

TCP/11/16(307)
Planning Application 13/02258/FLL – Erection of a cattle court (in retrospect), land 50 metres south east of Ashknowe, Duncrievie, Glenfarg

INDEX

- (a) Papers submitted by the Applicant (***Pages 113-162***)
- (b) Decision Notice (***Pages 152-153***)
 - Report of Handling (***Pages 154-159***)
 - Reference Documents (***Pages 139-140***)
- (c) Representations (***Pages 165-178***)

TCP/11/16(307)

Planning Application 13/02258/FLL – Erection of a cattle court (in retrospect), land 50 metres south east of Ashknowe, Duncrievie, Glenfarg

**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 JAMES FORBES

Address HILTON OF DUNCRIEVIE FARM
DUNCRIEVIE ROAD
GLENFARG, PH29PA

Postcode PH29PA

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name MARIA FRANCKE

Address 15 MAPLE ROAD
GLASGOW

Postcode G41 5DB

Contact Telephone 1 07539 389078

Contact Telephone 2

Fax No

E-mail* Maria@15mr.net

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

PERTH AND KINROSS COUNCIL

Planning authority's application reference number

13/02258/FLL

Site address

LAND AT HILTON OF DUNCRIEVIE FARM,
DUNCRIEVIE ROAD, GLENFARG, PH2 9PA

Description of proposed
development

RETROSPECTIVE APPLICATION FOR ERECTION
OF A CATTLE COURT

Date of application

5. 12. 13

Date of decision (if any)

7. 3. 14

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:

1. Can the site be viewed entirely from public land? ☒ Yes ☐ No
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☒ Yes ☐ No

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

Statement

Notice of Review

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

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

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

PLEASE REFER TO ATTACHED STATEMENT.

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

Yes ☒ No ☐

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

REVISED SITE LOCATION PLAN - ORIGINAL OS BASE MAP WAS OUTDATED. APPLICANT COMMISSIONED A TOPOGRAPHICAL SURVEY OF SITE TO SHOW CORRECT LOCATION OF THE SHED. DETAILS IN ATTACHED STATEMENT.

List of documents and evidence

Notice of Review

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.

PLEASE SEE ATTACHED STATEMENT AND
APPENDICES.

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

[Redacted Signature]

Date

5.6.14.

Request for Local Review Supporting Statement

**Planning Application in Retrospect for the Erection of a Cattle Court,
Land 50 metres south east of Ashknowe, Duncrievie, Glenfarg**

Planning Application Ref: PK13/02258/FLL

Submitted on behalf of

Mr Forbes

5 June 2014

**Maria Francké
BSc MBA AIEMA MRTPI
Planning Consultant**

Contents

| | | |
|---|--|----|
| 1 | Introduction..... | 1 |
| 2 | Relevant Planning Background..... | 2 |
| | 2.1. Prior Notification Application | 2 |
| | 2.2. Description of Proposal..... | 2 |
| | 2.3. Siting of Building | 2 |
| | 2.4. Submission of Application for Planning Permission..... | 3 |
| | 2.5. Refusal of Planning Permission | 3 |
| 3 | Relevant Matters to be Considered..... | 4 |
| | 3.1. The Site Plan | 4 |
| | 3.2. Surrounding Environment of the Existing and Proposed Houses | 4 |
| | 3.3. Restrictions imposed by the GPDO 1992..... | 5 |
| 4 | Comments on Reasons for Refusal | 7 |
| | 4.1. Comments on Reason 1 | 7 |
| | 4.2. Comments on Reason 2 | 8 |
| 5 | Conclusion..... | 10 |

List of Appendices

| | |
|------------|---|
| Appendix 1 | Copy of Planning Application Ref: 13/02258/FLL |
| Appendix 2 | Copy of Prior Notification Application Ref: 13/00153/PN |
| Appendix 3 | Letter from Perth and Kinross Council dated 14.02.13 |
| Appendix 4 | Topographical Survey Plan of site |
| Appendix 5 | Report of Handling for Planning Application Ref: 13/02258/FLL and Decision Notice |
| Appendix 6 | Memorandum from Regulatory Service Manager Environmental Health dated 27.02.14 |

1 Introduction

This Notice of Review is being submitted under the terms of the Town and Country Planning (Scotland) Act 1997 and The Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2013. It is submitted on behalf of my client, Mr J Forbes in respect of a delegated refusal of planning permission for a local development by Perth and Kinross Council. The details of the application are as undernoted:

Proposal: Retrospective Application for the erection of a cattle court

Date of Application: 5 December 2013

Perth and Kinross Application Ref No: 13/02258/FLL

Location of Development: Land at Hilton of Duncrievie Farm, Glenfarg

Date of Decision: 7 March 2014

A full copy of the submitted application and supporting documents are enclosed in Appendix 1.

The reason for seeking a review is the refusal of the planning application (in retrospect) by the appointed officer.

Our client wishes that the review is progressed by way of written submissions, and reserves the right to comment on any third party submissions made in connection with this review.

This Statement has been submitted within the statutory 3 month timeframe (by 6th June 2014) and contains the following information:

Section 2: Relevant Planning Background

Section 3: Relevant Matters to be Considered

Section 4: Comments on Reasons for Refusal

Section 5: Conclusions

2 Relevant Planning Background

2.1. Prior Notification Application

On 22 January 2013 a Prior Notification application was made to Perth and Kinross Council under Part 6, Class 18(4) (a) of the General Permitted Development Order 1992 (GPDO 1992) *“for a determination as to whether the prior approval of the Council was required to the **siting, design and external appearance of the building**”* (a copy of the application form is included as Appendix 2). The application (Reference No. 13/00153/PN) was registered by the Council on 25 January 2013.

By way of letter dated 14 February 2013, the Council advised that no prior approval was required (see Appendix 3). The building (as shown on the submitted site plan) accordingly benefits from the permitted development rights set out in Class 18 of the GPDO 1992.

It is important to note that the prior approval process and resultant permitted development does not control the use of the building, but only its siting, design and external appearance.

Following receipt of the necessary building warrant consents the building was duly erected.

2.2. Description of Proposal

The agricultural building is of steel frame with olive green metal cladding to walls and roof with a concrete floor slab. It has the following dimensions: 30.48m long x 12.2m wide with a 1.375m overhang. The height of the building is approximately 6.7m to the roof edge.

The floor area of the building (including overhang) is 414 sq. m.

2.3. Siting of Building

The agricultural shed is set within the basin area of part of the former Meikle Quarry (now disused). There is a 5.5m high earth embankment along the western boundary of the site and a 4.5m earth embankment running along the eastern edge. The agricultural shed therefore sits at a lower gradient than the surrounding farmland. These changes in gradient showing the positioning of the agricultural shed can clearly be seen on the topographical survey of the site (contained in Appendix 4) and the photograph below.



There is also a mature tree border on the ridge of both embankments which extends to a depth of around 25m in both a western and eastern direction.

