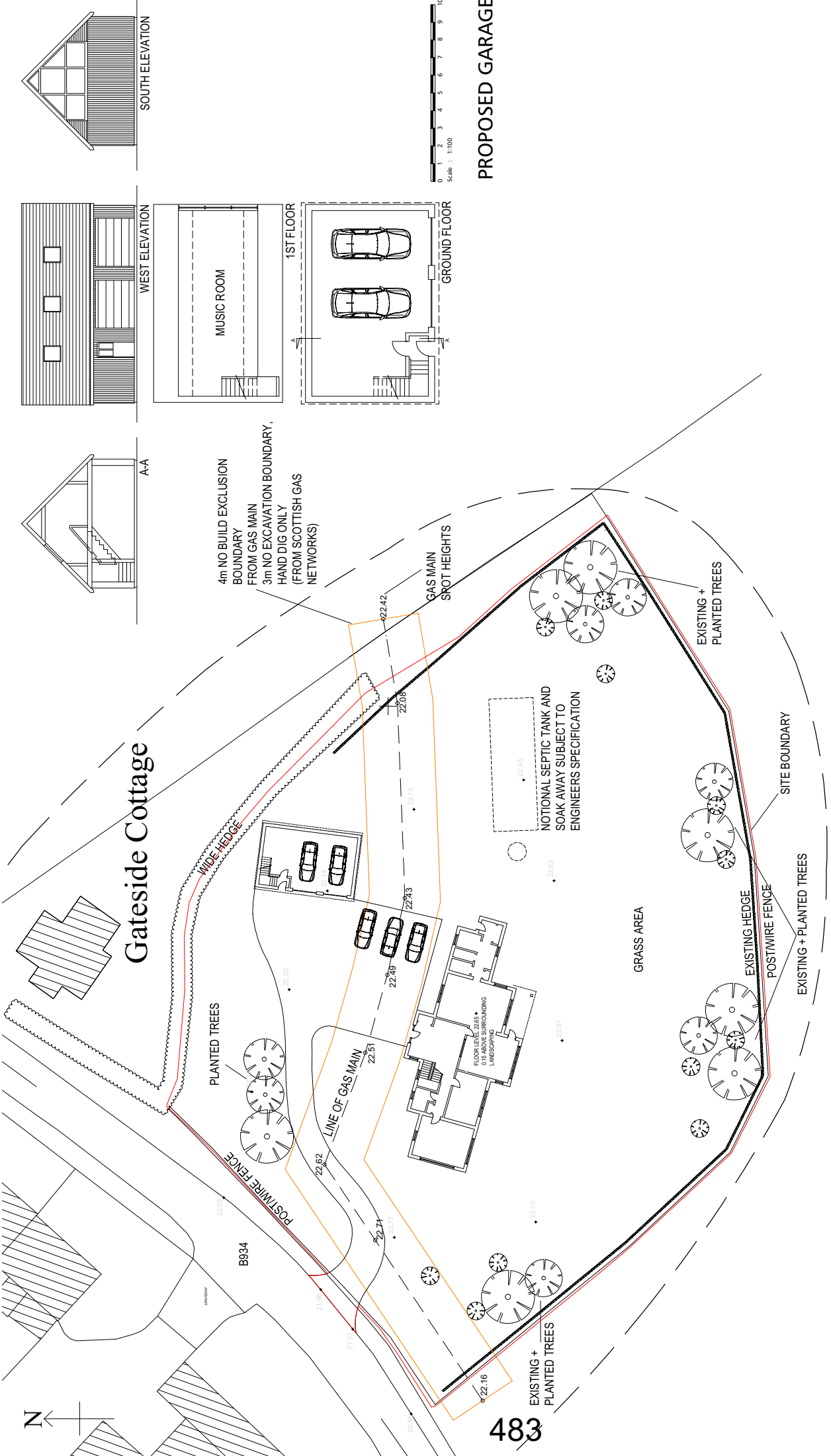
PARTNERSHIP

ARCHITECTS

www.denholmpartnership.co.uk

T: (01764) 670899





PROPOSED SITE PLAN



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TO BE READ IN CONJUNCTION WITH ENGINEERS  
DRAWINGS AND ARCHITECTURAL SPECIFICATION  
IF IN DOUBT PLEASE ASK  
DO NOT SCALE FOR CONSTRUCTION PURPOSES

