

TCP/11/16(611) – 19/00517/FLL – Erection of a fence (in retrospect), Burnside, 1 Main Street, Keltybridge, Kelty, KY4 0JH

INDEX

- (a) Papers submitted by the Applicant (***Pages 7-20***)
- (b) Decision Notice (***Pages 23-24***)
 - Report of Handling (***Pages 25-34***)
 - Reference Documents (***Pages 35-40***)
- (c) Representations (***Pages 41-74***)

TCP/11/16(611) – 19/00517/FLL – Erection of a fence (in retrospect), Burnside, 1 Main Street, Keltybridge, Kelty, KY4 0JH

**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 JAMIE HESMAN

Address 1 KELTYBRIDGE
KELTY

Postcode KY4 0SH

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name [REDACTED]

Address [REDACTED]

Postcode [REDACTED]

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

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

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

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

19/00517/FLL

Site address

BURNSIDE, 1 MAIN STREET, KELTYBRIDGE, KELTY, KY4 0SH.

Description of proposed
development

ERECTION of a fence (in retrospect)

Date of application 21/5/14

Date of decision (if any) 4/7/14

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 (with owner or property) ☒
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:

At no point does the decision take in to consideration child safety. There are similar fences around Kellybarras that exceed 1 meter in height. I want to explain in person how this refusal is wrong and has been impacted by 1 resident.

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

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 documents

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.

Signature of Neighbours Approval.
2x STATEMENTS for consideration.
1x Picture of fence in KELTYBRIDGE that is over 1metre in height

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

1/8/19

Application Number 100157880-001

To add to the application of the Planning Permission permit for the fence I would like to state the following reasons why we need the fence to be the height that it is and that the only reason that we require planning permission is due to the fact that it fronts a road according the councils checklist.

One of the most frustrating things is that the enclosure around the house was previously trees that had all grown over 15ft in height and was more of a hazard to the road than our current fence!

It is quite disturbing to us that we cannot put a fence up to the height we require because it fronts a main road but it is in-fact the main road which is the major reason we have put the fence up for the following reasons

Due to the new housing development that is Middleton park there is now an increase of traffic which is made up of residents with one or more cars, Non residents who are visiting also delivery vans like DHL, DPD and Parcel Force along with any other major deliveries that are made. Also Coliers Farm in Keltybridge means that large lorries and Tractors speed past and they are harder to stop when they have built up momentum. An increase of traffic means that there is an increased risk of my children being knocked down by a passing vehicle.

The road allows an increase of foot fall going to Blairadam forestry. Everyday strangers walk past from all areas and there is now a new housing scheme in Kelty which again when people go walking they pass the house. A massive concern is that a stranger can walk past and abduct my young children in the blink of an eye. Within 1 minute the abductor could be on the M90 going either North or South on a main motorway never to be seen again. If the fence is kept at its current height then it would be a deterrent and also harder for paedophiles and child abductors to get to my children or there friends.

There is no speed bumps or speed prevention in Keltybridge and unfortunately it is very common to find that people speed and exceed the 30mph speed limit. If my children are playing in the garden and if they ran out on the road as they are young children but if a football was to go onto the road a natural reaction for a child is to chase the ball. If a car is going past at that time I fear the worst I would need to prevent my children playing any ball games in our only garden and really limit any activities. I grew up at this property and when I was a child I almost fell victim of being ran over by a speeding motorist who was not from the area. If the fence is kept at its current height there is dramatically lower chance of a ball to go over the fence and for my children or there friends to climb over the fence to chase after the ball and be knocked down by a passing car.

Again with an increase of foot fall there is also an increase of dogs being walked and I have seen some large dogs off the lead. A dog can easily jump over a fence of 1m and attack children playing in the garden. If a dog was to attack my children or there friends because it jumped over the fence it could leave them horrifically scared or even worse.

Across the road we have a large burn that is at times fast flowing and deep. If my young children are able to get out of the garden and go across to the burn I don't want to tell you what could happen.

The world is a twisted place as it is and I want to be able to protect my family. I want to prevent any harm coming to my children and a mere 1m fence around our ONLY garden will not do we do not have a back garden. I appreciate that under the current "Town and Country Planning Scotland Act 1997" our fence does not meet the requirements due to it fronting a Road however I feel that the Act all be it "amended" it is out of date in our opinion as there have been so many horrific incidents since it was released similar to what I have mentioned above. The fence itself is a safety shield to keep my children in a safe environment and keep evil out and away from them.

All of our surrounding neighbours who would be affected by a fence have all given us there blessing and have no problems with the fence to which I have asked them to sign the following document to that effect confirming they are happy for us to have a fence.

I hope that given the above reasons you can find it possible to keep the fence as it is.



Older Fence in Keltymore or Inland
in Leinster

Confirmed signatures of Neighbours who are happy with our fence and are happy to keep it as it is.