The position of the agricultural shed within the basin of part of the disused quarry, the earth embankments and extensive mature tree boundary all combine together to act as excellent noise and visual amenity buffers to the surrounding existing and proposed residential properties.

2.4. Submission of Application for Planning Permission

It is understood that a letter of representation was sent to the Council after the agricultural building had been erected. It raised the following matters:

- the agricultural shed was erected in the wrong place for the Prior Notification application
- the area of land developed exceeds 465 sq. m
- the development would be within 400 metres of protected buildings
- locational restrictions and the GPDO
- the site of the cattle shed was a former quarry and not an agricultural unit.

Perth and Kinross Council subsequently advised the applicant to submit a planning application for the development.

An application for planning permission (in retrospect) was made on 5 December 2013 to Perth and Kinross Council for the erection of the Cattle Court. A copy of the application form is included in Appendix 1.

2.5. Refusal of Planning Permission

The application for the erection of cattle court (in retrospect) was refused planning permission on 7 March 2014 for the following reasons:

1. Approval would be contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014; where residential amenity will be protected and, where possible, improved
2. Approval would be contrary to Policy EP8: Noise Pollution of the Perth and Kinross Local Development Plan 2014; where there will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses.

A copy of the Council's Decision Notice and Delegated Report of Handling is included in Appendix 5.

Our comments on the reasons for refusal are contained in Section 4 of this Statement.

3 Relevant Matters to be Considered

3.1. The Site Plan

Perth and Kinross Council advised the applicant, Mr J Forbes, that the agricultural shed which was developed following the Prior Notification approval from the Council had been built in a different location to that shown on the plan submitted with the Prior Notification Application. A copy of this site plan is contained as part of the application papers in Appendix 2.

As can be seen, the site plan submitted with the Prior Approval Application was an Ordnance Survey Plan at a scale of 1:1250. It was produced by Angus Council's Promap data system. The location of the proposed shed had been drawn on by hand by the applicant's agent.

Following the Council's notification, a closer inspection of the OS plan revealed that the key landmark features of the disused Meikle Quarry and field boundaries were in fact different to that now on the ground. The applicant has since commissioned a measured topographical survey of the site to ensure that the location of the agricultural shed (now erected) is correctly shown on an OS based plan.

The correct site location plan as shown on the topographical measured survey is now included as Appendix 4. This piece of important information was not available to the Council in determining the planning application in March 2014. The shed's position in relation to the earth embankments, tree boundaries and proposed residential site can now be more easily established.

3.2. Surrounding Environment of the Existing and Proposed Houses

There are three existing holiday log cabins near to the agricultural shed: Ashknowe, Fingask Cabin and Bracken. These are in the ownership of the applicant and are available for occupation throughout the year. They are clearly being marketed on the internet as:

"Set in the grounds of a farm, with the village shop and hotel a 10 minute walk away, which is also next to the Glenfarg Hotel which offers a place to go for meals and drinks."

<http://www.duncriveielogcabins.co.uk/>



Ashknowe



Bracken



Fingask

Holiday occupants rent these properties on the understanding that they are coming to a rural area with surrounding farming activities being undertaken. The presence of cattle in the

agricultural shed subject of this Local Review, will not affect the residential amenity, viability or rental of these log cabins for the applicant. If this was the case, the shed would have been erected in a different location. The investment in these log cabins by the applicant and the annual income derived from their rental is an important component of the applicant's farming and ancillary leisure business. They would not have built the agricultural shed in this location if they considered that it would be detrimental to the continued viability of the rental of the log cabins.

Holiday visitors who choose to reside in a rural/agricultural environment will expect smells and noises associated with agricultural activities. For some people, the presence of livestock nearby is an attraction. It can also be educational for adults and children to learn about farming activities.

In addition to the log cabins, there are four proposed houses on adjacent farmland at Hilton of Duncriche, to the north east of the agricultural shed. The proposed residential site was previously occupied by 2 non-traditional farm buildings and planning permission for housing was granted in 2011 (Ref: 10/01538/FLL) and subsequently renewed in 2014 (Ref. 13/02333/FLL). There is a mature woodland area along the entire western boundary of the proposed residential site which acts as a buffer between the houses and the agricultural shed. The proposed housing site is surrounded by farmland on all sides.

It is clearly a rural, agricultural environment and it could be contended that people choosing to live in a rural area, do so in full knowledge that there may be occasional smells and noises associated with living in such an environment.

3.3. Restrictions imposed by the GPDO 1992

It is important for the Local Review Body to know that there are no locational restrictions under Class 18 of the GPDO 1992 which would prevent the building being used for keeping cattle.

Section 3(a) of the GPDO 1992 very clearly states:

(3) Development is permitted by this class subject to the following conditions –

(a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, erection or works resulting from the development shall not be used for housing pigs, poultry, rabbits or animals bred for their skin or fur or for the storage of slurry or sewage sludge;

The agricultural building will not to be used for keeping any of the restricted animals mentioned above. The use of the building for keeping cattle is permitted. The fact that there are existing and proposed residential properties within 400m of the site is not contrary to the above clause, since no restricted animals are to be kept in the shed.

Class 18 (3) (a) unequivocally enables the development of an agricultural shed to be developed within 400m of residential properties, as long as the animals housed within it, or the activities undertaken therein, are not those restricted by the Order.

Equally, the agricultural shed is not of a size that is restricted under the GPDO Class 18 (2) (d) (ii). This states that:

(2) Development is not permitted by this class if –

(d) the ground area to be covered by –

(ii) any building erected or any building as extended or altered by virtue of this class, would exceed 465 square metres ...

The ground area covered by the agricultural building does not exceed 465 square metres. It is only 414 square metres including roof overhang.

The Local Review Body will be aware that the GPDO 1992 is secondary (delegated) legislation and has primacy over any policies that may be contained within the development plan.

4 Comments on Reasons for Refusal

The application was refused planning permission for the following 2 reasons:

1. Approval would be contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014; where residential amenity will be protected and, where possible, improved
2. Approval would be contrary to Policy EP8: Noise Pollution of the Perth and Kinross Local Development Plan 2014; where there will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses.

4.1. Comments on Reason 1

The key test of the acceptability (or otherwise) of the agricultural shed in land use planning terms is whether or not its use for housing cattle for 6 months of the year would have an unacceptable adverse impact on existing and proposed residential amenity. It is strongly contested that the use of the agricultural shed for housing cattle would not have a detrimental amenity impact on the surrounding residential properties (both those existing or proposed) so as to cause excessive noise or odour nuisance. This is for the following reasons:

1. The activities to be undertaken within the agricultural shed will be for the over-wintering of cattle for six months of the year, during the months of November to April. Outwith these months there will be no cattle housed in the building. This in itself will reduce any adverse noise or odour impact on residential amenity, particularly during the summer months when people tend to spend more time outdoors in their gardens.
2. A maximum of 30 cattle will be in the building at one given time. This number is dictated by the size of the building. High standards of hygiene and cleanliness will be maintained to control odour. The building is dry (bedded with straw) and will be cleaned out regularly and thoroughly using the correct type and quantity of disinfectant and volumes of wash water, ensuring that all cleaning material/drainage water is collected.
3. The waste will be disposed in a midden on the applicant's land to be used on their surrounding farmland. The midden will not be near any residential properties or a water supply as per the government guidelines.
4. The building is designed to be properly ventilated to control temperature, humidity and the concentration of gases and to provide a good distribution of clean air under a wide variety of external weather conditions.
5. The positioning of the agricultural building within part of the disused quarry with 4 to 5 metre high earth embankments on its eastern and western boundaries, in addition to

the presence of a wide mature tree belt, will act as an effective noise and odour buffer between the shed and the proposed residential properties.