HEALTH AND SAFETY NOTES:

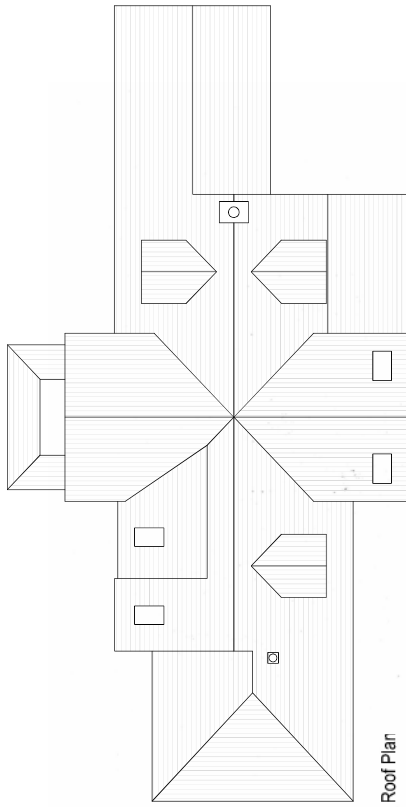
SIGNIFICANT RESIDUAL HAZARDS

High Hurdles  
Ground Conditions  
Buried and Overhead Services  
Adjacent Structures  
Site Restrictions  
Other Features

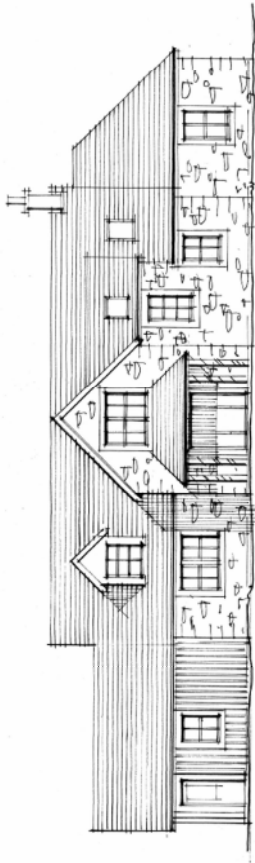
REVISIONS	DATE	BY	DETAILS
1	21/11/2019	RS	Planning

CLIENT: Mr & Mrs Mitchell  
PROJECT: Proposed New House  
DRAWING NO: PH2 98U  
DATE: 21/11/2019  
SCALE: 1:200 / 1:100  
DRAWING NO: PH2 98U  
DATE: 21/11/2019  
SCALE: 1:200 / 1:100

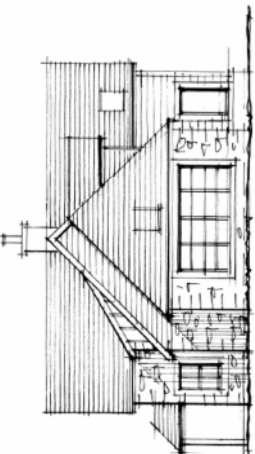
DENHOLM PARTNERSHIP ARCHITECTS  
130 TRAIL 67 9899  
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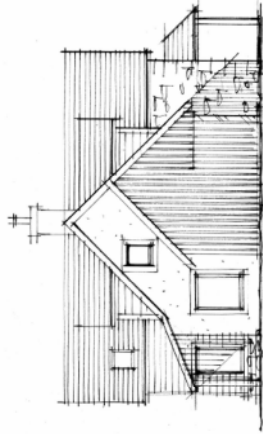
Roof Plan



