

TCP/11/16(540) – 18/00215/IPL – Residential development (in principle), land 40 metres north east of 4 Newbigging Grange, Wolfhill

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**TCP/11/16(540) – 18/00215/IPL – Residential development
(in principle), land 40 metres north east of 4 Newbigging
Grange, Wolfhill**

**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 MR SAM MERCER NAIRNE

Address

Postcode

Contact Telephone 1

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Name

Address

Postcode

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Mark this box to confirm all contact should be
through this representative: ☒ Yes ☐ No

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

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE ATTACHED / ENCLOSED DOCUMENT.

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.

APPEAL SUPPORTING STATEMENT

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



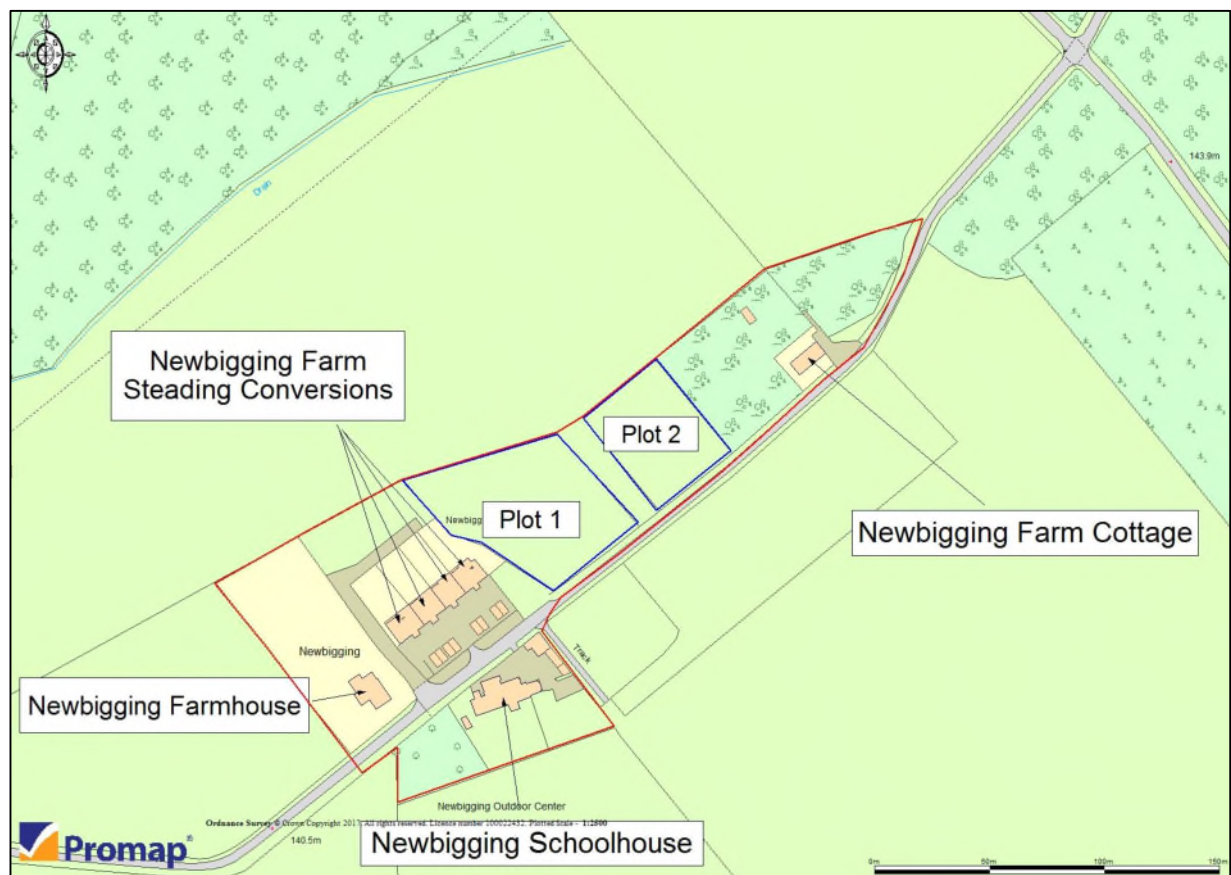
Date

07.06.2018.

Erection of two dwellinghouses at Newbigging, Wolfhill, Perthshire

LRB Appeal Statement

12th June 2018



KEIR+CO
PLANNING

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1.0 Introduction

On behalf of our client, we request that the Council's Local Review Body review the decision to refuse the Planning Permission in Principle (PPP) Application (Ref:18/00215/IPL) which proposed the erection of two houses at Newbigging, Wolfhill, Perthshire.

The PPP Application proposed the erection of two detached houses (which would be bespoke, incorporating traditional building materials and be of a contemporary design) on the gap site between Newbigging Farm steading (converted into 4 houses) and Newbigging Farm cottage. See Map 1 below.

This Statement is intended to set out the facts of the case and make reference to and analyse the relevant planning policy, allowing the LRB to make a balanced and informed view as to whether the decision to refuse the PPP application should be overturned or not.

The original Supporting Statement which accompanied the planning application has been appended to this Appeal Statement and should be read in conjunction with this Appeal Statement.

Map 1: Two detached houses proposed to be erected

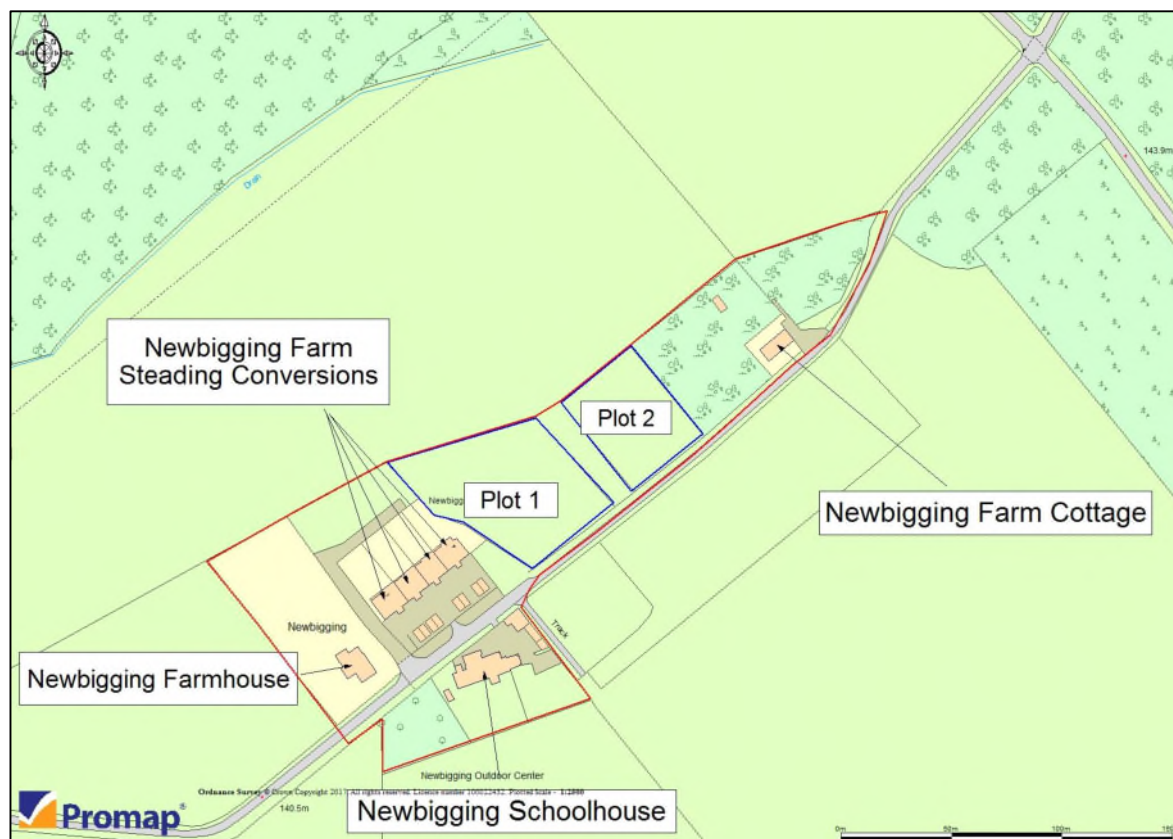


2.0 Site Description

The proposed site lies within the hamlet of Newbigging, which comprises; Newbigging Farmhouse, Newbigging Farm Cottage, four houses within Newbigging farm steading and Newbigging schoolhouse (currently utilised by the Girl Guides as an outdoor centre).

All of the buildings in the hamlet/building group are of traditional construction with stone walls and slate roofs.

Map 2: The Newbigging building group and proposed plots



The application site is presently fallow and overgrown.

Photograph 1: Looking westwards over Plot 1 and towards Newbigging Steading (converted into 4 houses)



Photograph 2: Looking eastwards over Plot 2



The proposed house plots are located within a definable site. The northern boundary is defined by young trees, hedging and a post and wire fence. The eastern boundary is defined by Newbigging Farm Cottage and hedging. The southern boundary is defined by a public road and mature hedging. The western boundary is defined by Newbigging Farm Steading and hedging.

Photo 3: Newbigging Steading



Photo 4: Newbigging Farmhouse



Photo 5: Newbigging Schoolhouse



Photo 6: Newbigging Farm Cottage



Photo 7: Hedging and road along the northern boundary



Photo 8: Hedging & trees along the southern boundary



Photograph 9: Close up of the hedging and trees along the southern boundary



Photographs 10 & 11: Hedging along the western boundary of the gap site



Photograph 12: Hedging along the eastern boundary of the gap site



3.0 Proposed Development

It is proposed that two detached houses are constructed in the gap site within the hamlet – between Newbigging Farm Steading and Newbigging Farm Cottage.

The two houses would be bespoke, incorporate traditional building materials and be of a contemporary design. They would also be respectful of the architecture of the surrounding houses.

The houses would also incorporate modern renewable technologies.

The houses would be accessed via the existing central access road. The proposed houses and the access would be laid out similarly to the indicative map illustrated on Map 1.

The subject gap site is the only opportunity for house plots within the group and the erection of two houses on this gap site, would round off and complete the building group.

4.0 Overview of the Decision to Refuse Consent

4.1 Reasons for refusal of PPP Application

The decision to refuse the PPP Application was made by a Planning Officer under delegated powers.

There were four reasons for refusing the planning consent. The reasons for refusal are set out below:

- 1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.***
- 2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.***
- 3. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the siting of a residential development on this exposed piece of land would erode and dilute the areas landscape character.***
- 4. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character. This includes eroding the visual and scenic qualities of the landscape and the quality of landscape experience through the siting of the residential development on this exposed piece of land with a lack of established boundary treatments.***

4.2 Overview of the decision and the Report of Handling

It should be noted that all four reasons for refusing planning consent are entirely based on the Planning Officers interpretation of the relevant Planning Policies and his subjective view of whether the application complied with these Policies or not.

We are of the view that site is a gap/infill site – infilling the gap between Newbigging Farm Steading and Newbigging Cottage (with Newbigging Cottage included within the building group). The Planning Officer clearly does not share this view.

Regardless of whether Newbigging Farm Cottage is not within the building group, we are also of the view that the site is a definable site formed by existing well established landscape features, which the building group could be expanded into.

In considering this application, there are two key questions;

1. Does Newbigging Farm Cottage form part of the Newbigging building group? If the answer is yes, then the proposal should be considered against the 'infill site' Category of Policy RD3 and the Council's Housing in the Countryside (HITC) Policy – which it broadly complies with.
2. If the Newbigging Farm Cottage is considered to be outwith the building group, is the application site a definable site formed by existing well established landscape features which will provide a suitable setting in which to extend the building group into? If the answer is yes, the proposal should be considered against the 'Building Group' Category of Policy RD3 and the (HITC) Policy – which it broadly complies with.

4.2.1 Infill Site

In our view, looking at Maps 1 and 2, it is quite obvious that Newbigging Farm Cottage is within the Newbigging Building Group.

The farm cottage sitting further away from the farmhouse and farm steading is quite typical of many traditional farms and farms throughout Perthshire. Furthermore, there is a substantial number of these gap sites, which have been developed into 1-2 houses – please see the Precedent Section.

We believe it is very hard to argue that the cottage is not included in the Building Group. Firstly, it has a physical relationship, in that it is located in very close proximity to the other buildings. Secondly, it has a historical and functional relationship, in that it was part of Newbigging Farm buildings (including the farmhouse and steading).

The Planning Officer is of the view ***‘the development site is not considered an infill site as it is not considered to be a ‘gap’. The distance between the edge of the 2 nearest buildings is approximately 162metres, this is considered too substantial to be justified as a gap’.***

This is a very bold statement, given that there is no specified threshold distance, which justifies what constitutes and does not constitute an infill site in Local or National Planning Policy or Guidance. Additionally, as referenced in the Precedent Section, there are a number of cases where applications proposing houses within a similar sized gap have been granted planning consent. It is only fair that when planning policy is interpreted, it is interpreted fairly and consistently. In this case, it has not been fairly and consistently interpreted. It should also be noted that the ‘gap’ itself (eastern boundary to western boundary) is only 89m.

The Infill Sites Category (in the LDP and HITCP) is stated below:

2. Infill Sites

The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage***
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)***
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained***
- The size and design of the infill houses should be in sympathy with the existing house(s)***
- The full extent of the gap must be included within the new plot(s)***
- It complies with the siting criteria set out under category 3.***

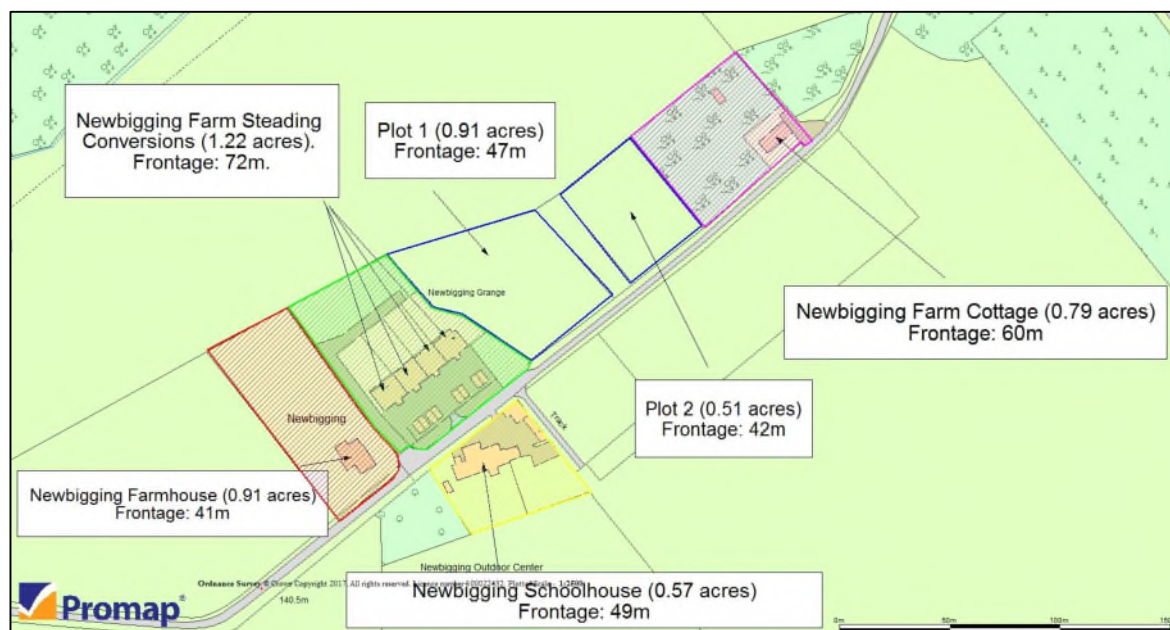
Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.

Addressing the above criteria:

Are the plot(s) created comparable in size to the neighbouring residential property(s) and have a similar size of road frontage?