6. The development will not impact on the visual amenity of the housing. The existence of the mature tree belt, the difference in contours between the shed and the housing essentially means that the agricultural shed will be hidden from view. Further landscaping and tree planting could also be undertaken if the Local Review Body considers this to be appropriate with a suitably worded planning condition imposed.
7. There is no rule or law that states that residential properties cannot be within 400 metres of an agricultural building being used to house cattle.

On this last point, it is relevant to refer to the comments raised by the Regulatory Service Manager of the Environmental Health Department of Perth and Kinross Council dated 27 February 2014 in connection with the application. A copy of this Memorandum is contained in Appendix 6. The Regulatory Service Manager makes reference to guidance from the Scottish Executive's Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity (PEPFAA) 2005. They comment that the guidance:

*“**recommends** that new livestock buildings should not be within 400 metres of residential properties and where possible should be downwind of residential areas.”*

The key word here is ‘recommends’. The guidance note is exactly that – guidance only. Paragraph 1.1 of the Introduction section of PEPFAA states that:

“The purpose of this Code is to provide practical guidance for farmers and those involved in agricultural activities, including farm advisers, on minimising the risks of environmental pollution from farming operations.”

The guidance aims to minimise the effects of agricultural activities on residential properties by recommending appropriate practices to help minimise the risk of odours causing a nuisance. There is no rule or law that states that residential properties cannot be within 400 metres of an agricultural building.

Additionally, as stated above, the physical landforms of the earth embankments and the mature tree belt between both the existing and proposed residential properties will minimise any adverse noise or odour impact arising from the shed during the winter period.

4.2. Comments on Reason 2

The second reason for refusal of the application relates to potential noise pollution from the agricultural shed. Policy EP8: Noise Pollution of the Perth and Kinross Local Development Plan 2014 states that there will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses.

A key characteristic of the local area is the rural, agricultural nature of the land around Hilton of Duncricvie. It is working farmland with a variety of agricultural operations being undertaken in the local area. The applicant's own log cabins and the proposed 4 houses are

surrounded by farmland on all sides. Noises associated with agricultural activities should, to some degree, be expected by those who choose to live or holiday in a rural farmland area.

The use of the agricultural shed for housing livestock for 6 months of the year will not adversely affect the residential amenity presently enjoyed by residents from the applicant's three log cabins. Nor will it adversely affect the amenity of the residents of the proposed new housing. This is for the following reasons:

1. It is contended that given the contours of the site (clearly seen on the topographic survey plan in Appendix 4) and the positioning of the agricultural shed at a much lower level than the proposed housing, the potential direct impact on residential amenity i.e. from noise, overlooking or loss of privacy will be minimal. The 4 to 5 metre high embankment which flanks the agricultural shed on its western and eastern boundaries will act as an effective sound buffer. The embankments will act in much the same way as a noise barrier.
2. The cattle will only be in the shed for 6 months over the winter/spring period November to April. It is common for people to spend less time in their gardens over winter and therefore less likely to be adversely affected by the sounds of cattle mooing.
3. Once the cattle are housed in the shed, there will be limited agricultural machinery visiting the site. This will reduce the noise impact.

5 Conclusion

Legislation under the terms of Part 6, Class 18 of the General Permitted Development Order 1992 permits the development of an agricultural shed to be used as a cattle court, subject to a determination as to whether the prior approval of the Council was required to the siting, design and external appearance of the Building.

A Prior Approval Application (Ref: 13/00153/PN) resulted in the Council's determination that no such prior approval was required, so that the agricultural shed benefits from the permitted development rights set out in Class 18 of the GPDO 1992 and no planning permission would be needed for its erection and subsequent use to house cattle. The Local Review Body will be aware that the GPDO 1992 is secondary (delegated) legislation and has primacy over any policies that may be contained within the development plan.

Retrospective planning permission was required for the development because the agricultural shed had been built in a different location to that shown on the accompanying Prior Approval application site plan. The intended location for the siting of the agricultural shed on the ground had not changed; it had been built in the correct place. It was simply the fact that the OS based plan submitted with the Prior Approval application was outdated, resulting in the shed being drawn incorrectly on the site plan. The applicant has since commissioned a measured topographical survey of the site and now submits a revised site plan to the Local Review Body, which clearly shows the correct positioning of the agricultural shed set within the landscape features and contours of the site.

It is the position of the agricultural shed within part of the basin of the disused quarry that helps to minimise any adverse impact of the building on the surrounding farming landscape. The Council's two reasons for refusal relate to potential noise and odour impact upon residential amenity. The significant earth bunding at around 5m in height along the eastern and western flanks of the shed and the existing mature tree belt will help to minimise any noise or odour nuisance on the existing and proposed residential properties. The existence of the mature tree belt, the difference in contours between the shed and the proposed housing essentially means that the agricultural shed will be hidden from view. As such, the development will not impact on the visual amenity of the housing.

Further landscaping and tree planting could also be undertaken if the Local Review Body considers this to be appropriate with a suitably worded planning condition imposed.

The design of the building has proper ventilation to control temperature, humidity and the concentration of gases and will provide a good distribution of clean air under a wide variety of external weather conditions. The adoption of high standards of hygiene and cleanliness and good cattle husbandry and regular cleaning of the agricultural shed will ensure that odour nuisance will be minimised during the 6 month winter/spring occupation of the shed.

It is submitted that the agricultural shed at Hilton of Duncrive Farm, Glenfarg is an acceptable land use in this rural location. It is compatible with the surrounding area, including the existing and proposed residential properties on surrounding farmland. Accordingly, we therefore respectfully ask that the Local Review Body grant planning permission (in retrospect) for this development.