D Robertson

C Robertson

K Yule

D Yule

J Meaden

M Meaden

I & M McLeod

A Scott

C Scott

I would like to appeal the decision made. There are many factors in which the details are inconsistent with the surrounding area!!

I would like to personally speak to and walk through these details.

It seems that due to one individual in the area in which the fence has no impact to them can influence so many people who again are not impacted by this fence. It is disgusting that vanity takes president over children's safety! The Kinross civic trust of which its board live more than 10 miles away an object to a fence they know nothing about?

I wonder what the media would think of the council's decision. Given how many child abductions there are these days. I have spoken with parties regards this and given that there are two new houses built less than 100 metres away which do not positively contribute to the area have been granted permission to be built. There are 2 other fences in Keltybridge that are over 1 meter in height. Making it unfair to reject the fence at 1 Keltybridge.

It is so silly that this fence cannot be allowed to stay as is. I am within my rights to put the fence to 1 metre in height should I choose to but if I do so then it is still the same fence that does not according to your decision positively contribute so it is a farce as it is the same fence !!!!!

This is children's safety we are taking about. Who is liable then god forbid if anything was to happen to my children! There are so many strangers walk past and tractors and courier deliveries even the council bin collections ... as it stands the council will be held responsible along with Margaret Traylor. Please understand It's not a threat but a fact!

I will be writing to local councillors and Members of Parliament about this also Media.

[REDACTED]

Jamie Leishman

TCP/11/16(611) – 19/00517/FLL – Erection of a fence (in retrospect), Burnside, 1 Main Street, Keltybridge, Kelty, KY4 0JH

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mr Jamie Leishman
Burnside
1 Keltybridge
Kelty
KY4 0JH

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 4th July 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/00517/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 21st May 2019 for permission for **Erection of a fence (in retrospect) Burnside 1 Main Street Keltybridge Kelty KY4 0JH** for the reasons undernoted.

Head of Planning and Development

Reasons for Refusal

1. The fence, by virtue of its design, height, extent and visually prominent location, is out of keeping with the rural character of the surrounding area. Accordingly, it is considered to have a significant adverse impact on the visual amenity of the area. The proposal is, therefore, contrary to Policies PM1A and PM1Bc of the Perth and Kinross Local Development Plan 2014 which seek to ensure that developments contribute positively to the character and amenity of the place by respecting it in terms of design, appearance and height.
2. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard is given to the desirability of preserving the building, its setting or any features of special architectural or historic interest. The proposal, by virtue of its design, height, extent and visually prominent location does not accord with the requirements of Scottish Planning Policy 2014 (paragraph 141) which indicates the importance of preserving and enhancing a listed building and its setting. The character and special interest of the listed bridge would therefore not be preserved or enhanced by this proposal which is contrary to Policy HE2: Listed Buildings, of the Perth and Kinross Council Local Development Plan 2014.

3. The development would establish a precedent for developments of a similar nature to the detriment of the overall visual amenity and established rural character of the area, and therefore contrary to the established policies of the Local Development Plan 2014 and Scottish Planning Policy 2014.

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

- 1 The unauthorised works should be removed from the site within the next 28 days to avoid enforcement action being initiated.

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

19/00517/1

19/00517/2

19/00517/3

19/00517/4

REPORT OF HANDLING

DELEGATED REPORT

Ref No	19/00517/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	20.07.2019	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a fence (in retrospect)

LOCATION: Burnside 1 Main Street Keltybridge Kelty KY4 0JH

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: 6 June 2019

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site relates to a detached property situated on the corner of Main Street. Abbot's Wynd, Keltybridge. The property sits hard against its northern and western boundaries with all garden ground located to the south (front). The property is not located within a Conservation Area, however, there are a number of listed buildings within close proximity of the site.

Full planning consent is sought (in retrospect) for the erection of a 1.8 metre high fence on the south and west boundaries of the site. It should also be noted that a timber fence has also been erected on the eastern boundary of the site which exceeds one metre in height, forward of the principal elevation of the dwellinghouse, however, this has not been included as part of this application. This has been passed to the Enforcement Officer to investigate further.

This application has been submitted after a complaint was received by this Service. The Enforcement Officer requested the height of the fence be reduced to a maximum of one metre in height which is the maximum height permitted under Class 3E of the Town and Country Planning (General Permitted Development (Scotland) Amendment Order 2011, however, the applicant's desire is to have the fence at 1.8 metres as erected.

SITE HISTORY

None recent.

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

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 the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 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 RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy HE2 - Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

Perth & Kinross Council is progressing with preparation of a new Local Development Plan to provide up-to-date Development Plan coverage for Perth & Kinross. When adopted, the Perth & Kinross Local Development Plan 2 (LDP2) will replace the current adopted Perth & Kinross Local Development Plan (LDP). The Proposed Local Development Plan 2 (LDP2) was approved at the Special Council meeting on 22 November 2017.