Yes, they are. The sizes of the neighboring plots at Newbigging vary in size, as do many rural building groups. However, having measured these plots, we can confirm that the farmhouse (0.91acre) and Plot 1 (also 0.91 acre) are exactly comparable in size. We can also confirm that Plot 2 (0.51 acre) is comparable to the Schoolhouse (0.57 acre). Please refer to the Map on the next page. The proposed plots with a frontage of 47m and 42m, also have similar frontages to the Farmhouse (41m) and Newbigging Schoolhouse (49m).

Map 3: Plot Sizes



Despite the comparable plots size and the above Map being provided in the Supporting Statement which accompanied the planning application, the Planning Officer has chosen to ignore these facts – stating in the Report of Handling; ***‘The proposed plots are much larger than the existing plots in Newbigging and as such would be out of character for the area’***. This statement is simply factually incorrect and misleading – as illustrated on the map above.

Does the proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)?

Yes – see Map 1.

Are there any uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained?

There are no other uses in the vicinity which would prevent an adequate standard of amenity for the proposed houses. The amenity of the existing houses would also be maintained. Newbigging Farm is no longer a working farm. The farm steading was converted into 4 houses a number of years ago. The predominant land use in the area is residential.

As stated in the Report of Handling, the Planning Officer does not appear to have an issue with the amenity of the proposed houses and existing houses:

‘It is considered that the site is large enough to accommodate 2 modest dwellinghouses without detrimental impact upon existing residential amenity. The site is also large enough for ample private amenity space to be provided for each of the dwellinghouses. I therefore have no concerns at the principle of 2 dwellinghouses on this site’.

‘The formation of a residential development does however have the potential to result in overlooking and overshadowing to neighbouring dwellinghouses and garden ground. There is a need to secure privacy for all the parties to the development including those who would live in the new dwellings and those that live in the existing houses, in particular, at Newbigging Grange. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours’.

‘As this is a planning in principle application, the exact impact upon existing amenity and also the proposed residential amenity of future occupiers of the proposed dwellinghouses cannot be fully determined. However, it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the dwellinghouses’.

Is the size and design of the infill houses in sympathy with the existing house(s)?

As the planning application is a PPP application, there is no requirement for the submission of detailed plans relating to the design and layout of the proposed houses. However, an indicative layout of the two proposed houses is illustrated on Map 1 – which illustrates the houses would be of similar footprints and positioning within the plot as the adjacent houses. As stated in the Supporting Statement, it is proposed that the houses would incorporate traditional building materials, be of a contemporary design and would be respectful of the architecture of the surrounding houses.

Is the full extent of the gap included within the new plot(s)?

Yes.

Does it comply with the siting criteria set out under category 3?

The Siting Criteria set out under Category 3 of the Council's Housing in the Countryside Policy, is set out below;

Proposals for a new house falling within category 3 above will require to demonstrate that if when viewed from surrounding vantage points, it meets all of the following criteria:

- a) it blends sympathetically with land form;***
- b) it uses existing trees, buildings, slopes or other natural features to provide a backdrop;***
- c) it uses an identifiable site, (except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (eg a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The subdivision of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site, will not be acceptable;***
- d) it does not have a detrimental impact on the surrounding landscape.***

Alternatively a new house site will not be acceptable if when viewed from surrounding vantage points;

- a) it occupies a prominent, skyline, top of slope/ridge location;***
- b) the site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a***

group of trees or a slope forming an immediate backdrop to the site) and

c) is unable to provide a suitable degree of enclosure for a new house in the countryside.

The proposed houses would blend in with the existing houses and landscape features.

In the Report of Handling, the Planning Officer states that ***..‘a definable site is formed by existing topography and or well established landscape features which will provide a suitable setting. In this instance, the proposed plots are bound by post and wire fencing which has been erected in an effort to create a definable site. There is no identifiable topography or landscape features containing the site and as such this is not considered to be a suitable boundary treatment to constitute a definable site. The below photograph (on next page) shows the existing boundary treatments which the supporting statement submitted considers being sufficient. A red line has been drawn to highlight further. As seen, this is not acceptable in terms of the Housing in the Countryside Policy’.***

Photograph 13: Photograph taken from the Report of Handling



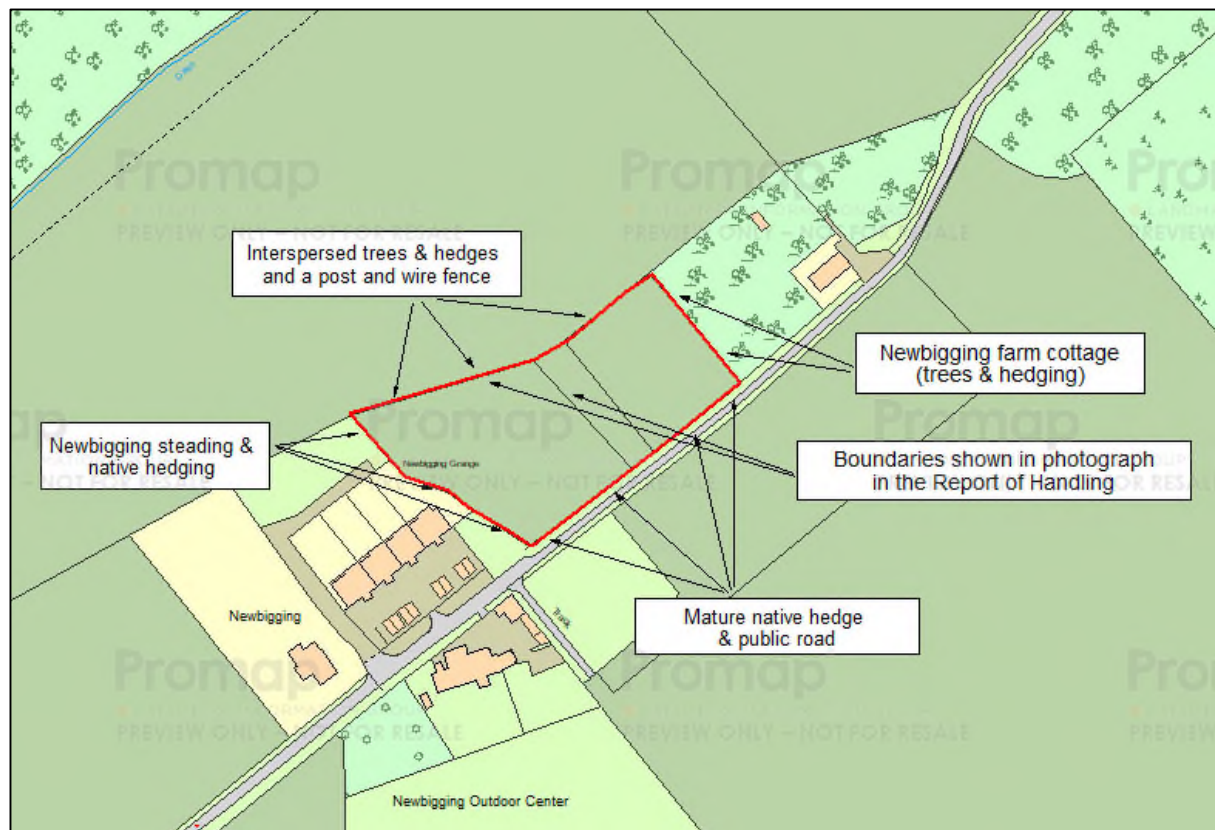
The Planning Officer's above statement and photograph is misleading and factually incorrect.

As previously stated, the site is surrounded by a robust landscape framework. It is 'hemmed in' by the farm steading to the west and the cottage to the east. There is a mature native hedge and public road along the southern boundary. Along the northern boundary, there is a post and wire fence and interspersed hedges and young trees (see photographs 8 & 9). The hedging and trees vary in height between 0.75m to 2m.

The site therefore, is contained by landscape features and is not entirely bounded by a post and wire fence '***in an effort to create a definable site***', as implied by the Planning Officer in the Report of Handling.

The planning officers photograph (on the previous page) in the Planning Officer's Report of Handling, is also misleading. The post and wire fence in the centre of the photograph, runs down the middle of the gap site and not the boundary outer boundary of the gap site as implied – see map below.

Map 4: Application Site Landscape Framework



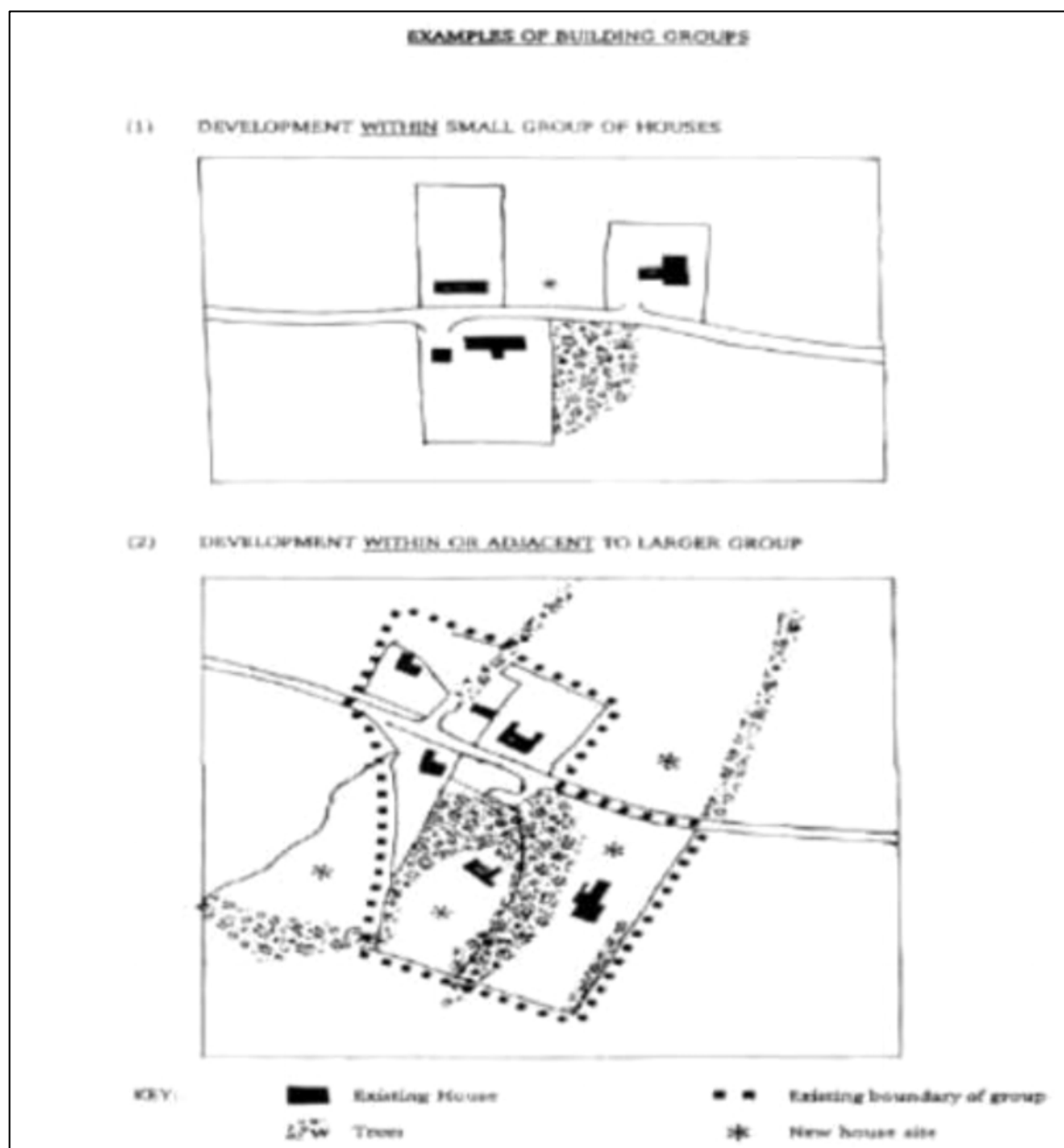
It is acknowledged that the northern boundary of the sites comprises a post and wire fence and trees and hedges (which are interspersed and young), thus not 'long established boundaries'. However, the southern, western and eastern boundaries are robust and comprehensive. The steading and farm cottage at side of the gap site also act like bookends, which contain the site.

There is no reference in the Siting Criteria that the site requires to be completely surrounded by long established boundaries. Very few house sites are, yet many are granted planning consent by Perth & Kinross Council – see the Precedent Section.

Perth & Kinross Council previously published a Building Groups diagram which was useful for assessing applications against the Infill and Building Groups categories of the HITC Policy.

As illustrated on the Diagram below, of what constitutes an acceptable house site (denoted by a *), generally, the sites have robust boundaries on three sides and are open on one of the sides.

Diagram 1: Perth & Kinross Council Examples of Building Groups



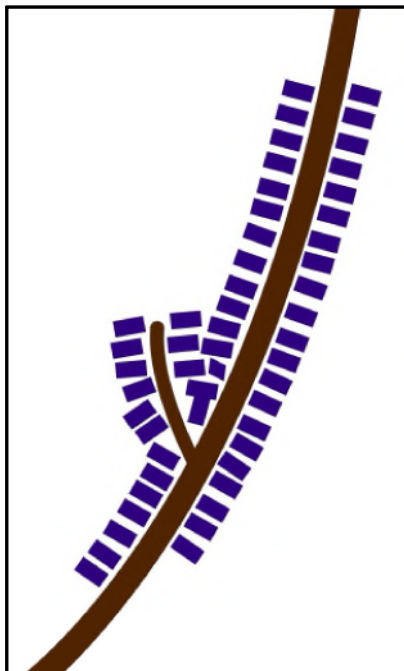
Ribbon Development

In the Report of Handling, the Planning Officer states that;

‘Further expanding on the building group criterion, the proposal would also contribute to ribbon development along the unnamed road. The supporting statement provided does not suitably justify the acceptability of ribbon development in this instance and instead dismisses this as a cause for concern. This is not the view of the Planning Authority however as the granting of this application could create other opportunity sites which could lead to further development in the countryside. This has also been voiced in some of the objections received. In addition to the site not being definable, it is also considered to constitute ribbon development for reasons mentioned above’.

Again, this statement is very concerning. Ribbon Development does not comprise 2 houses along a road. Ribbon Development generally constitutes the building of a number of houses along a road – as illustrated on the Ribbon Development Diagram below.

Diagram 2: Example of Ribbon Development (Wikipedia)



The interpretation of Ribbon Development is being unfairly and inconsistently applied in this case. Many proposed house plots within rural hamlets/building groups in Perth & Kinross Council front onto a road and have been granted planning consent (yet there is no mention of Ribbon Development in these cases!). Please refer to the Precedent Section.

Ribbon Development is also characterised as continuous and reoccurring development of houses along a road. As illustrated on Map 4, the farm steading conversion and the farm cottage act like bookends and prohibit ‘ any further development.

4.2.2 Building Group

We are firmly of the opinion that proposed development complies with the Infill Sites Category of the Council’s HITC Policy. Regardless, it certainly complies with the Building Group Category of the HITC Policy – in that it is a definable site in which to extend the building group into.

The Building Groups Category (in the LDP and HITCP) is stated below:

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).

In the Report of Handling, the Planning Officer states that; ***‘In this case, the proposal constitutes an unacceptable extension to the group which would result in sprawl into the countryside, which would detract and destroy the grouping at Newbigging. This is due to the proposed site not***

being considered as a definable site and the site not being a logical extension to the existing grouping at Newbigging’.

The construction of two houses in a small hamlet does not constitute ‘sprawl’. Sprawl is more appropriately used to describe the creep of larger scale development into the countryside, often sprawling out from an urban area.

Two well designed houses on the site would also not ‘detract or destroy’ the grouping at Newbigging.

The site is also a definable site as we have already addressed in considerable detail in 4.2.1.

Newbigging Cottage represents a logical eastern boundary of the group. The two proposed houses would therefore be a logical extension/infilling of the group and would round off the building group.

The proposed development would also be in line with Diagram 1 (Perth & Kinross Council Examples of Building Groups).

4.2.3 *Policy PM1B*

Reasons 2 and 3 of the Decision Notice state that proposed development is contrary to Criterion (a) (***‘as the proposal fails to create a sense of identity and erodes the character of the countryside’***) and Criterion (b) (***‘as the siting of a residential development on this exposed piece of land would erode and dilute the areas landscape character’***) of Policy PM1B in the Local Development Plan.