Appendices

Appendix 1

Planning Application Ref. 13/02258/FLL

9 DEC 2013

13/02258/FLC

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997

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

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

| 1. Applicant's Details | | 2. Agent's Details (if any) | |
|--|--------------------------|-------------------------------------|-------------------------|
| Title | HR | Ref No. | |
| Forename | J. | Forename | LAWRENCE |
| Surname | FORBES | Surname | BERTRAM |
| Company Name | | Company Name | |
| Building No./Name | | Building No./Name | |
| Address Line 1 | HILTON OF DUNCREVIE FARM | Address Line 1 | GARLOWBANK FARMHOUSE |
| Address Line 2 | DUNCREVIE ROAD | Address Line 2 | KINNORDY |
| Town/City | GLENFARG | Town/City | KIRRIEKUIR |
| Postcode | PH2 9PA | Postcode | DD8 4LN |
| Telephone | | Telephone | 01575 575900 |
| Mobile | | Mobile | 07739064562 |
| Fax | | Fax | |
| Email | | Email | lat@garlowbank.plws.com |
| 3. Postal Address or Location of Proposed Development (please include postcode) | | | |
| LAND AT HILTON OF DUNCREVIE FARM, DUNCREVIE ROAD, GLENFARG PH2 9PA | | | |
| NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation. | | | |
| 4. Type of Application | | | |
| What is the application for? Please select one of the following: | | | |
| Planning Permission | (RETROSPECTIVE) | <input checked="" type="checkbox"/> | |
| Planning Permission in Principle | | <input type="checkbox"/> | |
| Further Application* | | <input type="checkbox"/> | |
| Application for Approval of Matters Specified in Conditions* | | <input type="checkbox"/> | |
| Application for Mineral Works** | | <input type="checkbox"/> | |
| NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition. | | | |
| *Please provide a reference number of the previous application and date when permission was granted: | | | |
| Reference No: | | Date: | |

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

5. Description of the Proposal

Please describe the proposal including any change of use:

RETROSPECTIVE APPLICATION FOR THE ERECTION
OF A CATTLE COURT.

Is this a temporary permission?

Yes ☐ No ☒

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

Have the works already been started or completed?

Yes ☒ No ☐

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

Date started: AUGUST 2013

Date completed: OCTOBER 2013

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

PRIOR NOTIFICATION APPROVED BEFORE WORK STARTED

6. Pre-Application Discussion

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

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

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

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

Name: Date: Ref No.:

7. Site Area

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

Hectares (ha):

Square Metre (sq.m.)

414

8. Existing Use

Please describe the current or most recent use:

WOODLAND / DISUSED QUARRY AREA

9. Access and Parking

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

Yes ☒ No ☐

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access?

Yes ☐ No ☒

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

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

NONE

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

TWO

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

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements?

Yes ☐ No ☒

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

Yes, connecting to a public drainage network

☐

No, proposing to make private drainage arrangements

☐

Not applicable – only arrangement for water supply required

☐

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

Discharge to land via soakaway

☐

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)

☐

Other private drainage arrangement (such as a chemical toilets or composting toilets)

☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water?

Yes ☒ No ☐

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

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

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

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

12. Trees

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

Yes ☒ No ☐

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

13. Waste Storage and Collection

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

Yes ☐ No ☒

If yes, please provide details and illustrate on plans.

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

N/A.

14. Residential Units Including Conversion

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

Yes ☐ No ☒

If yes how many units do you propose in total?

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

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

Does your proposal alter or create non-residential floorspace?

Yes ☒ No ☐

If yes, please provide details below:

Use type:

AGRICULTURE

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

Proposed gross floorspace (sq.m.):

414

Please provide details of internal floorspace (sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

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

Yes ☐ No ☐ Don't Know ☒

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

17. Planning Service Employee/Elected Member Interest

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

Yes ☐ No ☒

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

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

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

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

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

Yes ☐ No ☐ N/A ☒

Signature:

Name:

He L.D. BERTRAM

Date:

5TH DEC 2013

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

CERTIFICATE E

Certificate E is for use where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land.

I hereby certify that -

- (1) No person other than THE APPLICANT was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) The land to which the application relates constitutes or forms part of agricultural land. ☒

Signed:

[Redacted Signature]

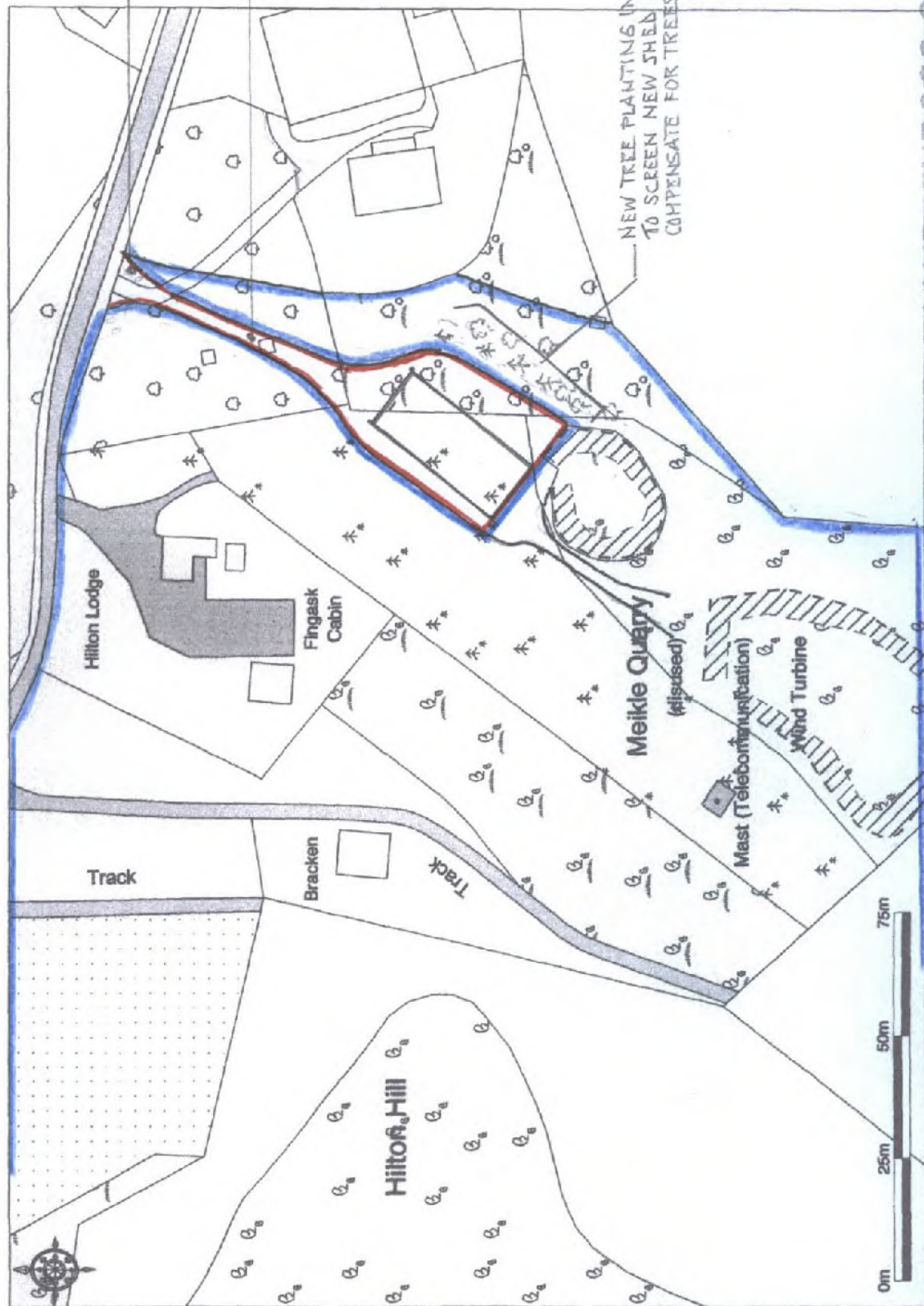
On behalf of:

MR J. FORBES

Date:

8TH JANUARY 2014

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



Ordnance Survey © Crown Copyright 2013. All rights reserved. Licence number 100020449. Printed Scale - 1:1250



Produced by Angus Council
Planning and Transport Division
County Buildings, Forfar, Angus
DD8 3LG. Tel 01307 473342

PERTH AND KINROSS COUNCIL

DRAWING REF: 13102258/1

Appendix 2

Prior Notification Application

Ref. 13/00153/PN

£61pd. 25/1/13, 01716

RECEIVED

25 JAN 2013

13/00153/PN

APPLICATION FOR PRIOR NOTIFICATION AND PRIOR APPROVAL

Town and County Planning (General Permitted Development) (Scotland) Order 1992 (as amended) Schedule 1, Parts 1A, 6 & 7, and Part 23
Permitted Development Classes 6G, 6H, 18, 21 and 70

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

1. Applicant's Details

| | |
|-------------------|--------------------------|
| Title | MR |
| Forename | JAMES |
| Surname | FORBES |
| Company Name | |
| Building No./Name | |
| Address Line 1 | HILTON OF DUNCREVIE FARM |
| Address Line 2 | DUNCREVIE ROAD |
| Town/City | GLENFARG |
| Postcode | PH2 9PA |
| Telephone | |
| Mobile | |
| Fax | |
| Email | |

2. Agent's Details (if any)

| | |
|-------------------|-------------------------|
| Ref No. | |
| Forename | LAURENCE |
| Surname | BERTRAM |
| Company Name | |
| Building No./Name | |
| Address Line 1 | GARLOWBANK FARMHOUSE |
| Address Line 2 | KINNORAY |
| Town/City | KIRRIEMUR |
| Postcode | DD8 4LH |
| Telephone | 01575 575900 |
| Mobile | 07516 409024 |
| Fax | |
| Email | lar@garlowbank.plus.com |

3. Location of Proposed Development

Address

HILTON OF DUNCREVIE FARM,
DUNCREVIE ROAD,
GLENFARG,
PH2 9PA

Note: If a full site address does not exist please clearly identify the location in accompanying documentation

4. Proposed Farm or Forestry Building Works

Are you proposing Farm or Forestry Building Works? ☒ Yes ☐ No

What farm or forestry related works are proposed?

☒ A new building

☐ An extension to an existing building

☐ An alteration to an existing building

☐ Other works

Please state the dimensions of the new building or extension (in metres):

Length: 30.480

Height to Eaves: 4.880

Breadth: 13.575

Height to Ridge: 6.900

Please describe the external materials to be used:

a. Wall materials and colour

GREY CONCRETE WALL PANELS 2.0M HIGH.
OLIVE GREEN BOX PROFILE METAL CLADDING - VENTAIR TYPE

b. Roof materials and colour

OLIVE GREEN BOX PROFILE METAL CLADDING

What is the purpose of the proposed development?

CATTLE COURT

Are any of the following works included? Please tick those which are relevant.

☐ Formation or alteration of a private way or road ☒ Excavation works ☐ Engineering works

5. Demolition

Are you proposing to demolish a building? ☐ Yes ☒ No

Please describe the building and explain why it is to be demolished?

Note: If you propose to demolish a building, you must notify all neighbours on land adjacent to the building you propose to demolish and complete the relevant attached certificates. Please refer to the Guidance Notes for further information.

6. Freestanding Domestic Micro- Wind Turbines

Are you proposing to install a freestanding domestic micro-wind turbine? ☐ Yes ☒ No

Please describe the siting and external appearance of the proposed wind turbine. Include materials to be used

Please state the size of the proposed wind turbine. Include the physical dimensions (metres and centimetres) and the electricity generating capacity (kilowatts)

Please explain how the proposed location minimises its effect on the amenity of the area

7. Domestic Air-Source Heat Pumps

Are you proposing to install a domestic air-source heat pumps? ☐ Yes ☒ No

Please describe the siting and external appearance of the proposed air-source heat pump

Please explain how the proposed location minimises its effect on the amenity of the area

8. Planning Service Employee or Elected Member Interest

Are you, the applicant or the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? ☐ Yes ☒ No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? ☐ Yes ☒ No

If you have answered yes please provide details:

9. Declaration

I, the applicant/agent give prior notification to the planning authority that I am/the applicant is intending to carry out the works described in this form and the accompanying plans/drawings are additional information.

Please select one of the following options:

☒ Farm or Forestry Building Works

I certify that the proposed building works are required for the purposes of agricultural and/or forestry and will be designed accordingly. None of the work includes the construction, extension or alteration of a dwelling.

Signature:

e:

HR L. J. BERTRAM

Date:

22-01-13

☐ Demolition

I confirm that the building has not been rendered unsafe by the action or inaction on any person with an interest in the land and it is not practicable to secure the safety of the building through repair or temporary support work.

Signature:

Name:

Date:

☐ Domestic Micro-Wind Turbine

I certify that the proposed micro-wind turbine is intended for domestic purposes and will not be sited within 100 metres of the curtilage of another dwelling. I will remove the wind turbine as soon as reasonably practicable when it is no longer needed or capable of generating electricity for domestic purposes.

Signature:

Name:

Date:

☐ Domestic Air-Source Heat Pump

I certify that the proposed air-source heat pump is intended for domestic purposes and will not be sited within 100 metres of the curtilage of another dwelling. I will remove the air-source heat pump as soon as reasonably practicable when it is no longer needed or capable of generating electricity for domestic purposes.

Signature:

Name:

Date:

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

DRAWING REF: 1310016311

Produced by Angus Council
Planning and Transport Division
County Buildings, Forfar, Angus
NN6 3LG. Tel 01307 473442

Defining Survey, © www.surveyo.com, 2013. All rights reserved. Contact us at: info@surveyo.com, 1-800-451-1100



Appendix 3

Letter from Perth and Kinross Council dated
14 February 2013

Delayed Office Opening for
Employee Training
*This Office will be closed from 8.45 am –
11.00 am on the 1st Thursday of each
month.*

Mr J. Forbes
C/o Mr L. Bertram
Garlowbank Farmhouse
Kinnoray
KIRRIEMUIR
DD8 4LH

Planning and Regeneration
Head of Service David Littlejohn

Pullar House, 35 Kinnoull Street,
PERTH, PH1 5GD.