The representations received on the Proposed LDP2 and the Council's responses to these were considered at the Special Council meeting on 29 August 2018. The unresolved representation to the Proposed Plan after this period is likely to be considered at an Examination by independent Reporter(s) appointed by the Scottish Ministers, later this year. The Reporter(s) will thereafter present their conclusions and recommendations on the plan, which the Council must accept prior to adoption. It is only in exceptional circumstances that the Council can elect not to do this.

The Proposed LDP2 represents Perth & Kinross Council's settled view in relation to land use planning and as such it is a material consideration in the determination of planning applications. It sets out a clear, long-term vision and planning policies for Perth & Kinross to meet the development needs of the area up to 2028 and beyond. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. However, the outcome of the Examination could potentially result in modifications to the Plan. As such, currently limited weight can be given to its content where subject of a representation, and the policies and proposals of the plan are only referred to where they would materially alter the recommendation or decision.

OTHER POLICIES

Historic Environment Scotland Policy Statement 2016

This document replaces the 2011 Scottish Historic Environment Policy, and provides guidance to Planning Authorities on how to deal with planning applications which affect Listed Buildings and their settings.

INTERNAL CONSULTATION RESPONSES

Transport Planning – no objections.

EXTERNAL CONSULTATION RESPONSES

Cleish And Blairadam Community Council – concerns have been raised regarding the visual impact of the fence on the setting and character of the village and category B listed Kelty Bridge. Furthermore the views of the Roads Authority would be helpful given the proximity of the road junction and sight lines available at the corner and at the Applicant's vehicular access.

REPRESENTATIONS

Six letter of objections have been received including one from Cleish And Blairadam Community Council and 11 letters of support.

The following points were raised in the 11 representation(s) received:

- Visual impact
- Out of character with the area

- Impact on the setting of nearby listed buildings
- Loss of trees
- Excessive height
- Road safety concerns

The above points are addressed in the Appraisal section of the report.

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	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 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 site is located within the settlement boundary of Keltybridge where Policies RD1: Residential Areas, PM1A and PM1B: Placemaking are directly applicable.

Policy RD1 states that residential amenity will be protected and, where possible, improved. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area. Policy.

Policy PM1A on Placemaking states that development must contribute positively, to the quality of the surrounding built and natural environment. The design, density and siting of development should respect the character and amenity of the place.

The criteria in particular which are relevant to this application from the second policy on Placemaking, Policy PM1B are;

- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.

Furthermore, Policy HE2 Listed Buildings identifies the requirements to carefully consider the impact of proposals in the historic built environment in order to ensure that any development is sympathetic to the sensitive nature and the special interest of listed buildings.

For reasons stated elsewhere in this report the proposal is not considered to comply with these policies.

Design and Layout

A vertical close boarded fence to a height of 1.8 metres has been erected to an overall length of approximately 36 metres in lieu of mature trees/shrubs on the south west corner of the site. The fence has been painted in a teak colour.

The key issue in determining this application is whether the proposed fence would be harmful to the established character and appearance of the area.

In my view, the proposed fence, despite its well-constructed and tidy appearance is not appropriate in the specific location and at a finished height of 1.8 metres, particularly along the frontage of Burnside.

Landscape

The proposal is set within existing garden ground and would have no adverse impact on the wider landscape.

Residential Amenity

The proposal will have no impact on residential amenity.

Visual Amenity

The area is generally characterised with hedging and low level walling. The area is typical of a rural location, with restricted public footpaths and hedging/trees along the roadside boundary.

In terms of the site itself, the property is located directly on the north and west boundaries and as such garden ground is only located to the front. The dwellinghouse is bound to the north and east by residential properties and the south and west by the public road. Mature trees/planting originally formed the south and west boundaries providing privacy to the garden of the property (as shown below), however, this has been removed.



A supporting statement has been submitted by the Applicant which implies the former trees reached a height 15ft and were out of control. Looking at the photograph above there is no doubt the boundary treatments were lacking maintenance, however, these could have been cut back to a more manageable size and in my opinion a more desirable form of boundary screening in this location, than that of the proposal.

The Applicant has provided a justification in respect of the proposal and a number of letters of support have also been received, however, in the main the points raised are not material planning considerations. It may be argued that the fence will act as a safety barrier and will provide the occupants of the property an enclosed private garden, however, I am not satisfied that the design and layout maintains or improves the local environment. I do not believe the fence design is compatible with its surroundings and therefore, adversely affects the character and amenity of the surrounding area. The height and solidity of the structure has a detrimental visual impact, thereby, alters the street view.

Scottish Planning Policy (Rural Development) stipulates all new development should be appropriate to the character of the particular rural area. I do not consider that a vertical timber fence, in the manner indicated, is appropriate or necessary in this rural location.