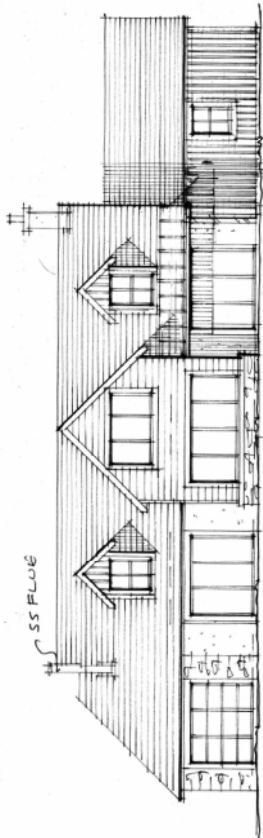
North Elevation



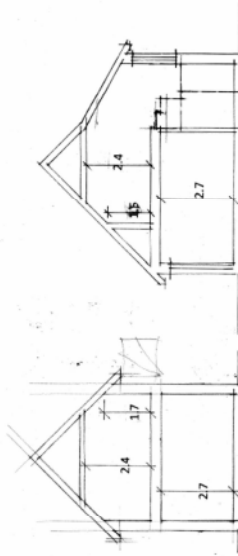
West Elevation



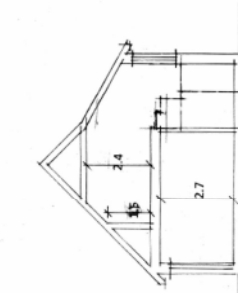
East Elevation



South Elevation



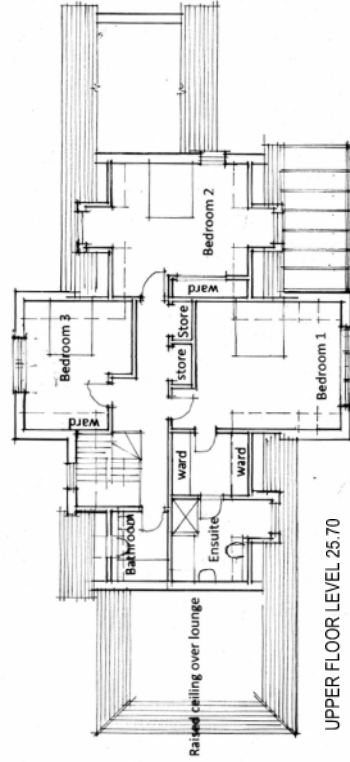
Section BB



Section CC

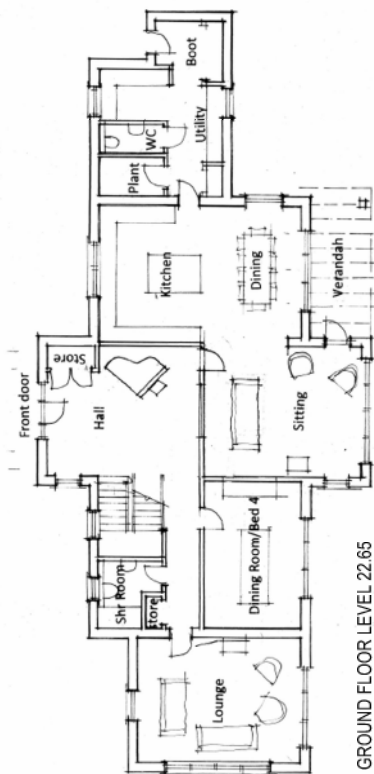


Section AA



UPPER FLOOR LEVEL 25.70

Upper Floor Plan



GROUND FLOOR LEVEL 22.65

Ground Floor Plan



TOTAL = 306m<sup>2</sup>

Scale : 1:100

# DESIGN STATEMENT

Proposed New House

Gateside of Broomhill

Dunning

DENHOLM  
PARTNERSHIP  
ARCHITECTS

5<sup>th</sup> November 2019

## **CONTENTS**

### **1.0 BACKGROUND**

### **2.0 SITE**

### **3.0 POLICY CONSIDERATIONS**

# 1.0 BACKGROUND

## 1.1 Project

Construction of a new house at Gateside of Broomhill, Dunning.

Innerdunning Farm has been at the heart of the Mitchell family for over 80 years and the idea of continuing the family legacy by being given the opportunity to build our own home on long-held family land is an exciting prospect, which brings much joy to the family.