Policy PM1B is set out below.

All proposals should meet all the following placemaking criteria:

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.***
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.***

- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.**
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.**
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.**
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.**
- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.**
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.**

According to the Planning Officer, the proposal does not comply with Criterion (a) - **‘as the proposal fails to create a sense of identity and erodes the character of the countryside’**. This is a weak argument, vaguely applicable and also a very subjective view. A view we believe is geared towards supporting the decision to refuse planning consent.

We believe the proposal to build two detached houses (sensitively designed and incorporating traditional materials), would create a sense of identity and would not erode the character of the building group and countryside.

According to the Planning Officer, the proposal does not comply with Criterion (b) (**‘as the siting of a residential development on this exposed piece of land would erode and dilute the areas landscape character’**). Again, we feel that this is a weak argument, vaguely applicable and also a very subjective view. A view we believe is geared towards supporting the decision to refuse planning consent.

In the Report of Handling, the Planning Officer states;

‘The site is on a relatively exposed piece of land and therefore highly visible from the surrounding area. The unnamed road which bounds the site to the South East is the only useable road into the holding of buildings at Newbigging and therefore it is highly important that this route is protected from development which could have a negative impact upon the landscape character and visual amenity of the area. The existing definability of the site and lack of established boundary treatments is not considered sufficient screening to suitably accommodate a dwellinghouse without having a significant impact upon the landscape qualities of the area’.

Firstly, the description that the site/piece of land is ***‘exposed’*** and ***‘highly visible from the surrounding area’*** is inaccurate and misleading. As already stated, the site is surrounded by a robust landscape framework. There is also a mature native hedge which runs the full length of the southern boundary of the site and screens the site from the road (see Photograph 7). Therefore, the visual impact of the development from traveling along the road would be minimal. The proposed houses are also to be individually designed and incorporate traditional materials. They will therefore ‘fit’ into and enhance the landscape character and visual amenity of the area.

We have already addressed the established boundary treatments. The Planning Officers claim that the two houses would have a ***‘significant impact upon the landscape qualities of the area’***, is again an over exaggeration on his part.

4.2.4 Policy ER6

Reasons 4 of the Decision Notice states that proposed development is contrary to Policy ER6 of the *Perth and Kinross Local Development Plan 2014* ***‘as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character. This includes eroding the visual and scenic qualities of the landscape and the quality of landscape experience through the siting of the residential development on this exposed piece of land with a lack of established boundary treatments’.***

Policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscapes. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. They will need to demonstrate that either in the case of individual developments, or when cumulatively considered alongside other existing or proposed developments:

- (a) they do not erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character areas, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of landscape experience;***
- (b) they safeguard views, viewpoints and landmarks from development that would detract from their visual integrity, identity or scenic quality;***
- (c) they safeguard the tranquil qualities of the area's landscapes;***
- (d) they safeguard the relative wildness of the area's landscapes;***
- (e) they provide high quality standards in landscape design, including landscape enhancement and mitigation schemes when there is an associated impact on a landscape's qualities;***

(f) they incorporate measures for protecting and enhancing the ecological, geological, geomorphological, archaeological, historic, cultural and visual amenity elements of the landscape; and

(g) they conserve the experience of the night sky in less developed areas of Perth and Kinross through design solutions with low light impact.

As per Reasons 2 and 3, Reason 4 is also remote and not relevant. As already covered, the two houses are unlikely going to erode the local distinctiveness or impact on the character of the building group and countryside. The land is also not exposed and it does not have a lack of established boundary treatments.

5.0 National Planning Policy

5.1 Scottish Planning Policy (SPP)

SPP states that

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.

It also states that

...the National Planning Framework aims to facilitate new housing development ... through innovative approaches to rural housing provision.

The proposed development complies with the above extracts from SPP.

5.2 PAN 72

Planning Advice Note 72: Housing in the Countryside, is also encouraging of developing houses within/adjacent to building groups in rural areas;

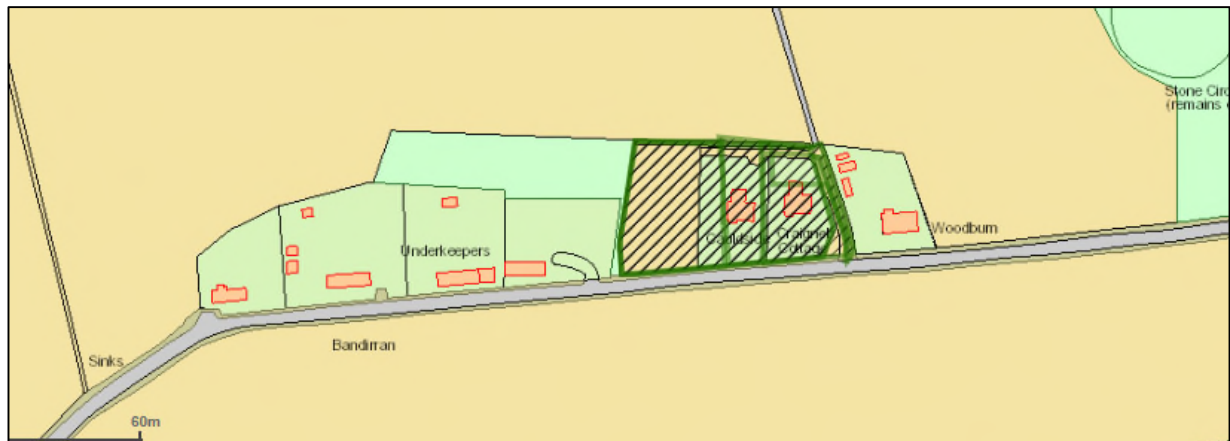
New groups of houses Housing related to existing groupings will usually be preferable to new isolated developments. The groupings should not be suburban. They should be small in size, and sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality. They should take account of sustainable development criteria in location and infrastructure needs.

6.0 Precedent

6.1 Infill Site Comparable Consented Cases

Location: Ground to The West Of Woodburn Cottage, Kinrossie, Perth

Proposal: Erection of two houses (06/02006/OUT, 09/01405/FLL & 09/01046/AML)



Notes: 6 miles from the planning application site.

The distance between the two houses either of the gap site is 145m, as illustrated below.



Location: Myreside Farm, Guildtown, Perth, PH2 6DW.

Proposal: Erection of a dwelling house (02/01668/OUT & 03/01900/FUL).
Erection of a dwelling house (05/00583 & 05/01973/FUL)

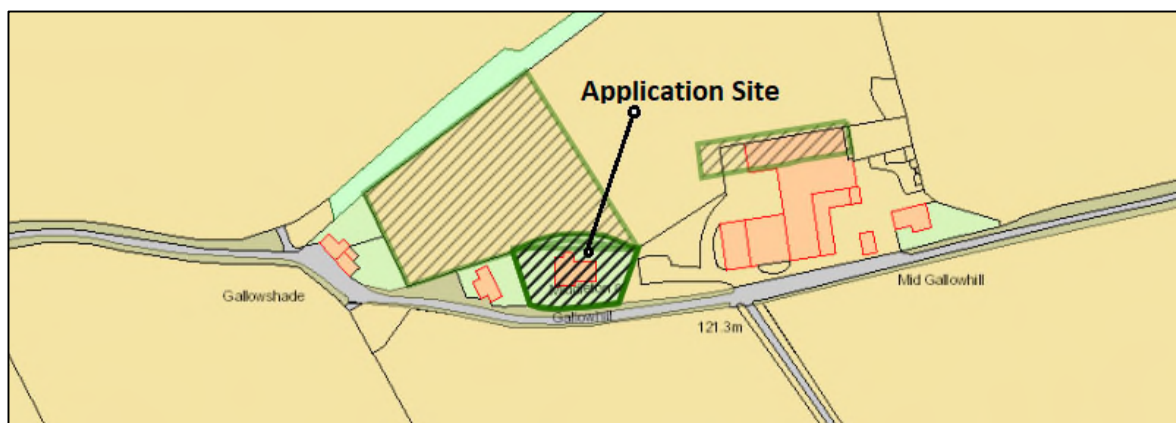
Notes: 1 mile from planning application site.



Location: Plot Adjacent to Gallowshade, Burrelton Perthshire.

Proposal: Erection of a dwellinghouse - 06/01203/OUT07/00888/REM,
09/00307/REM, 18/00736/FLL

Notes: 1.5 mile from the application site.



Location: The Smithy, Cargill, Perthshire

Proposal: A) Erection of two houses. (15/02202/FLL & 12/01436/FLL). B) Erection of a house (08/00084/FUL).

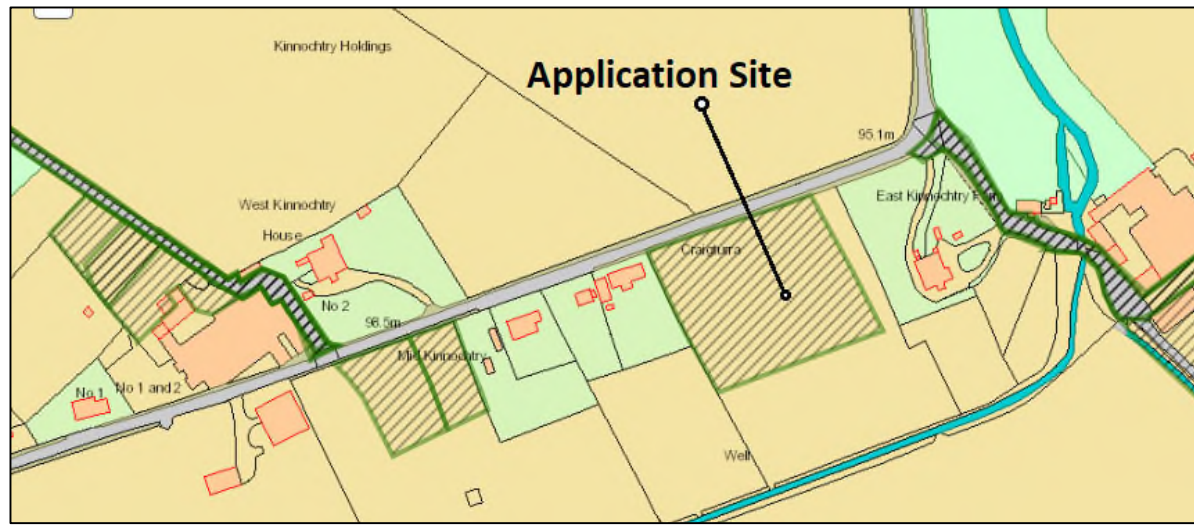


Notes: The site is 2 miles from the application site. The site at present is an open paddock (to quote the planning officer in the Report of Handling). The distance between the two houses either of the gap site is 157m.



Location: Land at East Kinnochtry, Burrelton Perthshire

Proposal: Erection of two houses (06/00092/FUL)



Notes: The site is 2 miles from the application site. The southern boundary of the plots is open field – as illustrated on the aerial map below.



Proposal: Erection of two houses (11/00897/IPL)



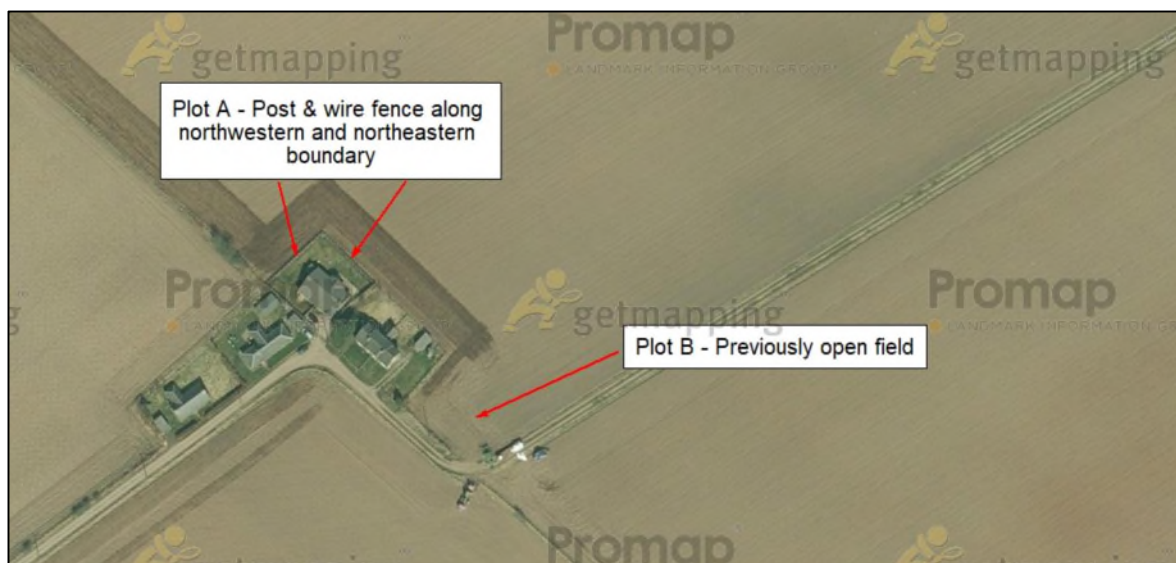
6.2 Building Group Extensions Comparable Consented Cases

Location: East Whitefield Cottages, Burrelton Perthshire.

Proposal: A) Erection of a house (05/00883/OUT & 06/00530/FUL). B) Erection of a house (10/02186/IPL, 07/01735/OUT & 11/01422/AML)

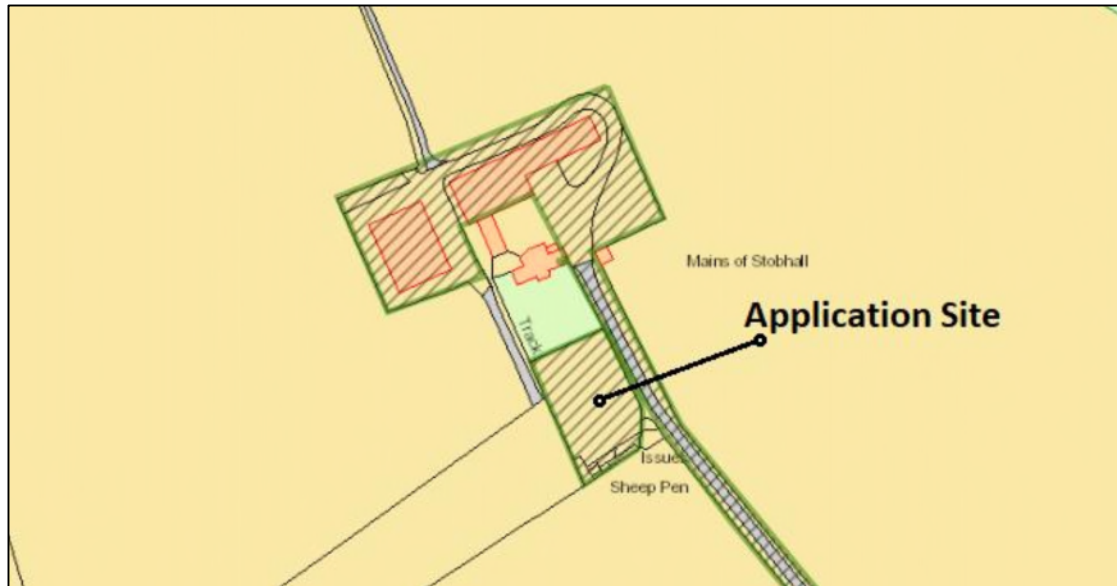


Notes: 1.5 miles from application site. As illustrated below, the northwestern and northeastern boundaries of the Site A comprised a post and wire fence. Plot B is open field.