The proposed fence is a prominent feature within the street and significantly higher than what is generally acceptable for a garden fence and would have a far greater visual impact. Due to its prominence, position and height would significantly alter the Main Street in Keltybridge.

My view is that the proposed fence would appear alien in this environment and would materially harm the prevailing character of the street by substituting hard materials for the soft, natural boundaries which give the street its distinctive appearance.

The Planning Authority has a duty to enhance and preserve the area. This area of Kelttybridge is primarily characterised by a mixture of boundaries which are generally hedges, trees or low level walls. Whilst the fence may provide an enclosed private garden area for the occupants, this is at odds with the surrounding area and is an inherently unattractive feature which will damage the street scene. If approved, this could set a precedent for similar proposals which I feel are unacceptable in this location.

Whilst the General Permitted Development Order allows fences up to one metre in height where it fronts a road, there is a duty on the Applicant to take cognisance of the surrounding area also and such developments should respond to the specific local character. Reducing the height of the fence to a maximum of one metre will provide a sense of enclosure, albeit not entirely private from public views. A hedge, or other form of soft landscaping could, however, be planted within which in time would provide the privacy the Applicant desires.

Conservation Considerations

The fence is in close proximity to the listed bridge and does detract from its setting, being highly visible in views from and towards it. The village is characterised by traditional stone cottages with hedges or stone boundary walls, and this forms the setting to the bridge and other listed buildings nearby. The fence therefore looks completely out of character. This view is shared by my colleagues with conservation experience.

Roads and Access

Transport Planning have been consulted and have not raised any concerns in terms of visibility/site lines.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 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 fence, by virtue of its design, height, extent and visually prominent location, is out of keeping with the rural character of the surrounding area. Accordingly, it is considered to have a significant adverse impact on the visual amenity of the area. The proposal is, therefore, contrary to Policies PM1A and PM1Bc of the Perth and Kinross Local Development Plan 2014 which seek to ensure that developments contribute positively to the character and amenity of the place by respecting it in terms of design, appearance and height.
2. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard is given to the desirability of preserving the building, its setting or any features of special architectural or historic interest. The proposal, by virtue of its design, height, extent and visually prominent location does not accord with the requirements of Scottish Planning Policy 2014 (paragraph 141) which indicates the importance of preserving and enhancing a listed building and its setting. The character and special interest of the listed bridge would therefore not be preserved or enhanced by this proposal which is contrary to Policy HE2: Listed Buildings, of the Perth and Kinross Council Local Development Plan 2014.

3. The development would establish a precedent for developments of a similar nature to the detriment of the overall visual amenity and established rural character of the area, and therefore contrary to the established policies of the Local Development Plan 2014 and Scottish Planning Policy 2014.

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

- 1 The unauthorised works should be removed from the site within the next 28 days to avoid enforcement action being initiated.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

19/00517/1

19/00517/2

19/00517/3

19/00517/4

Date of Report 4 July 2019

Burnside, 1, Main Street, Keltybridge, Perth And Kinross, KY4 0JH



NT13929535

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Block Plan shows area bounded by: 313911.77, 695338.45 313947.77, 695374.45 (at a scale of 1:200). OSGridRef: NT13929535. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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LAND REGISTER
OF SCOTLAND