Ian Mitchell was born at Innerdunning Farm 67 years ago. At such time his parents farmed Innerdunning and were very active members of the local Dunning community. Ian was raised on the farm and took over the running of the farm as soon as he was old enough to do so. He has now been the farmer for over 47 years and has lived on the farm for his entire life. 43 years ago he married Fiona, a teacher in the local secondary school (Community School for Auchterarder) for over 40 years, and they have both lived there happily since, raising their only daughter Lyndsey at the farm as well.

With both Ian and Fiona getting older and Ian suffering health issues (which have become more prevalent over the recent years) the decision has been taken to sell the farm. With Innerdunning Farm having played such a significant part of Ian and Fiona's life (and the generations before them) their wish is to retain a connection to the land. They would therefore like to retire on a plot that is within their existing demise. Whilst retirement for Ian means that he will need to sell Innerdunning, remaining close to land that his family have owned his entire life would make the farm sale easier emotionally. It would also allow them both to continue to live in a community in which they have lived so actively. The Mitchells have always immersed themselves in the community over the years, being active members of the church and local organisations, including the local Rotary club and the Dunning flower show. The proposed planning application will allow them to stay within the community that they have spent and dedicated so much of their lives to.

Whilst considering which area of their land would be most suitable for a potential building plot, Ian and Fiona have consulted both the *TAYplan Strategic Development Plan* and the *Perth and Kinross Local Development Plan* for guidance. Whilst recognising their plan falls out with the PM4 policy they have sought to select a building plot within their land that is next to an existing building group (as defined under Policy RD3). They believe that this proposed plan rounds off an existing settlement and is of a design that does not detract from the existing residential or visual amenity of the building group. Whilst other plots within their land may fall under the provision of "New Houses in the Open countryside" (due to use of existing trees or natural features to provide a backdrop), Ian and Fiona believe that this site is the most practical (and pragmatic) and ensures that this would not be detrimental to any future land owner of the Innerdunning Farm (due to the lack of cultivation for example). This therefore ensures a successful and sustainable business for any prospective purchaser. When considering this application, Ian and Fiona have also done so with consideration to other planning consents achieved (REF; 18/00546/FLL) and have sought to factor these into their designs, thereby respecting the character and layout of the existing building group. Furthermore, Ian and Fiona already have good relationships with the residents of the nearby houses and have had working relationships with a number of the farmers and business owners who occupy the neighbouring homes.

The family believes that this planning request therefore is a fair and reasonable request meeting the *Perth and Kinross Local Development Plan* guidance, allowing the long-standing relationship that the Mitchell family has with their land to continue, whilst ensuring that Innerdunning Farm remains a successful and sustainable place for future generations.

The proposed house would be room in roof, using slate, stone, timber, glass and perhaps some render as we would want it to fit comfortably with the neighbouring properties and landscape.

In a previous Pre-Application, submitted early 2017, the only issue raised with the proposal was the clear definition of boundary. The client addressed this issue by planting a hedge after the response, now over 1.2 metres high and will continue to grow. Please note that we understand your concern regarding newly planted hedges – but it now exists and more importantly the planting of the hedge in this location means that the grouping is complete, and that this house will not open the possibility of the group being further expanded.

## **1.2 Applicants**

Mr & Mrs I Mitchell  
Innerdunning Farm  
Dunning  
PH2 0QQ

## **1.3 Architects**

Denholm Partnership Architects  
11 Dunira Street  
Comrie  
Perthshire, PH6 2LJ



## 2.0 SITE

### 2.1 Location & Site

The application site is situated off the B934, 40 metres south west of Gateside Cottage. With the Gateside of Broomhill Farm and Cottage on the opposite side of the road, creating an already existing building group (shown in Figure 2).