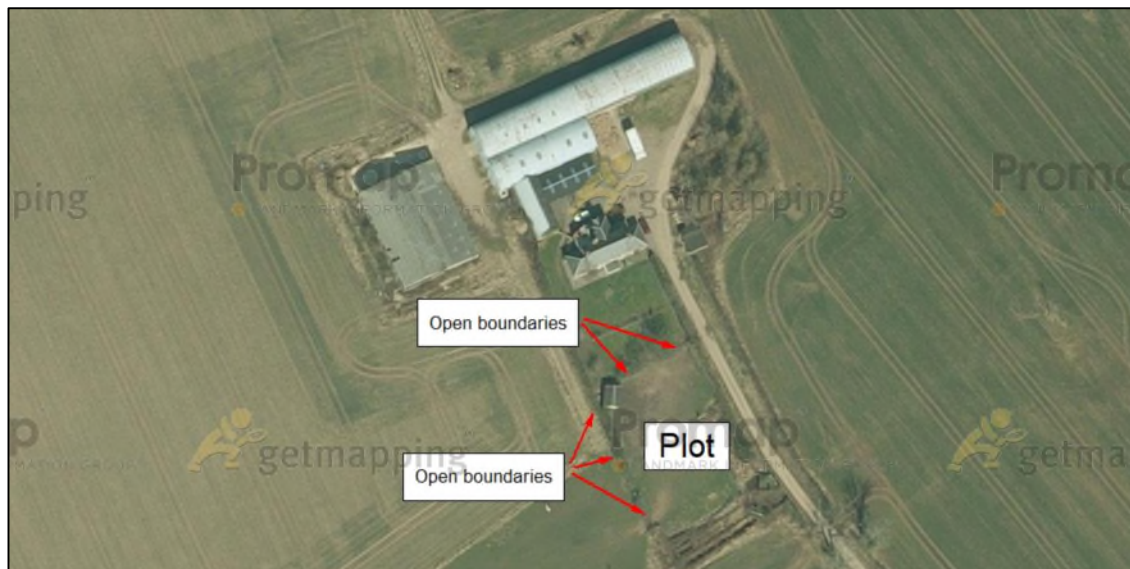


Location: Land 60 Metres South of Mains Of Stobhall, Cargill.

Proposal: Erection of a house (15/01392/IPL)



Notes: 2 miles from application site. The southern and western boundaries are open.



6.3 Interesting Case

Location: Redstone Smithy, Burrelton, Blairgowrie, PH13 9PR

Proposal: Demolish the existing building and build two houses on the site (11/01848/IPL)



Notes: The site is located 1.5 miles away. As alluded to in the Planning Officer's Report of Handling for this case, the site boundaries are not particularly well defined (see photograph below), but the Planning officer has taken a pragmatic approach: ***I accept that the current rear boundary is not particularly well defined with a post and wire fence and tall spindly evergreen trees constituting the current boundary definition. An equally inappropriate timber slatted fence on the front, principal north side characterises the full plot boundaries. It is however considered on this site that a suitable landscape framework along these boundaries can be attained by applying suitable landscaping related conditions to a detailed consent and would facilitate an overall improvement and landscape fit in comparison to the starkness of the existing situation.***

As stated to above, the unsatisfactory site boundaries can be addressed through suitable landscaping.



7.0 Pre-Application Discussions

A Pre-Application letter was submitted. The Planning Officer who decided this application, was the same planning officer who responded to the Pre-Application Letter.

In response to the original Pre-Application Letter (which proposed two houses be built in the gap site), the Planning Officers was of the opinion that:

- the proposal was not considered to comply with any of the relevant criterion as set by Policy RD3: Housing in the Countryside
- the proposal constituted ribbon development
- the proposed plots appeared to be much larger than the neighbouring plots and as the plots were not comparable in size to the neighbouring plots

With the same Planning Officer determining the planning application, we were not surprised that it was refused planning consent. Naturally, the Planning Officer would look to standby/defend his original response/view to the Pre-Application letter, regardless of a site visit and more thorough assessment of the proposal.

8.0 Objections

Five objections were made to the application (by neighbours). The Report of Handling summaries the objection points made, including;

- Inappropriate land use / out of character with the area
- Inappropriate density and loss of open countryside
- Plot sizes do not reflect existing plots
- Lack of boundary treatments
- Road safety / traffic congestion
- Noise pollution
- Flood risk / drainage concerns
- Lack of public transport
- Precedent development would set / future development
- Impact upon young visitors (reference to Guides/ Brownies etc.)

Most of these points have been dealt with earlier on in the Appeal Statement.

There were no objections from any other parties other than neighbours.

9.0 Summary

All four reasons for refusing the planning application are entirely based on the planning officer's subjective interpretation of the relevant Planning Policy.

Whether it is considered that Newbigging Farm Cottage within the building group or outwith the building group, we are firmly of the opinion that the proposal to build two houses on the application site, complies with the 'Infill Sites' and the 'Building Groups' Category of the HITC and/or Policy RD3 in the LDP.

In name, physical, historical and functional relationship, it is quite apparent that Newbigging Cottage is part of the Newbigging building group and we don't believe it is credible to suggest otherwise.

The Precedent Section of this Statement also highlights a number of cases where the Council have granted planning consent for similar proposals (proposing the erection of houses within a gap site or houses to extend a building group) – most of which are in a 6 mile radius of the site.

Contrary to the Planning Officers view and factually incorrect and misleading statements of the Report of Handling, the site is a definable site with established boundaries. It is acknowledged that the northern boundary (comprising interspersed young trees & hedges (0.75 – 2m in height) and a post & wire fence) is not long established. However, few plots are entirely enclosed by long established boundaries, it is not stated in the relevant planning policies that the plots require to be entirely enclosed/contained by long established boundaries and a planting scheme could be conditioned, stating that additional trees/hedging should be planted along the northern boundary.

As illustrated in the Precedent Section, a number of locally consented sites have one or in some cases two boundaries that comprise a post and wire fence. Some boundaries are entirely open.

In justifying reasons to refuse the application, the Planning Officer states in the Report of Handling that the proposal constitutes 'Ribbon Development'. With minimal research and in close proximity to the site, we found **seven** applications which proposed two houses on a site which fronted onto a road – all of which the Council granted planning consent. This illustrates that a) this proposal does not constitute ribbon development and b) there is an overwhelming local precedence of consent being granted for two houses which front onto a road.

Taking into account the facts of the case, the planning attributes of the site, the relevant planning policy and the local precedence, there is an overwhelming argument for overturning the Planning Officers decision to refuse this planning application.

Appendix 1: Planning Decision Notice

Appendix 2: Report of Handling

Appendix 3: Planning Application Supporting Statement

PERTH AND KINROSS COUNCIL

Mr Sam Mercer Nairne
c/o Keir And Co
Keir Doe
Muirhouse Farm
Grange
Errol
Perth
PH2 7TB

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 14th March 2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **18/00215/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 15th February 2018 for permission for **Residential development (in principle) Land 40 Metres North East Of 4 Newbigging Grange Wolfhill** for the reasons undernoted.

Interim Development Quality Manager

Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
2. The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
3. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the siting of a residential development on this exposed piece of land would erode and dilute the areas landscape character.

4. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character. This includes eroding the visual and scenic qualities of the landscape and the quality of landscape experience through the siting of the residential development on this exposed piece of land with a lack of established boundary treatments.

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 "Online Planning Applications" page

Plan Reference

18/00215/1

18/00215/2

18/00215/3

18/00215/4

REPORT OF HANDLING

DELEGATED REPORT

Ref No	18/00215/IPL	
Ward No	P2- Strathmore	
Due Determination Date	14.04.2018	
Case Officer	Sean Panton	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Residential development (in principle).

LOCATION: Land 40 Metres North East of 4 Newbigging Grange, Wolfhill.

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: 26th February 2018

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is on land 40metres North East of 4 Newbigging Grange, Wolfhill. The application seeks planning permission in principle for the erection of a residential development, with an indicative plan showing 2 plots. The proposed site size is approximately 6,825m² and is on a relatively exposed piece of land. The gap between the edges of the nearest 2 buildings in which the site is to be located is approximately 162metres. The site is bound to the

North East by some semi-mature trees, to the South East by an unnamed road, to the North and North West by a post and wire fence and to the South West with the existing boundary at Newbigging Grange. The post and wire fencing is a relatively recent addition to the site in an effort to form identifiable building plots.

SITE HISTORY

06/02147/OUT – Erection of 4 dwellinghouses (in outline) – Application Refused

PRE-APPLICATION CONSULTATION

Pre-application Reference: 17/00628/PREAPP

A pre-application consultation was undertaken where the agent was advised not to submit a formal application as the proposal does not comply with the relevant provisions of the Housing in the Countryside Policy. Nevertheless, the application has been submitted contrary to advice given at pre-application stage.

NATIONAL POLICY AND GUIDANCE

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

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

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

The principal policies are, in summary:

Policy PM1A - Placemaking

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

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

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 TA1B - Transport Standards and Accessibility Requirements

Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

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 ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy HE1 – Scheduled Monuments and Non-Designated Archaeology

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

OTHER POLICIES

Development Contributions and Affordable Housing Guide 2016

This document sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate

infrastructure improvements necessary as a consequence of development.

Housing in the Countryside Guide

A revised Housing in the Countryside Guide was adopted by the Council in October 2014. The guide applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised guide applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The guide aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

CONSULTATION RESPONSES

Internal

Transport Planning:

No objection to the proposed development.

Contributions Officer:

Recommended 2 conditions to be added to any consent granted ensuring that the development is in accordance with Policy PM3- Infrastructure Contributions.

Perth & Kinross Heritage Trust (PKHT):

PKHT recommended a condition to be added to the consent regarding a programme of archaeological works. This is due to the proposed development site being located within an area that is considered to have archaeological potential given the number of significant archaeological sites in the vicinity.

External

Scottish Water:

There is currently sufficient capacity in the Lintrathen Water Treatment Works to service the development however there is no public Scottish Water Waste Water Infrastructure available.

REPRESENTATIONS

5 letters of representation were received regarding the proposal. In summary, the letters highlighted the following concerns:

- Contrary to Development Plan

- Inappropriate land use/ out of character with the area
- Inappropriate density and loss of open countryside
- Plot sizes do not reflect existing plots
- Lack of boundary treatments
- Road safety / traffic congestion
- Noise pollution
- Flood risk / drainage concerns
- Lack of public transport
- Precedent development would set/ future development
- Impact upon young visitors (reference to Guides/ Brownies etc.)

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 (Supporting Statement)
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy Appraisal

The local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy RD3 - Housing in the Countryside, it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified

categories will be supported.

Having had the opportunity to undertake a site visit and assess the plans, like the pre-application advice given for the site, I consider the application does not relate to any of the required 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.

The agent has indicated through the provided Supporting Statement that the application should be considered under criterion (a), building groups, and criterion (b), infill sites.

Building Groups

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. In this case the neighbouring housing to the South West at Newbigging can be considered as a (a) Building Group.

I therefore again turn to supplementary guidance, 'The Housing in the Countryside Policy' that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3. This highlights 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).

Proposals which contribute towards ribbon development will not be supported.

In this case, the proposal constitutes an unacceptable extension to the group which would result in sprawl into the countryside, which would detract and destroy the grouping at Newbigging. This is due to the proposed site not being considered as a definable site and the site not being a logical extension to the existing grouping at Newbigging. As stated above, a definable site is formed by existing topography and or well established landscape features which will provide a suitable setting. In this instance, the proposed plots are bound by post and wire fencing which has been erected in an effort to create a definable site. There is no identifiable topography or landscape features containing the

site and as such this is not considered to be a suitable boundary treatment to constitute a definable site. The below photograph shows the existing boundary treatments which the supporting statement submitted considers being sufficient. A red line has been drawn to highlight further. As seen, this is not acceptable in terms of the Housing in the Countryside Policy.



Further expanding on the building group criterion, the proposal would also contribute to ribbon development along the unnamed road. The supporting statement provided does not suitably justify the acceptability of ribbon development in this instance and instead dismisses this as a cause for concern. This is not the view of the Planning Authority however as the granting of this application could create other opportunity sites which could lead to further development in the countryside. This has also been voiced in some of the objections received. In addition to the site not being definable, it is also considered to constitute ribbon development for reasons mentioned above.

Infill Sites

An infill site is defined as gap between established houses or a house and another substantial building at least equivalent in size to a traditional cottage. In this case, the development site is not considered an infill site as it is not considered to be a 'gap'. The distance between the edge of the 2 nearest buildings is approximately 162metres, this is considered too substantial to be justified as a gap.

I therefore again turn to supplementary guidance, 'The Housing in the Countryside Policy' that was adopted by the Council in October 2014, which assists with the assessment of Policy RD3. This highlights that:-

The development of up to 2 new dwellinghouses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- *The plot(s) created are comparable in size to the neighbouring residential properties and have a similar road frontage*

- *The proportion of the plot(s) occupied by new buildings should be no greater than exhibited by the existing house(s)*
- *There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing residential properties are maintained*
- *The size and design of the infill house(s) should be in sympathy with the existing house(s)*
- *The full extent of the gap must be included within the new plot(s)*
- *It complies with the siting criteria as set out under category 3*

Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.

In this instance, as previously mentioned, due to the vast distance between the 2 neighbouring buildings (approximately 162metres), this is considered too substantial to be justified as a gap. As such, the site is not considered infill. Furthermore, even if the site was considered infill, the plots are not comparable in size to the neighbouring units. This is a requirement of the wording of the policy. The proposed plots are much larger than the existing plots in Newbigging and as such would be out of character with the area.

The proposal would also have to comply with the siting criteria as set out under category 3 to be considered as an infill site and as per the above reasons, contained within the previous section of this report, the site is not considered to be a definable site with established boundary treatments.

Taking this into account the principle of housing development on the site is contrary to Policy RD3.

Design and Layout

As this application is simply seeking to establish the principle of a residential development on the site, there is no requirement for the submission of any detailed plans relating to the design or layout of the proposed units. All matters in relation to Design and Layout will be considered under a detailed application.

Landscape and Visual Amenity

The site is on a relatively exposed piece of land and therefore highly visible from the surrounding area. The unnamed road which bounds the site to the South East is the only useable road into the holding of buildings at Newbigging and therefore it is highly important that this route is protected from development which could have a negative impact upon the landscape character and visual amenity of the area. The existing definability of the site and lack of established boundary treatments is not considered sufficient screening to suitably accommodate a dwellinghouse without having a significant impact upon the landscape qualities of the area.

In this case, due to the exposure of the site from the lack of a definable site and the proposed siting of the plots being highly visible upon the landscape, it is therefore considered that the development of this site into a residential development could negatively impact upon the landscape character of the area. As this application is in principle only and full details have not been submitted, I am unable to comment on the complete visual impact of the proposal.

Residential Amenity

It is considered that the site is large enough to accommodate 2 modest dwellinghouses without detrimental impact upon existing residential amenity. The site is also large enough for ample private amenity space to be provided for each of the dwellinghouses. I therefore have no concerns at the principle of 2 dwellinghouses on this site.

The formation of a residential development does however have the potential to result in overlooking and overshadowing to neighbouring dwellinghouses and garden ground. There is a need to secure privacy for all the parties to the development including those who would live in the new dwellings and those that live in the existing houses, in particular, at Newbigging Grange. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

As this is a planning in principle application, the exact impact upon existing amenity and also the proposed residential amenity of future occupiers of the proposed dwellinghouses cannot be fully determined. However it is considered that an acceptable scheme could be achieved which would not compromise the amenity of existing residential properties and will equally provide a suitable level of residential amenity for future occupiers of the dwellinghouses.

Roads and Access

As this application is in principle, full details of the proposed roads and access have not been submitted, although a shared access is shown on the indicative plans. It is however considered that an acceptable scheme could be achieved on this site. Furthermore, Transport Planning was consulted as part of this application and has no objection to the proposed development.

Drainage and Flooding

The site is not within an area known to flooding and as such it is therefore considered that there are no flooding implications associated with this proposal. All matters in relation to drainage would be considered under a detailed application.

Archaeology

The proposed development site lies within an area that is considered to have archaeological potential given the number of significant archaeological sites in the vicinity.

These include discoveries of cup marked stones (MPK3561, MPK3563) to the south and south west of the development site, plus two further stones at Moonshade (MPK15074) to the north east. These discoveries were made in the late 18th and 19th centuries and, as a result, little can be gleaned from the records made at the time, however the density of these sites hint at what was perhaps a locale for prehistoric funerary and ritual activity.