Officer's ID / Date

6914
17/10/2018

TITLE NUMBER

KNR4110



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

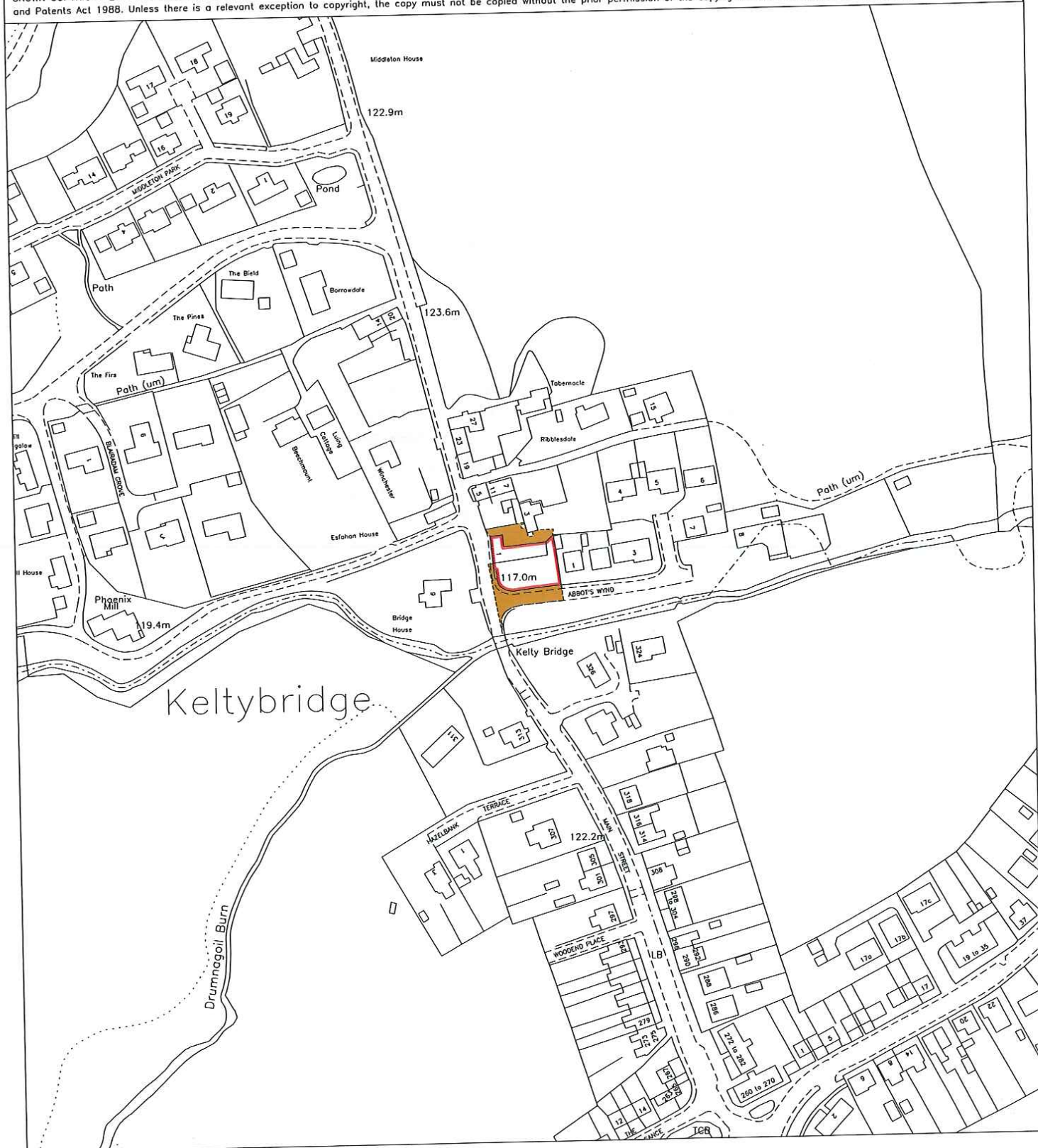
140m

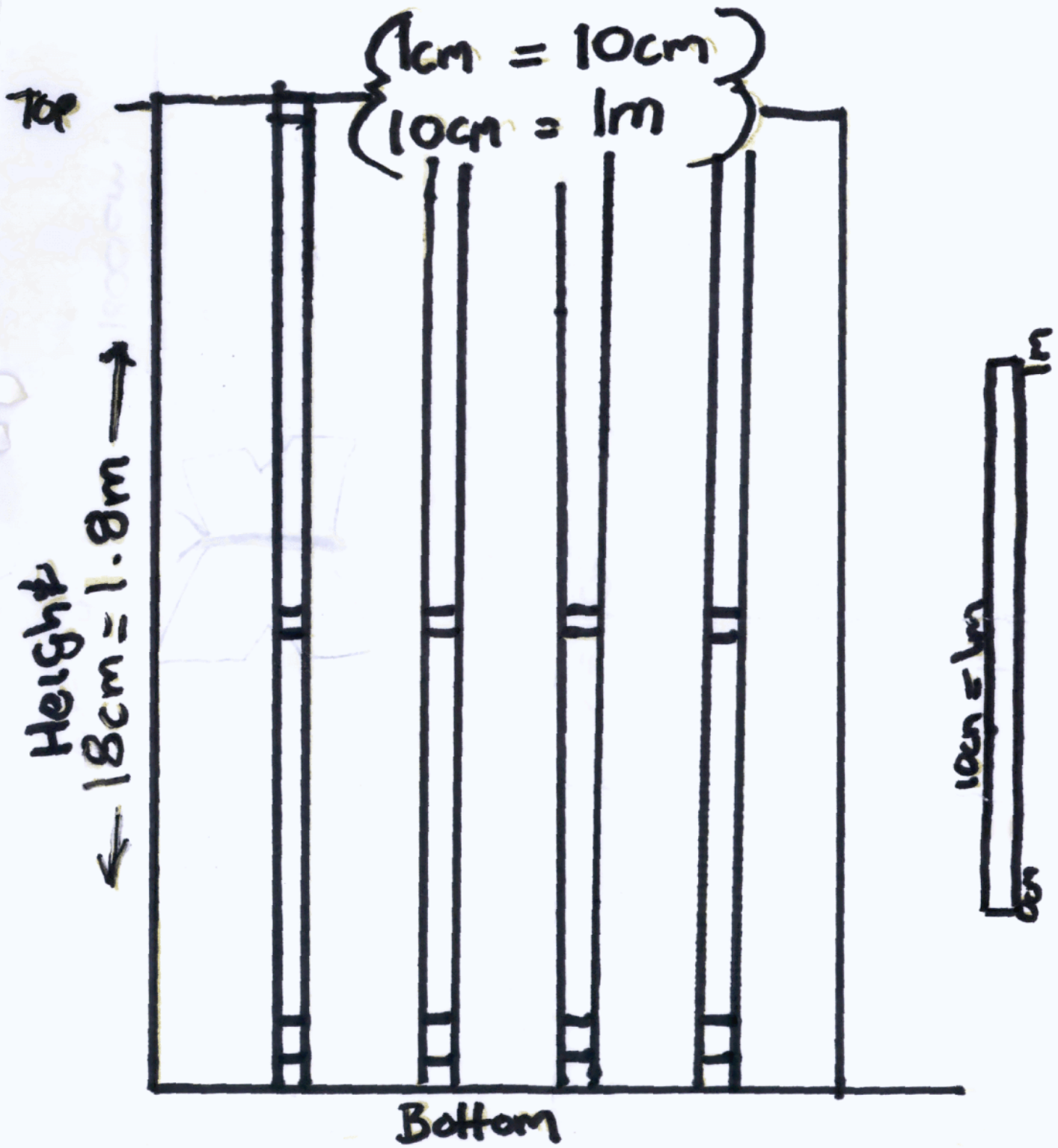
NT1395 NT1495

Survey Scale

1/2500

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Application Number 100157880-001

To add to the application of the Planning Permission permit for the fence I would like to state the following reasons why we need the fence to be the height that it is and that the only reason that we require planning permission is due to the fact that it fronts a road according the councils checklist.

One of the most frustrating things is that the enclosure around the house was previously trees that had all grown over 15ft in height and was more of a hazard to the road than our current fence!

It is quite disturbing to us that we cannot put a fence up to the height we require because it fronts a main road but it is in-fact the main road which is the major reason we have put the fence up for the following reasons

Due to the new housing development that is Middleton park there is now an increase of traffic which is made up of residents with one or more cars, Non residents who are visiting also delivery vans like DHL, DPD and Parcel Force along with any other major deliveries that are made. Also Coliers Farm in Keltybridge means that large lorries and Tractors speed past and they are harder to stop when they have built up momentum. An increase of traffic means that there is an increased risk of my children being knocked down by a passing vehicle.

The road allows an increase of foot fall going to Blairadam forestry. Everyday strangers walk past from all areas and there is now a new housing scheme in Kelty which again when people go walking they pass the house. A massive concern is that a stranger can walk past and abduct my young children in the blink of an eye. Within 1 minute the abductor could be on the M90 going either North or South on a main motorway never to be seen again. If the fence is kept at its current height then it would be a deterrent and also harder for paedophiles and child abductors to get to my children or there friends.