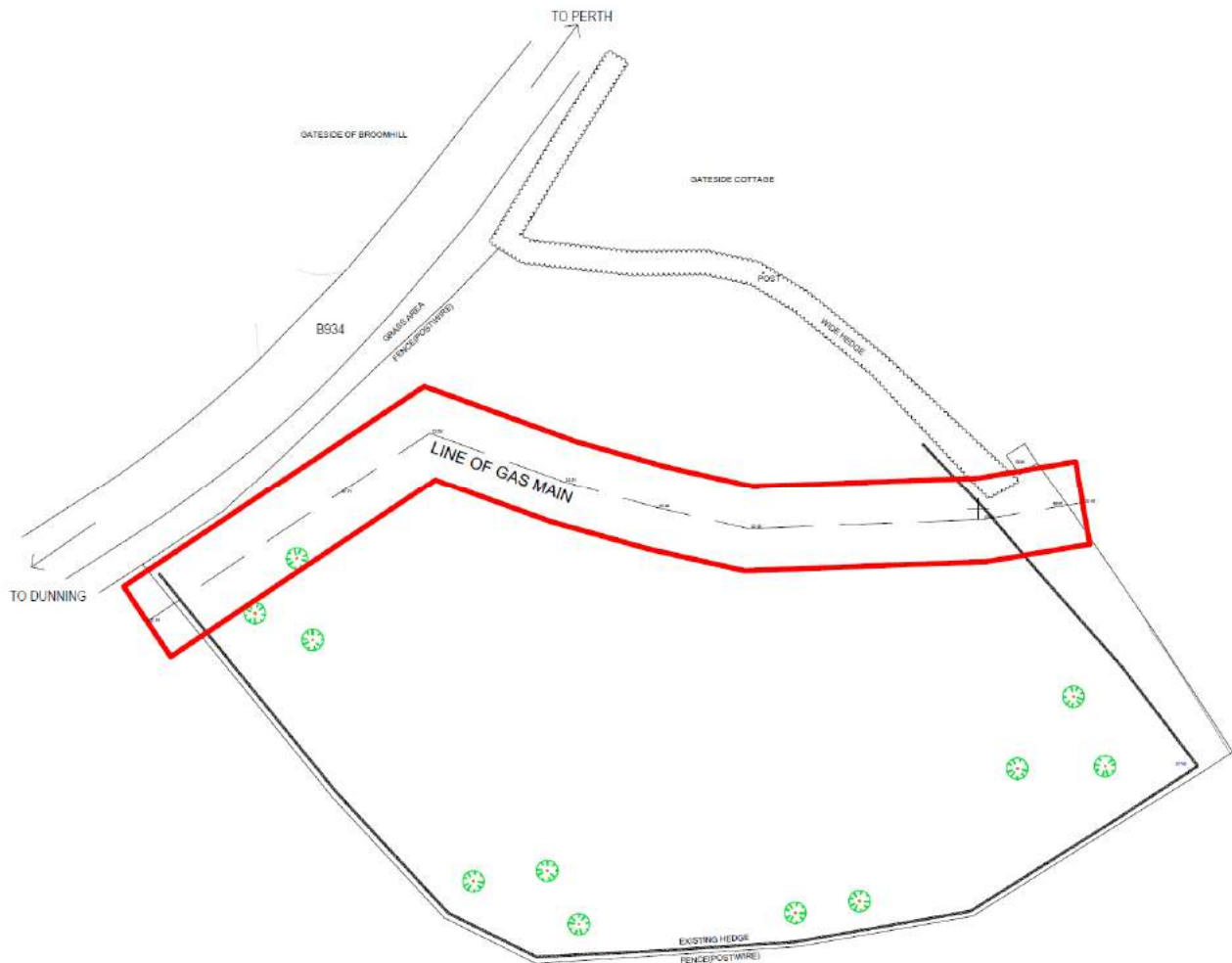


Figure 1 – Existing Site

Gas Pipe – There is an existing gas main through the site as shown on the drawing. We have had correspondence with Scottish Gas Networks and they have indicated stand off areas. The house location complies with their requirements. Email from Steve Morris shown as appendix 1 to this document.

## Site Boundaries;

- The site has a 1 metre high post & wire fence running around the perimeter, save the boundary with Gateside Cottage which has a large wide hedge (shown in Figures 1 & 2).
- Running from the western corner wrapping around the south to the east and connecting with the Gateside Cottage hedge is a 1.2 metre high recently established hedge (shown in Figures 1, 2 & 3).