Contact Alasdair MacRae Beveridge
Direct Dial (01738) 475375
E-mail: AMBeveridge@pkc.gov.uk

Our ref 13/00153/PN

Your ref

Date 14 February 2013

Dear Mr Forbes

PRIOR NOTIFICATION OF AGRICULTURAL BUILDINGS UNDER THE TOWN AND COUNTRY
PLANNING (GENERAL PERMITTED DEVELOPMENT) (SCOTLAND) ORDER 1992 SCHEDULE
1 CLASS 18: ERECTION OF A GENERAL PURPOSE AGRICULTURAL BUILDING AT
HILTON OF DUNCRIEVIE FARM, DUNCRIEVIE ROAD, GLENFARG, PH2 9PA

I refer to your recent submission of the above proposal registered on 25 January 2013 in the
above regard.

I write to confirm that it is not the Council's intention to request additional information. The
erection of the buildings in accordance with the details submitted is therefore permitted
development and no further consent is required under the Town and Country Planning (Scotland)
Act. Accordingly, providing you have all the necessary building warrant consents, you may
proceed with the development.

Should you wish further clarification with regard to this matter please do not hesitate to
contact Alasdair M. Beveridge at the above address either by dropping him a letter, e-
mailing ambeveridge@pkc.gov.uk or phoning him on 01738 475375.

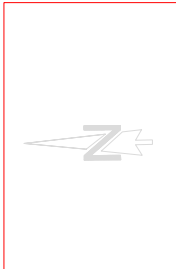
Yours sincerely,



Alasdair MacRae Beveridge
Assistant Planning Officer (South)

Appendix 4

Topographical Survey Plan



LEGEND

SYMBOLS

BORISOLE
CONTROL STATION
GATE
SERVICE COVER

STUMP
TRIAL PIT
TREE

LINE STYLES

BOTTOM OF BANK
BUILDING FOOTPRINT
BUSH CANOPY
CHAME OF SURFACE
CHANNEL LINE
DITCH
HEDGE
OVERHEAD WIRES
ELECTRIC
TELECOM

PAVED EDGE
PAVED GULLY
STOP GULLY
TOP OF BANK
TOP OF KERB
TREE CANOPY
WALL

- ABBREVIATIONS**
- AV = AIR VALVE
BH = BOREHOLE
BOX = BOX
ELEC = ELECTRIC
EA = EAVES LEVEL
EP = ELECTRICITY POLE
FP = FLAG POLE
GAS = GAS
IC = INVERT
IL = INVERT LEVEL
IS = INVERT
LAMPPOST
MANHOLE
PIT = TRIAL PIT
RD = ROAD
ROD = ROD
SS = SIGN BOARD
SV = STOP VALVE
TLC = TRAFFIC LIGHT
TLC BOX = TRAFFIC LIGHT BOX
TV = TELEVISION
TV = TELEVISION
W = WATER

- NOTES**
1. GRID IS RELATED TO O.S. GRID
 2. ALL LEVELS RELATE TO O.S.M. ASCERTAINED BY LOGGING P.S. DATA
 3. CONTOURS ARE AT 100' (30M) INTERVALS
 4. CONTOURS AT 100' (30M) INTERVALS
 5. LEVELS FOR ROAD ARE TAKEN ALONG CHANNEL LINE
 6. THE PORTION OF ALL SERVICE COVERS (NO. 100) IT SHOULD BE NOTED THAT THIS MAY NOT HAVE BEEN COVERED BY THE SURVEY DUE TO GROUND COVER OR LOCAL OBSTRUCTIONS
 7. ISOLATED MATURE TREES ARE DENOTED BY TRUNK AND ESTIMATED AVERAGE OUTER CANOPY
 8. ALL CONTROL STATION COORDINATES SHOULD BE CHECKED
 9. OWNERSHIP OF SURVEY DATA REMAINS WITH DOUGLAS LAND SURVEYS LTD. DOUGLAS LAND SURVEYS SHOULD BE INFORMED OF ANY DISCREPANCIES FOUND
 10. OWNERSHIP OF SURVEY DATA REMAINS WITH DOUGLAS LAND SURVEYS LTD. DOUGLAS LAND SURVEYS SHOULD BE INFORMED OF ANY DISCREPANCIES FOUND

CONTROL STATIONS

| Station No. | Coordinates | Station No. | Coordinates |
|-------------|-------------|-------------|-------------|
| 1 | 100000.000 | 100000.000 | 100000.000 |
| 2 | 100000.000 | 100000.000 | 100000.000 |

Douglas LAND SURVEYS Ltd.

AGRIAN HOUSE
10 KING STREET
GLASGOW G3 7JF
SCOTLAND

0141 204 1000
0141 204 1001
0141 204 1002
0141 204 1003
0141 204 1004
0141 204 1005
0141 204 1006
0141 204 1007
0141 204 1008
0141 204 1009
0141 204 1010
0141 204 1011
0141 204 1012
0141 204 1013
0141 204 1014
0141 204 1015
0141 204 1016
0141 204 1017
0141 204 1018
0141 204 1019
0141 204 1020

HILTON OF DUNCREVIE FARM, GLENFARG.

Drawn by: R. Douglas
Scale: 1:250
Date: 2014-14
Revision: 01

Appendix 5

Report of Handling on Planning Application
Ref. 13/02258/FLL
Decision Notice

PERTH AND KINROSS COUNCIL

Mr J Forbes
c/o Lawrence Bertram
Garlowbank Farmhouse
Kinnordy
Kirriemuir
DD8 4LN

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 7th March 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **13/02258/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 10th January 2014 for permission for **Erection of a cattle court (in retrospect) Land 50 Metres South East Of Ashknowe Duncricvie Glenfarg** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. Approval would be contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014; where residential amenity will be protected and, where possible, improved.
2. Approval would be contrary to Policy EP8: Noise Pollution of the Perth and Kinross Local Development Plan 2014; where there will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses.

Justification

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

Notes

The plans 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

13/02358/1

13/02358/2

REPORT OF HANDLING

DELEGATED REPORT

| | | |
|------------------------|---------------------------|------|
| Ref No | 13/02258/FLL | |
| Ward No | N8- Kinross-shire | |
| Due Determination Date | 09.03.2014 | |
| Case Officer | Alasdair MacRae Beveridge | |
| Report Issued by | | Date |
| Countersigned by | | Date |

PROPOSAL: Erection of a cattle court (in retrospect)

LOCATION: Land 50 metres south east of Ashknowe, Duncrievie, Glenfarg

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: 20 January 2014

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

Site description:-

Agricultural land 50 metres to the south east of Ashknowe on an access site to the disused Meikle Quarry.

The proposal is:-

The erection (in retrospect) of a south east facing olive green coloured metal cladding cattle court (30.480m length x 12.200m broad with a 1.375m overhang x approximately 6.7m to roof ridge).

SITE HISTORY

07/00433/OUT Erection of 4 dwelling houses and garages (in outline) 19 September 2007 Application Permitted

10/01538/FLL Erection of 4 dwelling houses and garages 22 June 2011 Application Permitted

13/00153/PN Erection of a cattle court 14 February 2013 Application Permitted

13/02333/FLL Erection of 4 dwelling houses and garages 17 February 2014 Application Permitted

PRE-APPLICATION CONSULTATION

Pre application Reference: N/a

NATIONAL POLICY AND GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework 1 & 2, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Designing Places, Designing Streets, and a series of Circulars.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It 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 EP4: Health and Safety Consultation Zones

Full account will be taken of advice from the Health and Safety Executive in determining planning applications for development within the consultation zones identified on the proposals and inset maps.