There is no speed bumps or speed prevention in Keltybridge and unfortunately it is very common to find that people speed and exceed the 30mph speed limit. If my children are playing in the garden and if they ran out on the road as they are young children but if a football was to go onto the road a natural reaction for a child is to chase the ball. If a car is going past at that time I fear the worst I would need to prevent my children playing any ball games in our only garden and really limit any activities. I grew up at this property and when I was a child I almost fell victim of being ran over by a speeding motorist who was not from the area. If the fence is kept at its current height there is dramatically lower chance of a ball to go over the fence and for my children or there friends to climb over the fence to chase after the ball and be knocked down by a passing car.

Again with an increase of foot fall there is also an increase of dogs being walked and I have seen some large dogs off the lead. A dog can easily jump over a fence of 1m and attack children playing in the garden. If a dog was to attack my children or there friends because it jumped over the fence it could leave them horrifically scared or even worse.

Across the road we have a large burn that is at times fast flowing and deep. If my young children are able to get out of the garden and go across to the burn I don't want to tell you what could happen.

The world is a twisted place as it is and I want to be able to protect my family. I want to prevent any harm coming to my children and a mere 1m fence around our ONLY garden will not do we do not have a back garden. I appreciate that under the current "Town and Country Planning Scotland Act 1997" our fence does not meet the requirements due to it fronting a Road however I feel that the Act all be it "amended" it is out of date in our opinion as there have been so many horrific incidents since it was released similar to what I have mentioned above. The fence itself is a safety shield to keep my children in a safe environment and keep evil out and away from them.

All of our surrounding neighbours who would be affected by a fence have all given us there blessing and have no problems with the fence to which I have asked them to sign the following document to that effect confirming they are happy for us to have a fence.

I hope that given the above reasons you can find it possible to keep the fence as it is.

Confirmed signatures of Neighbours who are happy with our fence and are happy to keep it as it is.