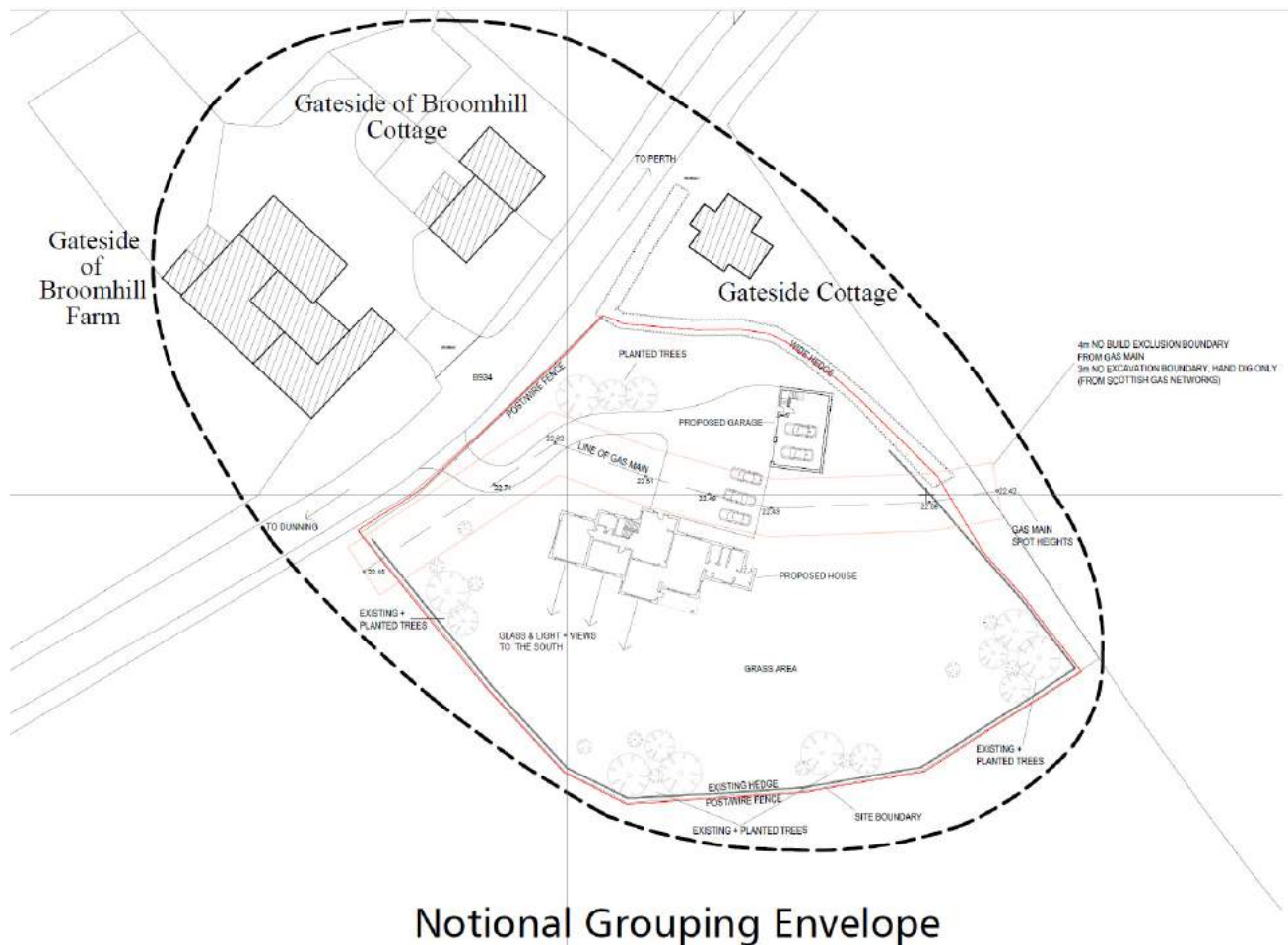


Figure 2 – Proposed Site Plan

## 2.2 Site & Surroundings



Figure 3 – Fence and Hedging



Figure 4 – View Along Road Towards Forteviot



Figure 5 – View Along Road Towards Dunning



## 2.3 Building Proposal



Figure 6 – Proposed Elevations

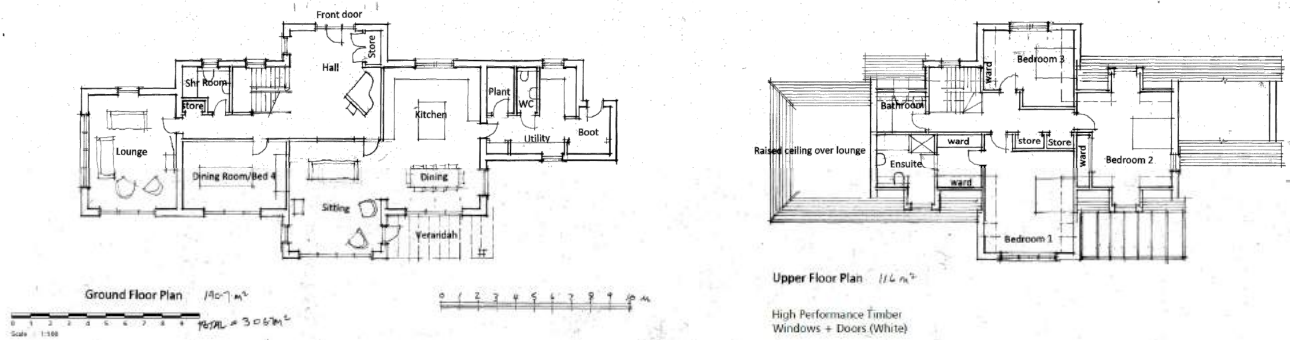


Figure 7 – Proposed Plans

## **3.0 POLICY CONSIDERATIONS**

### **3.1 Housing in the Countryside – Building Groups**

The proposed site (shown in Figure 2) extends the existing building group into a defined site. The proposed new build (shown in Figures 6 & 7) is of traditional design which respects the character of the existing group.

### **3.2 Residential Amenity**

The site is a very short drive from Dunning for local amenities, with Perth being 15 minutes away.

### **3.3 Roads, Transport and Access**

Access to the site would be via a proposed new entranceway (shown in Figure 2). This has very good visibility in both directions (shown in Figures 4 & 5).

### **3.4 Flood Risk**

Through the SEPA flood mapping system the site does not fall into any river or surface water flooding areas.

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**From:** Morris, Steve [REDACTED]  
**Sent:** 01 October 2019 10:37  
**To:** James Denholm [REDACTED]  
**Cc:** HIDE\_Dundee [REDACTED]  
**Subject:** RE: Ian and Fiona Mitchell- proposed house site at Gateside of Broomhill near Dunning

Hello Jimmy,