OTHER POLICIES N/a

CONSULTATION RESPONSES

| | |
|-------------------------------------|--|
| Scottish Water | No objections. |
| Environmental Health | Objects due to the potential for loss of amenity to nearby residential properties. |
| Shell UK Exploration and Production | No objections. |

REPRESENTATIONS

The following issues were raised in the 1 representation received:

- 1 The agricultural shed was erected in the wrong place for the Prior Notification application;
- 2 The area of land developed exceeds 465sqm;
- 3 The development would be within 400 metres of protected buildings;
- 4 Locational restrictions and the GPDO;
- 5 The site of the cattle shed was a former quarry not an agricultural unit.

Response to issues raised in the representation received:

- 1 Applicant requested to submit application;
- 2 Area on which cattle shed built equals 371.856sqm plus 41.910sqm overhang;

- 3 The issue is fully discussed in the Appraisal under Environmental Health;
- 4 There are locational restrictions under Class 18 of the GPDO;
- 5 It is what the land is currently used for not what it was used for in the past.

Additional Statements Received:

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

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy PM1A: Placemaking

It will have an unacceptable impact on the future residential amenity of the area.

Policy EP4: Health and Safety Consultation Zones

Full account was taken of advice from the Health and Safety Executive.

Design and Layout

The design and layout of the cattle shed (in retrospect) is acceptable.

Residential Amenity

There is the potential loss of residential amenity due to the close proximity of noise and odour nuisance.

Visual Amenity

The visual impact of the development could be screened with the planting of trees.

Roads and Access

The development is accessible to the roads and access.

Economic Impact

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

Application Processing Time

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered not 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.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application

Reasons for Recommendation

Reasons:-

- 1 Approval would be contrary to Policy RD1: Residential Areas of the Perth and Kinross Local Development Plan 2014; where residential amenity will be protected and, where possible, improved.
- 2 Approval would be contrary to Policy EP8: Noise Pollution of the Perth and Kinross Local Development Plan 2014; where there will be a presumption

against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses.

Justification

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

Procedural Notes

Not Applicable.

REFUSED PLANS

13/02258/1

13/02258/2

Date of Report 06.03.2014

Appendix 6

Memorandum from Regulatory Service
Manager Environmental Health dated 27
February 2014

Memorandum

| | | | |
|----------|-----------------------------|---------|----------------------------|
| To | Head of Development Control | From | Regulatory Service Manager |
| 3 | | | |
| Your ref | PK13/02258/FLL | Our ref | NK |
| Date | 27 February 2014 | Tel No | (01738) 476 444 |

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission PK13/02258/FLL RE: Erection of a cattle court (in retrospect) Land 50 Metres South East Of Ashknowe Duncrigvie Glenfarg for Mr J Forbes

I refer to your telephone conversation of 24 February in connection with the above application and have the following comments to make.

Environmental Health (assessment date 27/02/2013)

Recommendation

I cannot support the application due to the potential for loss of amenity to nearby residential properties.

Comments

The applicant proposes to erect an enclosed cattle court (in retrospect) on existing agricultural land 50 metres to the South East of Ashknowe. It appears that Ashknowe is a holiday chalet along with Fingask Cabin and Bracken.

At the date of my initial memo in response to this application it was believed that the nearest domestic property to the development was at Braefauld 100 metres to the East. I have since learned that planning permission (10/01538/FLL) has previously been granted for the erection of 4 domestic properties within 20 metres of the proposed (in retrospect) cattle shed.

The Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity which was prepared in 2005 by the Scottish Executive recommends that new livestock buildings should not be within 400 metres of residential properties and where possible should be downwind of residential areas.

Given that there is already in place existing planning permission for the erection of 4 residential properties on adjacent land to the proposed (in retrospect) cattle shed, I cannot support the application due to the potential for loss of amenity due to noise and odour nuisance to the nearby residential properties.

NK.

Maria G Francké BSc MBA AIEMA MRTPI
Planning Consultant
T: 07539 389078 | E: maria@15mr.net



TCP/11/16(307)

Planning Application 13/02258/FLL – Erection of a cattle court (in retrospect), land 50 metres south east of Ashknowe, Duncrievie, Glenfarg

PLANNING DECISION NOTICE *(included in applicant's submission, see pages 152-153)*

REPORT OF HANDLING *(included in applicant's submission, see pages 154-159)*

REFERENCE DOCUMENT *(included in applicant's submission, see pages 139-140)*

TCP/11/16(307)

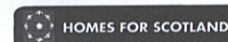
Planning Application 13/02258/FLL – Erection of a cattle court (in retrospect), land 50 metres south east of Ashknowe, Duncrievie, Glenfarg

REPRESENTATIONS

- Objection from GS Brown, dated 15 January 2014
- Representation from Shell UK Limited, dated 22 January 2014
- Representation from Scottish Water, dated 17 February 2014
- Representation from Regulatory Services Manager, dated 27 February 2014
- Representation from GS Brown, dated 26 June 2014
- Agent's response to representation, dated 9 July 2014

RECEIVED
21 JAN 2014

Amcb
G. S. BROWN CONSTRUCTION LTD
ST. MADDOES GLENCARSE PH2 7NF
TEL: 01738 860591 FAX: 01738 860357
Email: office@gsbrown.co.uk Web: www.gsbrown.co.uk



GSB/LS

Our Ref:

Your Ref:

Mr Nick Brian
Development Quality Manager
Planning & Regeneration
Perth & Kinross Council
Pullar House
35 Kinnoull Street
Perth
PH1 5GD

15 January 2014

Dear Mr Brian

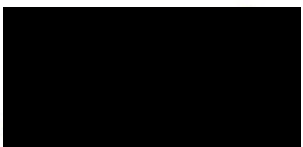
Agricultural Building at Hilton of Duncrievie Farm – 13/02258/FLL

We wish to object to his application. The circumstances relating to this proposal are fully summarised in our letters to you of 16th October and 11 December (copies enclosed).

As constructed, the building is only 14.3 metres from the curtilage of our site which is a completely inadequate separation distance between a cattle shed and a residential development. Even the site approved for the shed by your letter of 14 February 2013 (13/00153/PN) is too close and, we are convinced, was agreed without any awareness of our consent.

As you know, I will be pursuing a formal complaint about the circumstances leading to this situation unless the cattle shed is removed and a fresh search is started to find an acceptable site which does not have a detrimental effect on our proposed residential development.