D Robertson

C Robertson

K Yule

D Yule

J Meaden

M Meaden

I & M McLeod

A Scott

C Scott

TCP/11/16(611) – 19/00517/FLL – Erection of a fence (in retrospect), Burnside, 1 Main Street, Keltybridge, Kelty, KY4 0JH

REPRESENTATIONS

Comments for Planning Application 19/00517/FLL

Application Summary

Application Number: 19/00517/FLL

Address: Burnside 1 Main Street Keltybridge Kelty KY4 0JH

Proposal: Erection of a fence (in retrospect)

Case Officer: Gillian Peebles

Customer Details

Name: Mr Matthew Brown

Address:

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Out of Character with the Area

Comment: This 1.8 metre high fence does not fit with the character of the village, and has an adverse effect on the visual amenity, especially due to the prominent location of this pretty house in the centre of the small hamlet of Keltybridge. No effort has been made to try and reduce the visual impact of the 1.8m fence that has been constructed.

A 1 metre high fence will be perfectly adequate to enclose this area and have less visual impact.

Comments for Planning Application 19/00517/FLL

Application Summary

Application Number: 19/00517/FLL

Address: Burnside 1 Main Street Keltybridge Kelty KY4 0JH

Proposal: Erection of a fence (in retrospect)

Case Officer: Gillian Peebles

Customer Details

Name: Mr Richard Crombie

Address:

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: We write in support of the newly erected fence. Previously the garden around the house was surrounded by trees and bushes which had grown to an unmanageable size and encroached on the footpath and to a certain extent restricted the vision for vehicles exiting Abbots Wynd. The new fence is a much improved boundary and is well erected, neat and tidy and allows for better vision onto the main road from Abbots Wynd.

We fully understand and support the reasons for the erection of this new fence as it makes a safe and secure environment for this young family.

As one of the nearest neighbours to the site we are delighted to see this improvement to the village.

Comments for Planning Application 19/00517/FLL

Application Summary

Application Number: 19/00517/FLL

Address: Burnside 1 Main Street Keltybridge Kelty KY4 0JH

Proposal: Erection of a fence (in retrospect)

Case Officer: Gillian Peebles

Customer Details

Name: Mr Kyle Crombie

Address:

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This fence is a vast improvement. After conversations with the applicant i understand that his property does not have a back garden. Therefore it is essential to have the fence at this hight to ensure the safety of his children whilst playing in the garden.

Comments for Planning Application 19/00517/FLL

Application Summary

Application Number: 19/00517/FLL

Address: Burnside 1 Main Street Keltybridge Kelty KY4 0JH

Proposal: Erection of a fence (in retrospect)

Case Officer: Gillian Peebles

Customer Details

Name: Mrs Margo Mcleod

Address:

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Enhances Character of Area
- Results in Environmental Improvements
- Road Safety Concerns

Comment: We are in support of the fence . It does not look out of place. It is better to the eye instead of the wild trees and bushes. It makes visibility 100% better for cars and pedestrians. It is neat and tidy. My understanding is for the fence to keep the children safe from strangers passing by and the increased volume of commercial vehicles passing by at speeds as they do not follow the speed restrictions. The Leishman children do not have any other garden to play in they had a birthday party the other week and all the children were kept safe in the confines of the garden away from the road. There will be a massive protest if this does not get granted. It has the support of the local committee as discussed at the last meeting .

Comments for Planning Application 19/00517/FLL

Application Summary

Application Number: 19/00517/FLL

Address: Burnside 1 Main Street Keltybridge Kelty KY4 0JH

Proposal: Erection of a fence (in retrospect)

Case Officer: Gillian Peebles

Customer Details

Name: Mrs cathie dewar

Address:

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Enhances Character of Area

Comment: With regard to the fence in question I have no idea why (with no disrespect) anyone would object to the fence. The fence is by far superior to the preceding boundary. I am aware there are height stipulations but surely in this instance common sense should prevail. There were trees far higher than said fence and overgrown shrubs spewing onto the pavement obstructing pedestrians and also motorists visibility alike. With no disrespect to the present owners, it was like a jungle. With lack of a rear garden to the property in question and with two small children surely a secure and safe enclosure to the front of the property is the ideal solution. The road adjacent to the property is busy all and every day with not only cars but in particular tractors and heavy goods vehicles - not an ideal situation for young children. The fence in question is a beautifully well constructed, solid, secure fence all the more enhanced by the beautifully landscaped garden. As a resident of the street (coming and going) the fence has much enhanced the whole area. I do hope common sense will prevail in this instance.

Regards

Cathie Dewar

Comments for Planning Application 19/00517/FLL

Application Summary

Application Number: 19/00517/FLL

Address: Burnside 1 Main Street Keltybridge Kelty KY4 0JH

Proposal: Erection of a fence (in retrospect)

Case Officer: Gillian Peebles

Customer Details

Name: Mrs Patricia Renwick

Address:

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: As this is the family garden fencing is necessary for security and safety. It has been well built and in no way detracts from the surroundings.