For this reason, Perth & Kinross Heritage Trust, who were consulted as part of this application, recommended that an archaeological evaluation should take place to assess the presence / absence, character and significance of any archaeological deposits within the development site. This could be controlled by adding a condition to any consent granted, however as the application is being refused on grounds of the principle of development, the condition will not be applied.

Developer Contributions

Primary Education

The Council's 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.

This proposal is within the catchment of Guildtown Primary School.

The Contributions Officer, who was consulted as part of this application, highlighted that a condition should be added to any consent granted to ensure that the development is in accordance with the education contributions policy.

Transport Infrastructure

The Council's 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 application falls within the identified Transport Infrastructure Supplementary Guidance boundary. The Contributions Officer, who was consulted as part of this application, highlighted that a condition should be added to any consent granted to ensure that the development is in accordance with the transport contributions policy.

Economic Impact

The development of this site will count towards local housing targets, accounting for short term economic investment through the short term construction period and indirect economic investment of future occupiers of the associated development.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

APPLICATION PROCESSING TIME

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

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application.

Conditions and Reasons for Recommendation

- 1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as it does not comply with any of the categories of the policy guidance where a dwellinghouse or dwellinghouses would be acceptable in principle at this location.
- 2 The proposal is contrary to Policy PM1B, criterion (a) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside.
- 3 The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the siting of a residential development on this exposed piece of land would erode and dilute the areas landscape character.

- 4 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as it erodes local distinctiveness, diversity and quality of Perth and Kinross's landscape character. This includes eroding the visual and scenic qualities of the landscape and the quality of landscape experience through the siting of the residential development on this exposed piece of land with a lack of established boundary treatments.

Justification

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

Informatives

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

18/00215/1

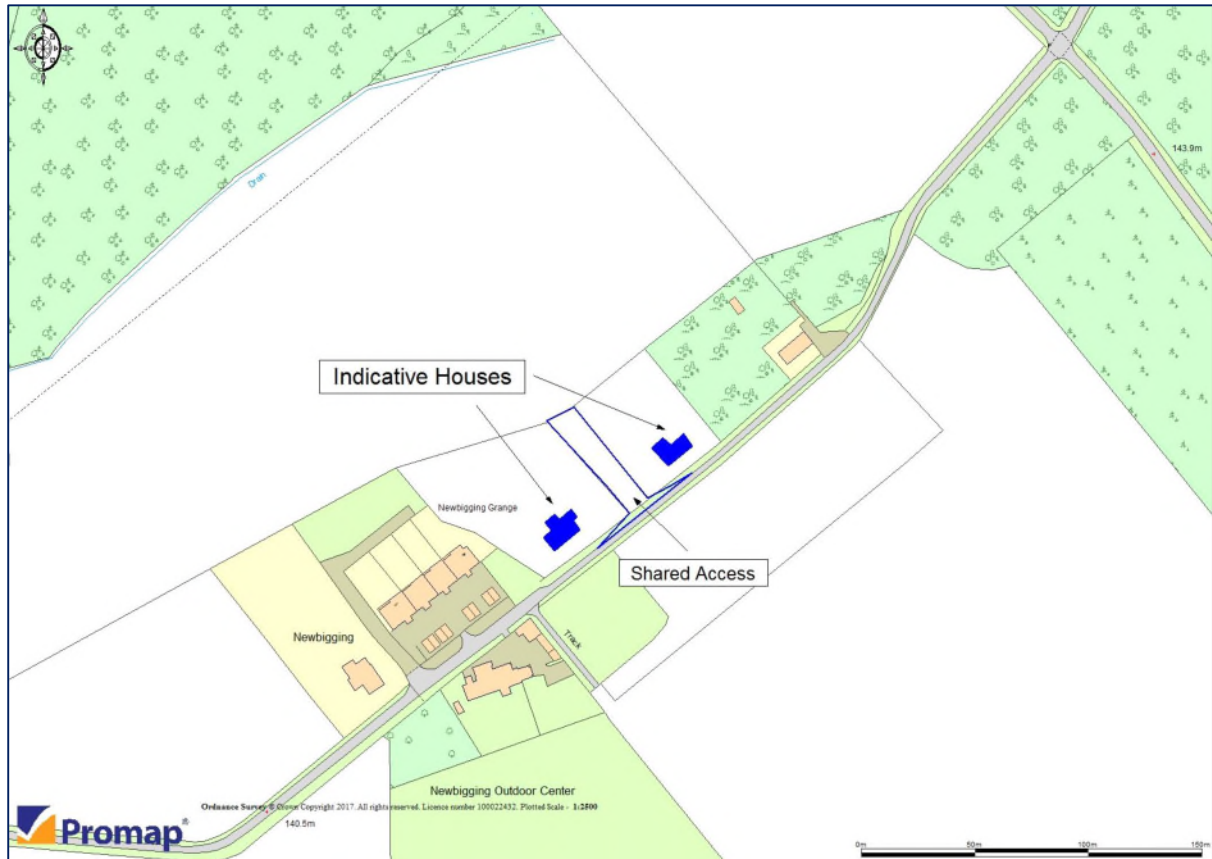
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Date of Report 13th March 2018

PROPOSAL TO ERECT TWO HOUSES AT NEWBIGGING, PERTHSHIRE



KEIR+CO
PLANNING

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1.0 Introduction

This planning application proposes the construction of two detached houses of modern design and incorporating traditional building materials, within the established hamlet of Newbigging.

Newbigging, is located 1 mile due north of the village of Wolfhill. It is accessed from the Collace Road, which runs perpendicular to and between the A93 to the A94 Public Roads.

Map 1: Location of Newbigging (red arrow)

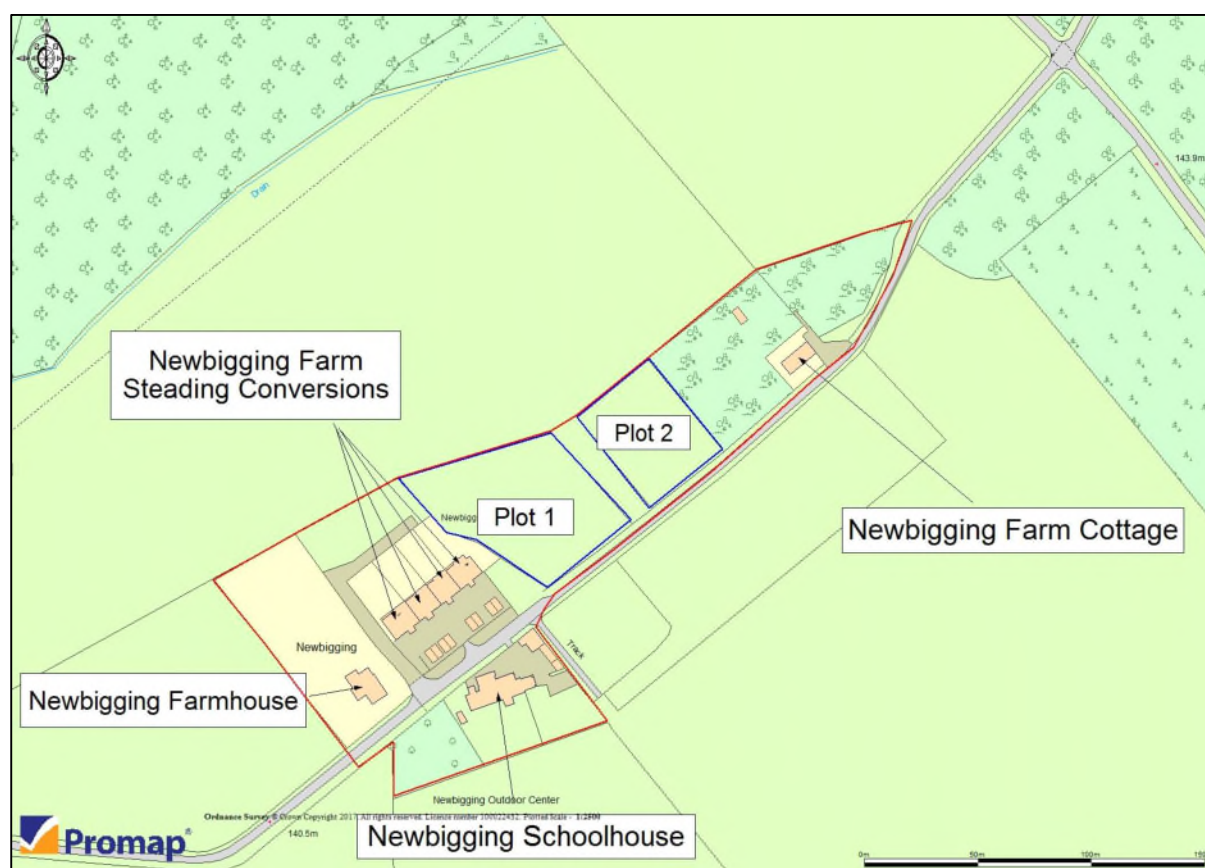


2.0 Site Description

The proposed residential development site lies within the hamlet of Newbigging.

The hamlet comprises; six houses and a former schoolhouse. As illustrated on the map below, the six houses include; Newbigging farmhouse, Newbigging farm cottage and four houses within Newbigging farm steading. Newbigging schoolhouse is currently utilised by Girl Guides as an outdoor centre. All of the buildings in the hamlet/building group are of traditional construction with stone walls and slate roofs.

Map 2: The Newbigging building group layout and location of the proposed plots



As illustrated on the map above, the proposed plots lie within the Newbigging building group. They are surrounded by a robust landscape framework – with a hedge along the northern and southern boundaries, a road running along the southern boundary and the traditional farm steading conversions to the west and the traditional cottage to the east. The proposed plots serve no purpose and are currently fallow and overgrown.

Photograph 1: Looking southwest over Plot 1 and towards the steading conversions (right) and the schoolhouse (left)



Photograph 2: Newbigging Farm Steading Conversions



Photograph 3: Newbigging Farm Cottage



Photograph 4: Newbigging Schoolhouse

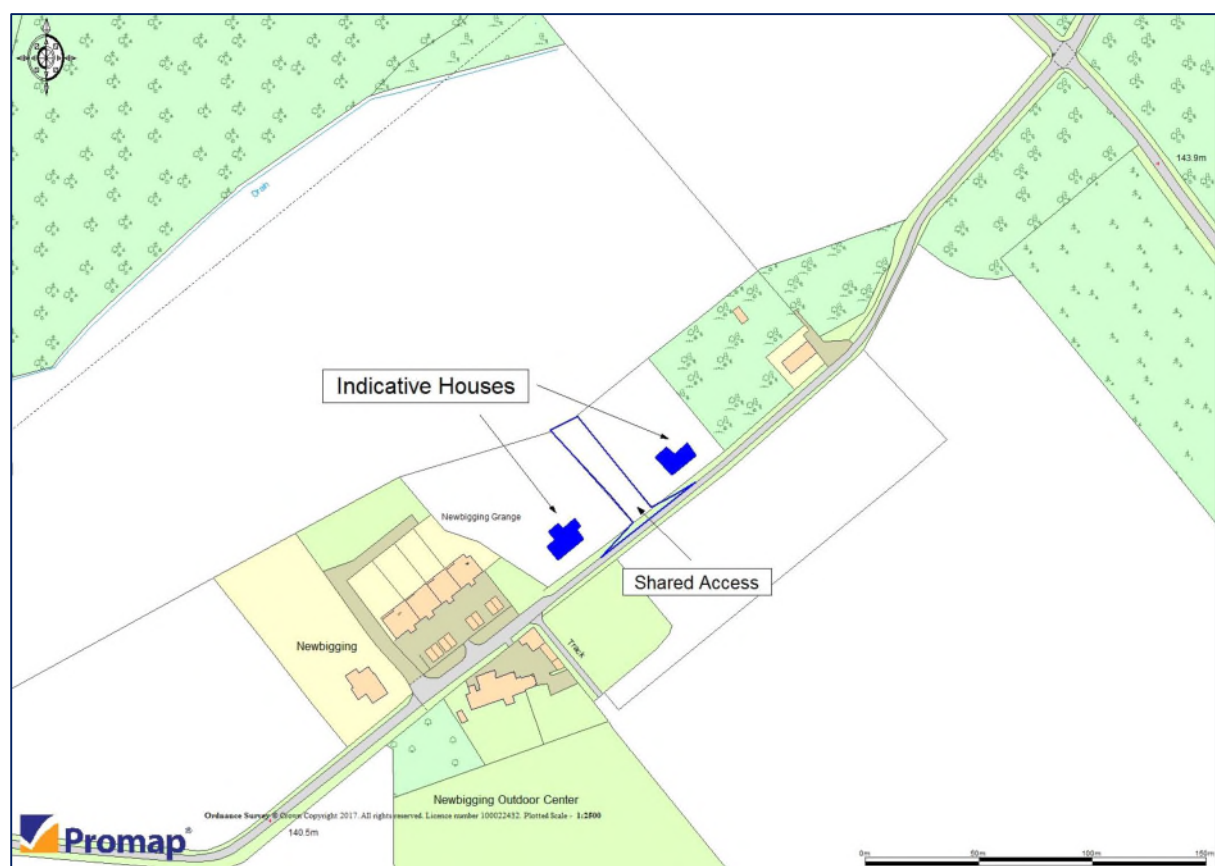


3.0 Proposed Development

It is proposed that two detached houses be constructed. The houses would be bespoke, incorporate traditional building materials and be of a contemporary design. They would also be respectful of the architecture of the surrounding houses.

The proposed houses would be accessed via a central access road. The proposed houses and the access would be laid out similarly to the indicative map below.

Map 3: Indicative house and access layout



The proposed houses would positively contribute, complement and fit harmoniously into the building group.

4.0 Planning Policy

Having reviewed the Local and National Planning Policies, we are firmly of the opinion that this proposal is in line with the relevant Planning Policies.

The proposal to build houses within an established hamlet/building group, also appears to comprehensively comply with the 'Building Groups' or/and the 'Infill Sites' Categories identified in the Council's Housing in the Countryside Policy 2012:

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 proposed development will extend the Newbigging group into definable site, which is formed by well established landscape features which will provide a suitable setting.

2. Infill Sites

The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:

- The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage***
- The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)***
- There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained***
- The size and design of the infill houses should be in sympathy with the existing house(s)***
- The full extent of the gap must be included within the new plot(s)***
- It complies with the siting criteria set out under category 3.***

Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary.

This proposed development complies with all of the above requirements. In many respects, the proposed development is a 'classic' infill situation/opportunity.

The proposal also complies with Policy RD3: Housing in the Countryside, in the Council's adopted Local Development Plan – as it is supported through the 'Building Group' or/and the 'Infill Sites' Category:

Policy RD3: Housing in the Countryside:

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.

The proposal would also comply with Policy PM1A: Placemaking (in the Council's Local Development Plan), as the proposed houses would complement the hamlet and are respectful of the character and amenity of Newbigging and the wider area.

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.

Perth & Kinross Council's Guidance on the siting and design of houses in Rural areas, provides advice on the siting, design and building materials for proposed houses in new build locations. The 'Location of Houses' section of this guidance, advises;

‘Encouragement will be given to the erection of houses within or adjacent to, established building groups which have compacted nucleated shapes creating an identifiable ‘sense of place’ provided they do not detract from the amenity of the group and provided that any extension of the group is onto a definable site topography, landscape features or field boundaries which will contain any further spread of the group’.

‘Permission will generally be given for the erection of houses within existing small groups where sites are contained by housing or other buildings and where further building would not significantly detract from the character and amenity of the existing houses or lead to extension of the group’.

Again, we feel that the Council’s above Guidance offers unequivocal support for the proposed development – with the Council encouraging the erection of houses within established building groups and generally granting permission where the sites are contained by houses on either side – as is the case in the subject proposal.

National Planning Policy is also supportive of the development of a small number of houses in rural areas;

Scottish Planning Policy:

109. NPF3 aims to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. House building makes an important contribution to the economy. Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development. In particular, provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration or to support population retention in rural and island areas.

As stated above, National Planning Framework 3 aims to facilitate new housing through innovative approaches to rural housing provision and a positive and flexible approach to housing development is required.