The proximity distance from the new house is 4m from our IP Pipeline.  
In the plot of land there are 2 services feeding Broomhill Cottage and Gateside Cottage,  
No mechanical excavation within 3m of our IP Pipelines, hand dig only.  
Any crossing points of our IP Pipelines in the plot will have to be protected with steel plates , trackway, sleepers or similar to spread the load of plant / machinery crossing.  
The IP Pipelines will have to be excavated to prove a positive depth and direction before works commence.

Steve.

**Steve Morris**

**Plant Protection Officer**  
[REDACTED]

SGN, Archibald Suite Baird Ave Dryburgh Industrial Estate Dundee DD2 3TN

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[Find out how](#) to protect your home from carbon monoxide

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Appendix 1 – Email from Scottish Gas Networks





<b>LRB-2020-11 – Planning Application – 19/01870/FLL - Erection of a dwellinghouse and garage, land 40 metres south west of Gateside Cottage, Forteviot</b>
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**PLANNING DECISION NOTICE** *(included in  
applicant's submission, pages 459-460)*

**REPORT OF HANDLING** *(included in applicant's  
submission, pages 461-471)*

**REFERENCE DOCUMENTS** *(included in  
applicant's submission, pages 481-495)*



**LRB-2020-11 – Planning Application – 19/01870/FLL -  
Erection of a dwellinghouse and garage, land 40 metres  
south west of Gateside Cottage, Forteviot**