Yours sincerely
For G S Brown Construction Ltd


Geoff Brown
Chairman

enc





24 JAN 2014

AmCB

Mr N Brian
Development Quality Manager
Perth & Kinross Council
The Environment Service
Planning and Regeneration
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Shell U.K. Limited
Onshore Pipelines
Orchardbank Industrial Estate
Forfar
Angus DD8 1TD
United Kingdom
Switchboard +44 (0) 1307 462225
Tel +44 (0) 1307 475351
Fax +44 (0) 1307 468522
Internet <http://www.shell.com/eandp>

22nd January 2014

Your ref: 13/02258/FLL
Our ref: UIO/W/PSDP/CB/kc

Dear Sir

**The Town and Country Planning (Scotland) Act 1997 as amended by Planning etc
(Scotland) Act 2006
Consultation on an application
Erection of a Cattle Court (in retrospect)
Land 50 Metres South East of Ashknowe, Duncrievie, Glenfarg for Mr J Forbes**

Thank you for your recent consultation regarding the above planning application. From the information provided on your website, there is no reason why the development and associated construction works would directly affect our pipeline servitude strip or the safety and integrity of our pipeline. However, the developer should be made aware that we should be consulted prior to the laying of any services associated with the development that would need to cross our pipeline.

Yours faithfully
Shell U.K. Limited

PP [Redacted]
Colin Ballantine
Pipeline Engineer



17th February 2014



Perth & Kinross Council
Pullar House, 35 Kinnoull Street
Perth
PH1 5GD

SCOTTISH WATER

Customer Connections
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Customer Support Team
T: 0141 414 7162
W: www.scottishwater.co.uk
E: individualconnections@scottishwater.co.uk

Dear Sir Madam

PLANNING APPLICATION NUMBER: 13/02258/FLL
DEVELOPMENT: Glenfarg Duncrieve
OUR REFERENCE: 649207
PROPOSAL: Erection of a cattle court (in retrospect)

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: www.scottishwater.co.uk.

Yours faithfully

Lynsey Horn
Customer Connections Administrator

Memorandum

| | | | |
|----------|-----------------------------|---------|----------------------------|
| To | Head of Development Control | From | Regulatory Service Manager |
| 3 | | | |
| Your ref | PK13/02258/FLL | Our ref | NK |
| Date | 27 February 2014 | Tel No | (01738) 476 444 |

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission PK13/02258/FLL RE: Erection of a cattle court (in retrospect) Land 50 Metres South East Of Ashknowe Duncrievie Glenfarg for Mr J Forbes

I refer to your telephone conversation of 24 February in connection with the above application and have the following comments to make.

Environmental Health (assessment date 27/02/2013)

Recommendation

I cannot support the application due to the potential for loss of amenity to nearby residential properties.

Comments

The applicant proposes to erect an enclosed cattle court (in retrospect) on existing agricultural land 50 metres to the South East of Ashknowe. It appears that Ashknowe is a holiday chalet along with Fingask Cabin and Bracken.

At the date of my initial memo in response to this application it was believed that the nearest domestic property to the development was at Braefauld 100 metres to the East. I have since learned that planning permission (10/01538/FLL) has previously been granted for the erection of 4 domestic properties within 20 metres of the proposed (in retrospect) cattle shed.

The Code of Good Practice for the Prevention of Environmental Pollution from Agricultural Activity which was prepared in 2005 by the Scottish Executive recommends that new livestock buildings should not be within 400 metres of residential properties and where possible should be downwind of residential areas.

Given that there is already in place existing planning permission for the erection of 4 residential properties on adjacent land to the proposed (in retrospect) cattle shed, I cannot support the application due to the potential for loss of amenity due to noise and odour nuisance to the nearby residential properties.

NK.



Our Ref:

Your Ref:

Ms Gillian A Taylor
Clerk to the Local Review Body
Perth & Kinross Council
2 High Street
Perth
PH1 5PH

26 June 2014

by Post and email PlanningLRB@pkc.gov.uk

Dear Ms Taylor

Town & Country Planning (Scotland) Act 1997
The town & country Planning (Schemes of Delegation & Local Review Procedure)
(Scotland) Regulations 2013
Application Ref: 13/02258/FLL – Erection of a cattle court (in retrospect), land 50
metres south east of Ashknowe, Duncrievie, Glenfarg – Mr J Forbes

I refer to your email of 19 June in connection with the above.

As you know, this shed has been erected within 14.3 metres from the curtilage of a site where I have planning permission to erect four houses, each of which would be severely compromised by the proximity of a shed containing cattle. Because of its size and the totally inadequate separation from our site the building would, indeed, neutralize the value of our site in any alternative use or even if left vacant. No consent exists for the shed in its present position – which is why the application under appeal was made “in retrospect” – but, unfortunately, consent does exist for an alternative site, shown on the attached plan, by virtue of a prior notification consent issued by planning officers on the 14 February 2013. The approval issued in 2013 was, we are convinced, a mistake because, in issuing it, the planning officers had overlooked the existence of our consent on neighbouring land and it would therefore be equally unacceptable to have the building removed to the “approved” site.

Against the above background, we therefore request that the appeal be dismissed and enforcement action taken to have any alternative structure erected at a much greater distance from our site than the existing building or the one wrongly approved in 2013.

Yours sincerely
For G S Brown Construction Ltd


Geoff Brown
Chairman

DEVELOPMENT AT HILTON OF DUNCRIEVIE, GLENFARG

BRAEFAULD
HILTON OF DUNCRIEVIE
DUNCRIEVIE, GLENFARG

NORTH



BY EMAIL

Gillian A Taylor
Clerk to the Local Review Body
Local Review Body
Perth and Kinross Council
2 High Street
Perth
PH1 5PH

9 July 2014

Our Ref: GTLRB090714

Dear Ms Taylor

**Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Schemes of Delegation & Local Review
Procedure) (Scotland) Regulations 2013
Planning Application Ref: 13/02258/FLL - Planning Permission for Erection of a
Cattle Court (in retrospect), Duncrievie, Glenfarg – Mr J Forbes**

I refer to your letter of 4 July 2014 enclosing a copy of a representation received in connection with the above application for review. On behalf of my client, Mr J Forbes, we wish to make the following comment.

The Local Review Body will be aware that there are **no locational restrictions** under Class 18 of the GPDO 1992 which would prevent the agricultural building being used for keeping cattle. Equally, the GPDO 1992 is secondary (delegated) legislation and has primacy over any policies that may be contained within the development plan.

In terms of residential amenity, the topography of the site is such that the agricultural shed would be screened from view from any new housing on the adjacent site due to the 5m embankment and the existing tree belt. As set out in detail in the Supporting Statement accompanying the request for a Local Review, good cattle husbandry would ensure that noises and smells are minimised during the winter/spring period when the cattle are in the shed.

There is no scale on the plan attached with the representation and it should be ignored by the Local Review Body. The location of the agricultural shed as shown on this plan cannot be verified for this reason. A measured, to scale, OS based plan showing the correct siting of the agricultural shed was included in the Supporting Statement accompanying the request for a Local Review as Appendix 4.

We respectfully ask the Local Review Body to consider our submissions and grant planning permission for the development (in retrospect).

Yours sincerely



Maria Francké

maria@15mr.net
T: 07539 389078

Enc.