Additionally, the proposal is also in line with **Planning Advice Note (PAN) 72: Housing in the Countryside**, in terms of opportunities for housing development. The proposal is both an opportunity for ‘Small Scale Infill’ and ‘New Groups of Housing’ (within an existing group) – as set out in the Planning Advice Note.

5.0 Pre-Application Advice

A pre-application letter was submitted. Mr Sean Panton (Perth & Kinross Council Development Control Officer), responded to the letter, stating that in his opinion, the proposal was not considered to comply with any of the relevant criterion as set by Policy RD3: Housing in the Countryside.

Mr Panton was of the opinion that the proposal constituted ribbon development and as such it would not contribute positively to the existing building group. He also observed that the proposed plots appeared to be much larger than the neighbouring plots and as the plots were not comparable in size to the neighbouring plots, the proposal would not comply with the 'infill Sites' category of the policy.

We were rather surprised by this response, as the proposal does not constitute ribbon development, the plots are of a comparable size to the neighboring properties and many similar proposals which have been granted planning consent.

Ribbon Development

Many proposed house plots within rural hamlets/building groups have road frontage and if the Council applied 'ribbon development' as per the pre-application response, planning consent would rarely be granted for rural house plots. However, this is not the case in practice and it would be exceptionally unfair and unjust, if this application were to be treated any differently.

As illustrated in the proceeding Precedent Section (which includes a number of similar cases where planning consent was granted), there is an overwhelming precedence of the Council granting consent for two houses which front onto a road. It is simply not creditable to suggest that in this case, the subject proposal constitutes ribbon development.

In our opinion, in assessing the pre-application letter, Mr Panton has 'blanket' applied the ribbon development consideration and has not carefully considered the characteristics of the building group and the proposed plots or considered how similar applications have been dealt with in the past.

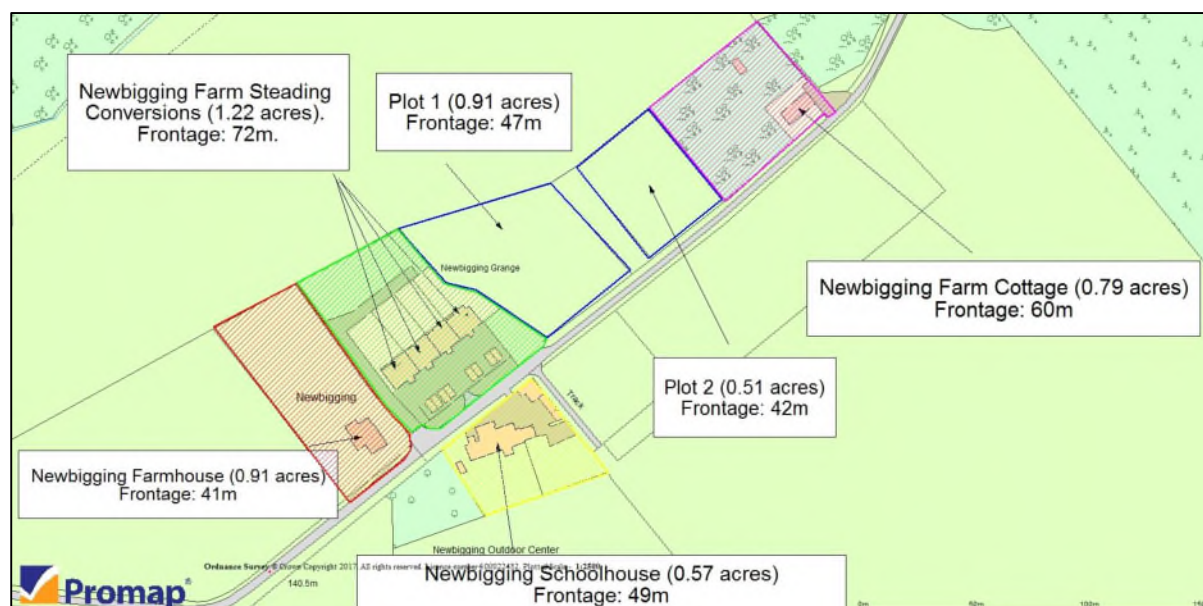
The Newbigging building group is linear in shape and straddles the access road and as such, the houses/buildings within the hamlet/building group have road frontage and therefore, the two proposed plots within the group (which also have road frontage), would not be out of character with the existing building group pattern and character.

Ribbon development is defined generally as ‘the building of houses in a continuous row along a main road’. We do not think building 2 houses between traditional buildings, within a building group and adjacent to an unclassified access road, would constitute ribbon development. Furthermore, detailed definitions of ribbon development refer to ‘long rows of houses’ which ‘lead out of villages and towns’. Again, neither is applicable in the subject case.

Plot sizes

The sizes of the neighbouring plots at Newbigging vary in size, as do many rural building groups. However, having measured these plots, we can confirm that the farmhouse (0.91acre) and Plot 1 (also 0.91 acre) are exactly comparable in size. We can also confirm that Plot 2 (0.51 acre) is comparable to the Schoolhouse (0.57 acre). Accordingly, Mr Panton’s assessment of the proposed house plots are not comparable in size to the neighbouring plots is factually incorrect. See the map below – which illustrates the size of each of the neighbouring plots and the size of the proposed plots.

Map 4: Plot Sizes



Additionally, the proposed plots with a road frontage of 42m and 47m, are comparable to the road frontages of the neighbouring properties at; 41m, 49m, 60m and 72m. See map above – which illustrates the road frontages of each plot.

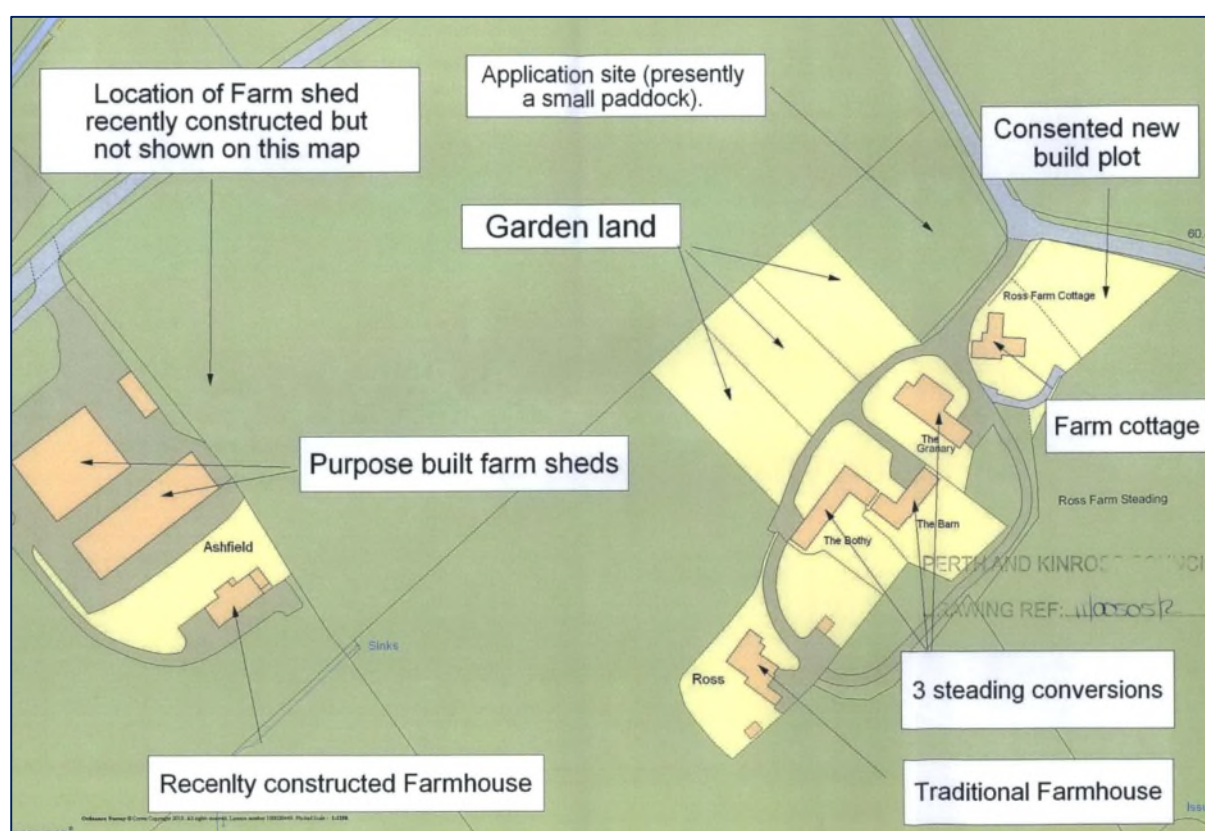
The Council have to be consistent in their approach to determining planning applications and the pre-application advice is clearly not consistent with the numerous similar cases, which have been granted planning consent. Whilst we respect that the pre-application advice is limited, particularly without a site visit being conducted, we were disappointed with the pre-application response. However, following the submission of this planning application, we trust that that Development Control Officer dealing with this application, takes a more pragmatic approach.

6.0 Precedent

Perth & Kinross Council have granted planning consent for a number of similar proposals, including;

Erection of 2 dwellinghouses at Ross Farm Madderty (11/00505/IPL).

This application proposed the erection of 2 houses which extended a building group (comprising farmhouse, 3 steading conversions, farm cottage and a consented building plot). In many respects this is similar to Newbigging in that the plots fronted onto the access road.



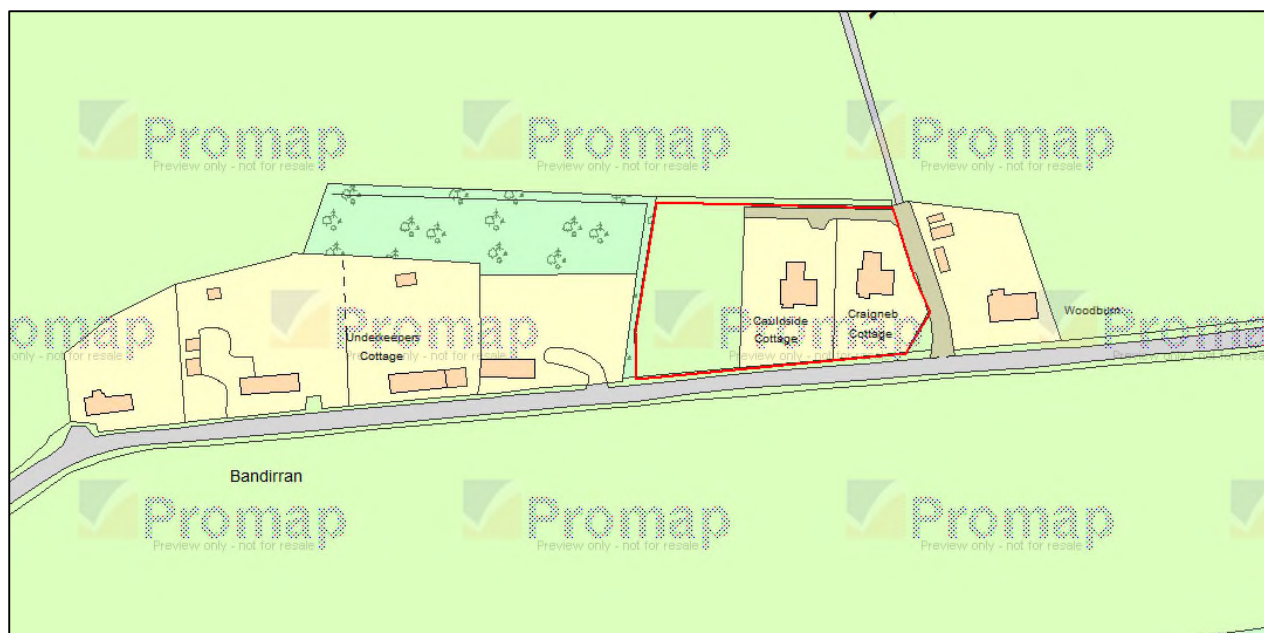
Erection of 2 dwellinghouses at Over Kinfauns, Perth (11/00897/IPL).

This application proposed the erection of 2 houses on a gap site within a building group. This proposal is very similar to the subject proposal. The site is of similar shape, fronts onto a road and has a similar road frontage width as the subject site.



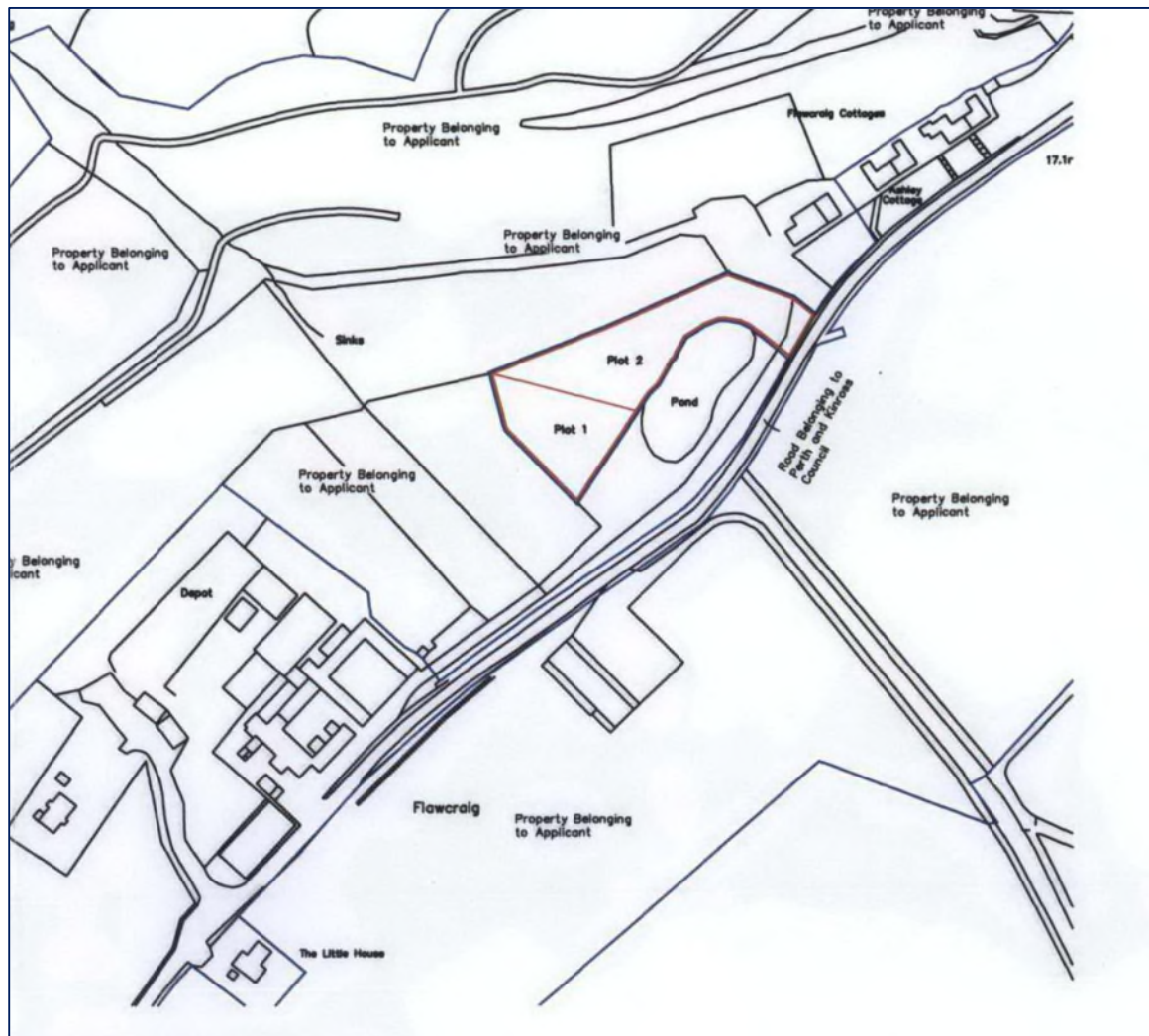
Erection of 2 dwellinghouses, West of Woodburn cottage, Kinrossie (06/02005/OUT, 06/02006/OUT, 09/01045/FLL & 09/01046/FLL).