## **REPRESENTATIONS**



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

<b>Planning Application ref.</b>	19/01870/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 [REDACTED] [REDACTED]
<b>Description of Proposal</b>	Erection of a dwellinghouse and garage		
<b>Address of site</b>	Land 40 Metres South West Of Gateside Cottage, Forteviot		
<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 at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p> <p>This proposal is within the catchment of Dunning 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 site is within the reduced contributions area.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Education: £6,460 (1 x £6,460)</p> <p>Transport Infrastructure: £2,639 (1 x £2,639)</p>		

	<p><b><u>Total: £9,099</u></b></p> <p><b>Phasing</b></p> <p>It is advised that payment of the contribution should be made up front of release of planning permission. The additional costs to the applicants and time for processing legal agreements for single dwelling applications is not considered to be cost effective to either the Council or applicant.</p> <p>The contribution may be secured by way of a Section 75 Agreement. Please be aware the applicant is liable for the Council's legal expense in addition to their own legal agreement option and the process may take months to complete.</p> <p>If a Section 75 Agreement is entered into the full contribution should be received 10 days prior to occupation.</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 or cheques 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>Bank Transfers</b></p> <p>All Bank Transfers should use the following account details;</p>

	<p><b>Sort Code:</b> 834700 <b>Account Number:</b> 11571138</p> <p>Please quote the planning application reference.</p> <p><b>Direct Debit</b> 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>Education Contributions</b> For Education contributions please quote the following ledger code: 1-30-0060-0001-859136</p> <p><b>Transport Infrastructure</b> For Transport infrastructure contributions please quote the following ledger code: 1-30-0060-0003-859136</p> <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>	04 December 2019





# Memorandum

To Development Quality Manager

From Regulatory Services Manager

Your ref 19/01870/FLL

Our ref LRE

Date 10 December 2019

Tel No [REDACTED]

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## **Consultation on an Application for Planning Permission PK19/01870/FLL RE: Erection of a dwellinghouse and garage land 40 metres South West of Gateside Cottage Forteviot for Mr and Mrs I Mitchell**

I refer to your letter dated 28 November 2019 in connection with the above application and have the following comments to make

### **Environmental Health Recommendation**

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

### **Comments**

This application is for the erection of a dwellinghouse and garage and plans indicate that the applicant proposes to install a stove within the lounge area.

### **Air Quality**

The Environment Act 1995 places a duty on local authorities to review and assess air quality within their area. Technical Guidance LAQM.TG (16) which accompanies this act advises that biomass boilers within the range of 50kW to 20MW should be assessed in terms of nitrogen dioxide and particulate matter. The pollution emissions of concern from biomass are particulate matter (PM<sub>10</sub>/PM<sub>2.5</sub>) and nitrogen oxides (NO<sub>x</sub>).

The stove will be a small domestic stove and out with the range to be assessed, therefore I have no further comment on air quality

### **Nuisance**

This Service has seen an increase in nuisance complaints with regards to smoke and smoke odour due to the installation of biomass appliances. Nuisance conditions can come about due to poor installation and maintenance of the appliance and inadequate dispersion of emissions due to the inappropriate location and height of flue with regards to surrounding buildings.

The stainless-steel flue will terminate above the roof ridge of the dwellinghouse, therefore emissions will disperse adequately.

I would advise that smoke/odour could be further minimised using fuel recommended by the manufacturer, therefore I recommend that the undernoted condition be included on any given consent.

**Condition**

**EH50 (var)**

The stove shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance.



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

<b>Planning Application ref.</b>	19/01870/FLL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of a dwellinghouse and garage		
<b>Address of site</b>	Land 40 Metres South West Of Gateside Cottage, Forteviot.		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned, I have no objections to this proposal on the following condition.		
<b>Recommended planning condition(s)</b>	<p>AR01 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth &amp; Kinross Council's Road Development Guide Type C Figure 5.7 access detail, of Type C Road construction detail.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p>		
<b>Recommended informative(s) for applicant</b>	The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 they 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>	11 December 2019		