These applications proposed the erection of two houses (identified on the map below as Craigneb and Cauldside) on a gap site within a building group. Again, this case is similar to the subject case, with the gap site between the main body of the building group and a cottage to the east. The plots also front onto a road.



Formation of 2 residential plots, Flawcraig, Rait (09/00729/IPL).

This application proposed the erection of two houses within the Flawcraig building group. Similarly to the proposal at Newbigging, the plots occupied an infill site and ran parallel to a road.



Erection of small residential development (4 plots indicative layout), Westerlea, Alyth Road, Rattray (10/01628/IPL).

This application proposed the erection of a 4 dwellinghouses within a building group. Three of the plots fronted onto an access road.



Residential development at The Orchard Easter Ballindean Inchtire Perth (10/01294/IPL)

This application proposed the erection of two houses within the Easter Ballindean building group. Again, the two plots fronted onto the access road.



7.0 Summary

We are of the opinion that there is considerable scope to build two houses on the proposed site, as the site is surrounded by a robust and natural landscape framework, there are houses at either end of the site and it lies within an established building group. As such, there is considerable Local and National Planning Policy Support for the proposed development.

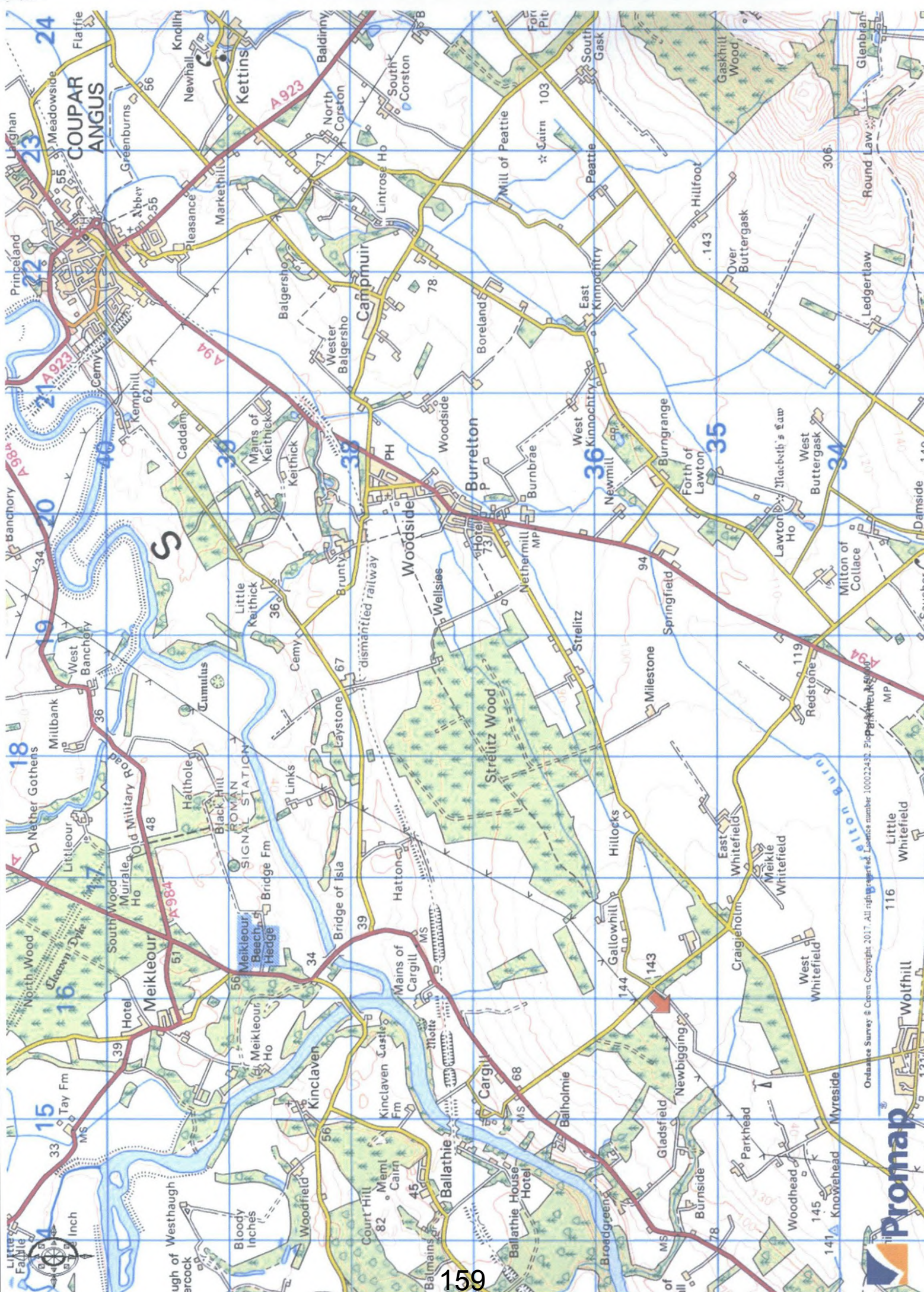
Additionally, there is an overwhelming precedent of the Council granting planning consent for similar proposals.

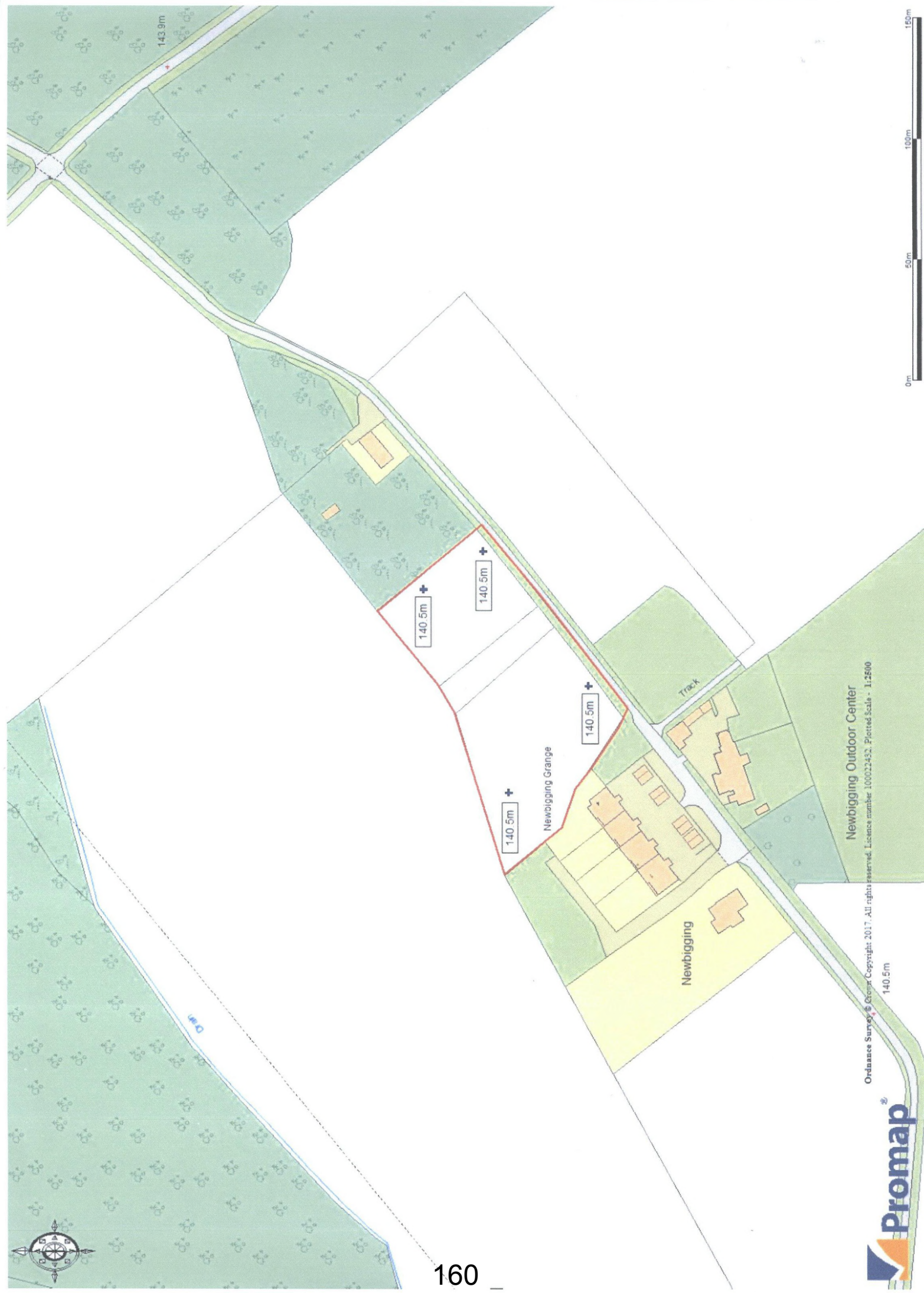
**TCP/11/16(540) – 18/00215/IPL – Residential development
(in principle), land 40 metres north east of 4 Newbigging
Grange, Wolfhill**

PLANNING DECISION NOTICE *(included in
applicant's submission, see pages 123-124)*

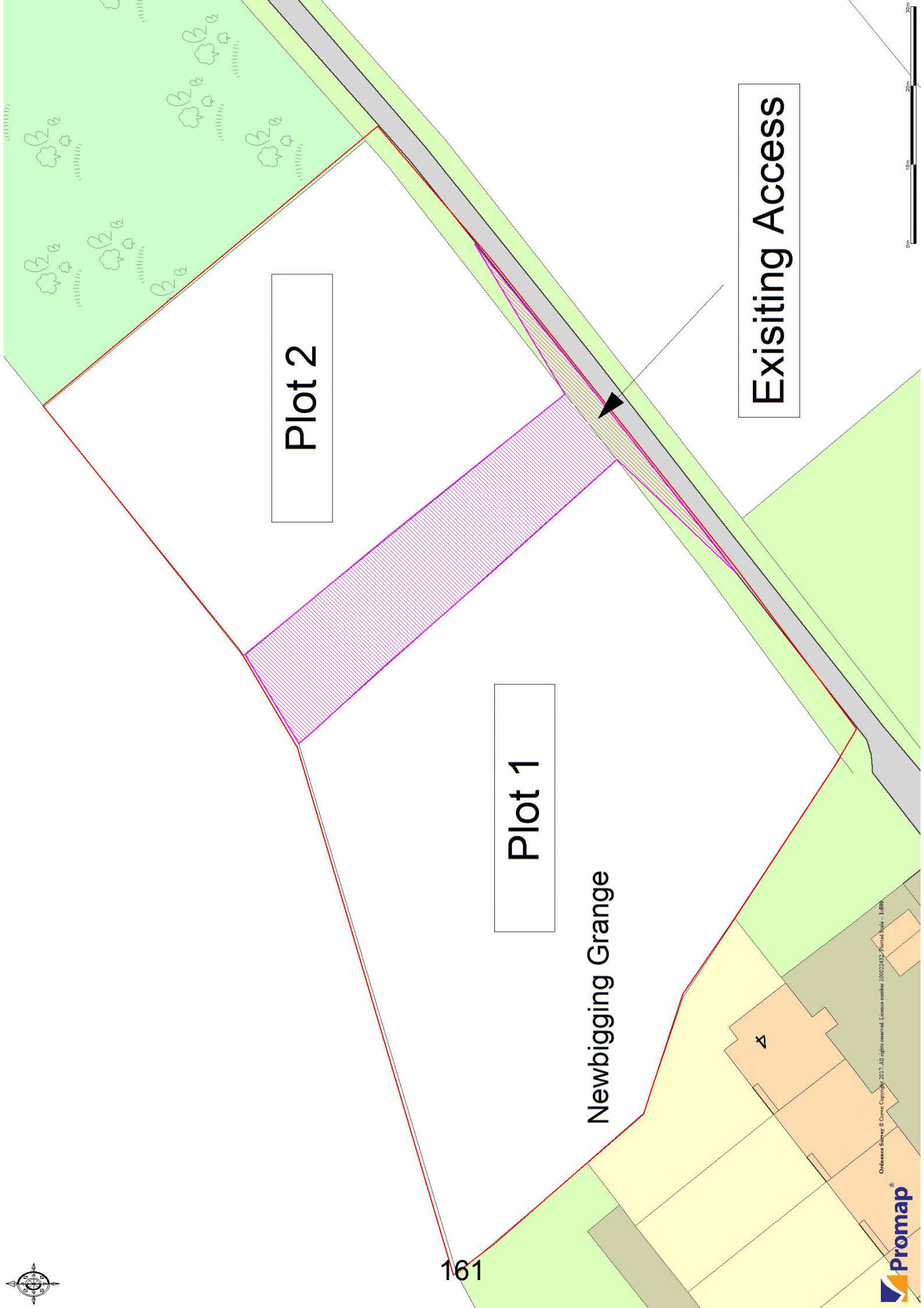
REPORT OF HANDLING *(included in applicant's
submission, see pages 125-136)*

REFERENCE DOCUMENTS *(part included in
applicant's submission, see pages 137-156)*





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Plot 2

Plot 1

Newbigging Grange

Existing Access

**TCP/11/16(540) – 18/00215/IPL – Residential development
(in principle), land 40 metres north east of 4 Newbigging
Grange, Wolfhill**

REPRESENTATIONS

18/00215/1PL.



RECEIVED
09 MAR 2018

Perth & Kinross Council
35 Kinnoull St.
PERTH PH1 5SD.

28th Feb 2018

ENTERED IN COMPUTER
09 MAR 2018

Dear Sir,

I am writing to object to the proposal of 2 new houses between Newbiggy Cottage and the converted Steading Building, called the Grange PH13 9PU.

The road exit is dangerous and the road too small for more cars

and we already have a great
increase in traffic at the weekends
with the Newbiggin Outdoor Centre
for Guides & Brownies.

The drainage here is very poor
being clay and the Newbiggin Grange
occupants have had trouble with
their septic tanks.

Please reject his proposal, thank
you.

Yours faithfully,

Nicolette Lumsden

Comments for Planning Application 18/00215/IPL

Application Summary

Application Number: 18/00215/IPL

Address: Land 40 Metres North East Of 4 Newbigging Grange Wolfhill

Proposal: Residential development (in principle)

Case Officer: Sean Panton

Customer Details

Name: Mr Ian Riches

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Employment Provision
- Flooding Risk
- Inappropriate Housing Density
- Inappropriate Land Use
- Out of Character with the Area
- Road Safety Concerns

Comment: I wrote to you on 13 February 2018 regarding the potential for this application to happen, so I am therefore somewhat surprised that I have not been formally notified of the planning application, despite your arbitrary boundary of 20m. This application affects all four properties of Newbigging Grange plus the three other properties in the lane (U124) by the proximity and effect of the proposed development to all the residents; I would have thought common sense should have dictated informing all residents.

At around about the same time as Newbigging Grange was developed in 2005/6 as a barn conversion on a brown field site, the land owner of the surrounding agriculturally viable fields (the then Viscount Strathallan) sold the main bulk of them to a private individual, keeping the remaining five 'fieldlets' that sit either side of the lane and the core path west beyond Newbigging Farm. An application by him through the Stobhall Estate to develop these plots into a 'village' was denied by Perth & Kinross Council in 2009. These fields have been marked off with immature hedges and have been left vacant since that time. In recent months three of these green field sites have been let for the grazing of horses.

I am concerned that the proposal made for building on a green field site that until about 10 years ago was being used for livestock and crops, is contrary to the Perth & Kinross Council current policies. In particular I view the proposal as in direct opposition to Perth & Kinross Council Housing in the Countryside Guide 2012 paragraph 1 (Building Groups), paragraph 2 (Infill sites) and

paragraph 3.3a (New Houses in the Open Countryside - Economic Activity) and paragraph 3.4 (Houses for Local People). It would also appear to not comply with the current Local Development Plan 2014, Article 4.3.12 (Green field land) and the Proposed Local Development Plan 2, 2018.

The size of the proposed properties is not in keeping with the adjacent properties and the plot sizes seem totally out of scale; a key factor if this is supposed to comply as an infill site between Newbigging Grange and Newbigging Cottage. I would also question the cost of sourcing of equivalent masonry to match the farmhouse, grange and cottage! Any development on this green field site would not support any established economic activity, neither would they be social housing. The proposed properties would need to be extremely expensive to make them economically viable, thereby discounting most local workers.

I would suggest that the minor lane serving Newbigging Farm, Grange and School (U124) is not fit for purpose for further development and that its access onto the C438 road (which already has very poor sight lines to the south) would make the junction even more dangerous than it already is. The lane is a very narrow, cul-de-sac and any development along it would cause considerable interference to the existing residents and the Girl Guides Outward Bound Centre. In addition, the existing infra-structure does not fully support the current housing load. There is no mains sewerage and the telephone services to the Newbigging site are via an Exchange Only Line (EOL) from Kinrossie and cannot now support Broadband speeds above 0.7mbps; additional lines would only worsen the current situation. All advice from the "ScotlandSuperFast" project so far indicates that it is unlikely this area will ever be connected to a fibre network, because of the distance. The proposed plots are higher than the existing buildings of Newbigging Farm and Grange. Because there is no mains sewerage, current properties exist on septic tanks/environmental treatment plants. Any future building planning would need to ensure that not only was there a sufficiently robust waste treatment system, soak-away and associated drainage system but that the existing systems for the Farm and Grange were upgraded to ensure flood prevention of existing properties.

The area is supported by one daily bus to Perth and two from Perth, hardly a comprehensive service. This would mean that owners of any new habitation would require their own transport. There is a genuine concern that the safety of the hundreds of guides that annually use the Outward Bound centre at Newbigging School will be put further at risk due to this increase in traffic flow should new properties be built on the adjacent green fields.

I would urge you to reject this proposal at the earliest possible stage to prevent all parties from wasting time and money over building unwanted properties on green field sites in an area that could not sustain them.

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00215/IPL	Comments provided by	Euan McLaughlin
Service/Section	Strategy & Policy	Contact Details	Development Negotiations Officer: Euan McLaughlin Tel: [REDACTED] Email: [REDACTED]
Description of Proposal	Residential development (in principle)		
Address of site	Land 40 Metres North East Of 4 Newbigging Grange, Wolfhill		
Comments on the proposal	<p>Primary Education</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 Guildtown Primary School.</p> <p>Transport Infrastructure</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 application falls within the identified Transport Infrastructure Supplementary Guidance boundary and a condition to reflect this should be attached to any planning application granted.</p>		
Recommended planning condition(s)	<p>Primary Education</p> <p>CO01 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to primary education infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards increasing primary school provision, in accordance with Development Plan Policy and Supplementary Guidance.</p>		

	<p>Transport Infrastructure</p> <p>CO00 The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2014 with particular regard to transport infrastructure or such replacement Guidance and Policy which may replace these.</p> <p>RCO00 Reason – To ensure that the development approved makes a contribution towards improvements of regional transport infrastructure, in accordance with Development Plan policy and Supplementary Guidance.</p>
Recommended informative(s) for applicant	N/A
Date comments returned	02 March 2018

Comments for Planning Application 18/00215/IPL

Application Summary

Application Number: 18/00215/IPL

Address: Land 40 Metres North East Of 4 Newbigging Grange Wolfhill

Proposal: Residential development (in principle)

Case Officer: Sean Panton

Customer Details

Name: Mr Anthony Duncan

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Flooding Risk
- Inappropriate Land Use
- Loss Of Open Space
- Out of Character with the Area
- Over Intensive Development
- Road Safety Concerns
- Traffic Congestion

Comment: I note the comprehensive objections raised by my immediate neighbour Ian Riches and I wish the Council to note that I support his line fully. For the sake of brevity, I will not reiterate all the valid arguments he puts forward, but do wish to emphasise the following: First, I share the genuine concerns that these two development properties may be the 'thin edge of the wedge' and that given the way the land has been marked out by hedge rows, there may well be further applications planned downstream. To that end, given that an earlier application to develop the site in this way was rejected in 2009, I am confident that the Council will be alive to this risk. Second, the two proposed greenfield sites are sizeable, and I struggle to imagine how these properties would not look out of character with the existing buildings. Third, the increased pressure on the current drainage system is a major concern. It is barely adequate as it is and would require considerable enhancement. Finally, the single road access to Newbigging Grange will inevitably be disrupted. Notwithstanding the considerable inconvenience to existing residents, there will be added risk to residents and the many families using the Girl Guides Centre in the old school building.

I fully appreciate that new homes need to be built. However, this application to develop two luxury properties on greenfield sites, previously used as farm land, falls well short of the high standards

set by Perth and Kinross Council. I am therefore confident that the Council will reject this application.

Comments for Planning Application 18/00215/IPL

Application Summary

Application Number: 18/00215/IPL

Address: Land 40 Metres North East Of 4 Newbigging Grange Wolfhill

Proposal: Residential development (in principle)

Case Officer: Sean Panton

Customer Details

Name: Mrs Marybelle Drummond

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Development Plan Policy
- Flooding Risk
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Open Space
- Noise Pollution
- Out of Character with the Area
- Over Intensive Development
- Road Safety Concerns
- Traffic Congestion

Comment: I write to formally raise my objection to the recent planning application that has been made to develop two large properties on greenfield sites alongside Newbigging Grange. It does not come as a surprise, as I have suspected for some time that the Landlord's aspiration was to comprehensively develop the land. I am aware that an earlier application was made to Perth and Kinross Council in 2009 which was thankfully refused. It is obvious that the aspiration to develop the site has remained, as in recent years, several areas previously used as farm land, have been marked out by hedgerows clearly delineating plots. I have lived in No3 Newbigging Grange since the barn conversion was completed in 2006. I find it a tranquil and enjoyable environment in which to live, along with a very small group of neighbours, for the most part retired, and the old school house used most weekends for guides. The Guides and Centre is providing a valuable service to young people from the across the region and the country environment and experience is essential to their success, particularly in this day and age. The lane leading into Newbigging Grange is narrow and barely able to support the community as it is. It is also the only viable route into and out of Newbigging Grange and was completely resurfaced by the Council in 2017. Any development will cause significant disruption to residents, families accessing the Guides Centre,

Farm vehicles, support services (post, oil, refuse, deliveries, etc) and will inevitably damage the newly laid surface. The two plots in question are very large and it is highly questionable whether as suggested, they can actually be built in a sympathetic way to existing properties. I have no confidence that the new builds will be in character with the original stone which was used in the barn conversion. Our small community also struggles with the current drainage provision, so any additional buildings would require considerable investment to ensure localised flooding did not become an even bigger problem that it is today.

A large development of this type will do nothing to enhance the existing site, which in its current form preserves the essence of the original buildings. It will also greatly inconvenience existing residents, farm workers and perhaps most notably the girl guides centre, by blocking access and damaging the road surface. I would be dismayed and disappointed if this application to develop a greenfield site was supported by the Council. I would urge the Council to reject it forthwith.



To:	Sean Panton, Planning Officer
From:	Sarah Winlow, Heritage Officer
Tel:	[REDACTED]
Email:	[REDACTED]
Date:	8 th March 2018

18/00215/IPL | Residential development (in principle) | Land 40 Metres North East Of 4 Newbigging Grange Wolfhill

Thank you for consulting PKHT on the above application. I can confirm that the proposed development site lies within an area that is considered to have archaeological potential given the number of significant archaeological sites in the vicinity.

These include discoveries of cup marked stones (MPK3561, MPK3563) to the south and south west of the development site, plus two further stones at Moonshade (MPK15074) to the north east. These discoveries were made in the late 18th and 19th centuries and, as a result, little can be gleaned from the records made at the time, however the density of these sites hint at what was perhaps a locale for prehistoric funerary and ritual activity.

For this reason, it is recommended that an archaeological evaluation should take place to assess the presence / absence, character and significance of any archaeological deposits within the development site. The evaluation will inform a mitigation strategy, if required, to either preserve significant deposits within the development or for further archaeological works, to consist of the excavation and post-excavation analysis / publication of these deposits.

Recommendation:

In line with Scottish Planning Policy historic environment section (paragraphs 135-137 and 150), it is recommended that the following condition for a programme of archaeological works be attached to consent, if granted:

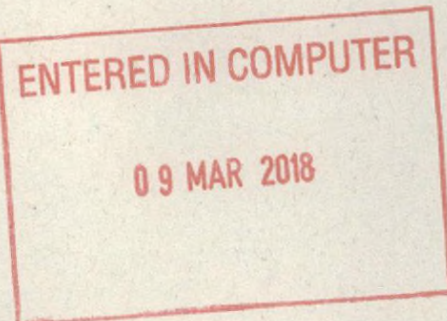
HE25 *Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.*

Notes:

1. **Should consent be given, it is important that the developer, or his agent, contact me as soon as possible. I can then explain the procedure of works required and, if necessary, prepare for them written Terms of Reference.**
2. This advice is based on information held on the Perth and Kinross Historic Environment Record. This database of archaeological sites and historic buildings is regularly updated.

Tracy McManamon

From: [REDACTED]
Sent: 09 March 2018 11:51
To: Development Management - Generic Email Account
Subject: Planning Application Reference 18/00215/IPL Comments



Girlguiding Dundee
[REDACTED]

I am emailing with reference to the planning application 18/00215/IPL

I am representative of the committee of the Newbigging Outdoor Centre which is a volunteer run centre for Girlguiding.

The centre hosts visitors of Rainbows, Brownies, Guides and adult members on a weekly basis for weekend and mid week breaks. The purpose of these visits is for the groups to take advantage of the clean air, the country atmosphere and enjoy constructive use of their time according to an organised programme of activities both inside and outside the centre. Number of visitors at any one time can range from a very few to a few hundred which we can accommodate due to the tailored renovation of the old school house for indoor accommodation and also for the number of acres of campsite which has been in use for the past 30 years.

The success of our centre is not only due to our volunteers but also due to the support we receive from our neighbours in the few neighbouring properties and also from the Meikleour Trust.

After receipt of the proposed planning in principle of the land 40 metres North East of 4 Newbigging Grange, Wolfhill, I have had direct email contact with Sam Mercer by email on behalf of the Meikleour Trust where we have been advised "that the plan is to build two houses and no plans to pursue any other development"

Our committee has met and discussed the benefits and concerns over the proposal and feel we need to comment to planning that our concern over the development is that it becomes bigger than the original proposal and many more houses than the two planned are actually built.

This concern relates to the indicative houses plan provided to us by the Meikleour Trust which displays a shared access driveway dividing two properties on oversized plots, which our committee is anxious will translate into more properties.

Our worry is that it will change what the area gives to our young visitors. At the moment they can enjoy the countryside and its animals, they can camp on our field without concern for safety of youths camping in an overly populated public area and they can take walks without risk over a large number of traffic affecting this due to the single track lane. If this development is greater than two modest sized properties we feel we will lose what we have been able to provide to thousands of visitors to Newbigging which we believe gives young people a unique experience without Wi-Fi, electronics and they can find themselves and what they are capable of which creates memories and abilities that they carry forward in life.

Stacey Caie
[REDACTED]

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00215/FLL	Comments provided by	Mike Lee Transport Planning Officer
Service/Section	Transport Planning	Contact Details	[REDACTED] [REDACTED]
Description of Proposal	Residential development (in principle)		
Address of site	Land 40 Metres North East Of 4 Newbigging Grange Wolfhill		
Comments on the proposal	Insofar as the Roads matters are concerned I have no objections to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	13/03/2018		



5th July 2018.

Penk & Knoss Council
35 Knowall Street
Penk PH1 5GD.

Dear Sir,

Residential Development next to
Newbiffy Grange.

I do not wish to see any more
development at Newbiffy, for the
reasons I gave in my letter of the
28th February 2018.

Please reject the proposal, thank
you.

Yours faithfully

N Lumsden

A large black rectangular box redacting the signature of N Lumsden.

Audrey Brown - CHX

From: IAN RICHES [REDACTED]
Sent: 05 July 2018 12:11
To: CHX Planning Local Review Body - Generic Email Account
Cc: tonypduncan [REDACTED]; Morna Duncan; Marybelle Drummond
Subject: Re: TCP/11/16(540)
Attachments: Decision Notice.pdf

For the attention of the Perth & Kinross Local Review Body and on behalf of all residents of Newbigging Grange (adjacent to the proposed site).

The residents of Newbigging Grange are disappointed that this proposal has been submitted for review, but are pleased to be able to further comment on the planning application made by Mr Mercer Nairne.

The proposal challenges the planning principles of Perth and Kinross Council, who, just as we do, clearly value the green fields that are an integral part of this region. The proposal does not comply with the current Local Development Plan 2014, Article 4.3.12 (Green field land) and the Proposed Local Development Plan 2, 2018. As a community, we consider the proposal as an unnecessary use of a green field site that adds nothing to the local economy and is most definitely not for the purpose of providing housing to support specific employment. It is worth noting that despite the continuing hot weather that is blessing us, the bull-rushes continue to flourish on the proposed development site; a key indication supporting our fears that soak-aways associated with this development would risk flooding existing, downslope properties which struggle even now with drainage.

We consider that the planning officer completed his investigation into the application both thoroughly and professionally and his findings are irrefutable as they are fully in line with the Perth and Kinross planning principles, which we consider to be sound and considerate to the region and its people. As you will glean from our earlier objections to this project, the community at Newbigging Grange strongly oppose it. We urge the Local Review Body to wholeheartedly support their planning officer's decision and refuse consent on the same grounds.

Thank you

Ian Riches
[REDACTED]

Ms Gillian A Taylor
Clerk of the Local Review Body
Council Buildings
2 High Street
Perth
PH1 5PH

20th July 2018

Dear Ms Taylor,

Residential development (in principle), land 40 metres north east of 4 Newbigging Grange, Wolfhill. LRB Ref: TCP/11/16 (540). Planning Ref: 18/00215/IPL.

I write to you in response to your letter dated 18th of July 2018 and the attached responses from two objectors to the Local Review Body (LRB) correspondence which we previously submitted.

In response to both letters we would comment as follows;

We respect that everyone has a right to object, however the LRB should consider that the catalyst for the two objections (residents of neighbouring houses) appears to be primarily due to the proposed development being located next to the objectors houses and their preference for houses not to be built next to their house. That is not reasonable grounds for refusing to grant planning consent.

Additionally, the Planning Officer in the Report of Handling stated that two dwellinghouses could be accommodated without detrimentally impacting upon the amenity of the adjacent houses:

'It is considered that the site is large enough to accommodate 2 modest dwellinghouses without detrimental impact upon existing residential amenity. The site is also large enough for ample private amenity space to be provided for each of the dwellinghouses. I therefore have no concerns at the principle of 2 dwellinghouses on this site'.

The application site is currently laid in grass (as most infill/building group extension sites are). However, this is not reasonable grounds for refusing planning consent.

In one of the objections, reference is made to section 4.3.12 in the Council's Local Development Plan (LDP). See extract below. The site is NOT a greenfield site in the correct sense. Greenfield sites as described below, are the 'greenfield' land around towns and villages (which have settlement boundaries in the LDP). In this case, the application site is within a hamlet/building group, there is no settlement boundary around Newbigging and the proposal is being assessed against the Housing the Countryside Policy.

Greenfield Land 4.3.12

'Scottish Government guidance and good planning practice encourage new development to utilise brownfield land where possible. However, the availability of brownfield sites in Perth and Kinross is extremely limited. As a result, much of the pressure for new development will be accommodated on greenfield land around the towns and villages of the area. Much of this land is prime quality agricultural land which is an important national resource. It is important that this resource is used sparingly and wisely. This can be achieved through higher density development but this must not be at the expense of good design'.

One of the objectors also raises concerns that if two houses were built on this site, this may result in the flooding of adjacent houses from the soakaway. This concern is unfounded and not backed up by any Assessments. Development of the site would take account of drainage of the adjacent properties.

Please forward these comments to the LRB.

Yours faithfully

Keir Doe MRTPI MRICS