Comments for Planning Application 19/00517/FLL

Application Summary

Application Number: 19/00517/FLL

Address: Burnside 1 Main Street Keltybridge Kelty KY4 0JH

Proposal: Erection of a fence (in retrospect)

Case Officer: Gillian Peebles

Customer Details

Name: Mrs Judith Meaden

Address:

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Enhances Character of Area

Comment: I live 2 doors away and I have no issues with the fence erected.

The fence is erected well and is a vast improvement to the hedging that was there prior.

This is a young couple trying to improve their home, let them continue.

Comments for Planning Application 19/00517/FLL

Application Summary

Application Number: 19/00517/FLL

Address: Burnside 1 Main Street Keltybridge Kelty KY4 0JH

Proposal: Erection of a fence (in retrospect)

Case Officer: Gillian Peebles

Customer Details

Name: Mr Nigel Robertson

Address:

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The fence in question very successfully replaces what had become, over some time (and before the current residents moved in), very overgrown trees and shrubbery.

It has allowed a young family to create a much-needed safe and private garden space. There is no other garden space available to the property.

It should also be noted that they discussed their plans with us in advance.

The installation of the fence also reinstates pavement access which had been undermined by the overgrown shrubbery.

The fence and gates are of a high quality and have very much improved both the appearance of the corner the property is on, and the sight lines for traffic entering and leaving Abbots Wynd.

Comments for Planning Application 19/00517/FLL

Application Summary

Application Number: 19/00517/FLL

Address: Burnside 1 Main Street Keltybridge Kelty KY4 0JH

Proposal: Erection of a fence (in retrospect)

Case Officer: Gillian Peebles

Customer Details

Name: Miss Joanne Murray

Address:

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Excessive Height
- Loss Of Trees
- Out of Character with the Area

Comment: I have been appalled driving through Keltybridge in recent months and seeing this recently constructed fence which has more the look of an industrial unit than the border of an historical property.

It is excessively high and totally out of character within this area. I am sure many people who have passed through Keltybridge since the beginning of the year feel the same.

Comments for Planning Application 19/00517/FLL

Application Summary

Application Number: 19/00517/FLL

Address: Burnside 1 Main Street Keltybridge Kelty KY4 0JH

Proposal: Erection of a fence (in retrospect)

Case Officer: Gillian Peebles

Customer Details

Name: Mr Ralph Pryde

Address:

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Excessive Height
- Loss Of Trees
- Out of Character with the Area

Comment: Excessive height and out of character next to historic properties.

Comments for Planning Application 19/00517/FLL

Application Summary

Application Number: 19/00517/FLL

Address: Burnside 1 Main Street Keltybridge Kelty KY4 0JH

Proposal: Erection of a fence (in retrospect)

Case Officer: Gillian Peebles

Customer Details

Name: Mr Charlie Scott

Address:

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:As the nearest neighbour to this application. We fully support it .

Dear Sir or Madam,
I am writing in
support of Mr + Mrs
Leishmans fence at
Burnside House. This
has improved the
sight line when
leaving the Wynd and
made walking on
pavements so much
easier. It also keeps
their two children
safe from traffic and
people out walking.

Yours

M. M. M. M.

K & D Yule

Comments for Planning Application 19/00517/FLL

Application Summary

Application Number: 19/00517/FLL

Address: Burnside 1 Main Street Keltybridge Kelty KY4 0JH

Proposal: Erection of a fence (in retrospect)

Case Officer: Gillian Peebles

Customer Details

Name: Mr R Cairney

Address:

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Excessive Height
- Out of Character with the Area
- Road Safety Concerns

Comment: A proliferation of high boundary fences around the front properties would not be desirable in residential areas.

Cleish and Blairadam Community Council

Secretary

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

12 June 2019

Dear Sirs,

Planning Application 19/00517/FLL, erection of a fence in retrospect at Burnside, 1 Main Street, Keltybridge, KY4 0JH

The Community Council has received representations from the community voicing both support and concern in relation to this retrospective application. However, there is considerable support, including from the Community Council, for the applicant's desire for garden security at this corner site.

The CC has the following comments as a result of a site visit and further consideration of the application.

As the application is retrospective it has not been possible to appreciate the site before removal of the tree and shrub hedge. However, the visual effect the timber fence has on the setting and character of the village, and category B Listed Kelty Bridge is seen as being of some concern.

Given the road junction and the sight lines available around this corner and at the applicant's vehicular access, the views of the Roads Authority would be helpful.

Yours faithfully

Secretary,
Cleish & Blairadam Community Council

C/C PKC Local Councillors

KINROSS-SHIRE CIVIC TRUST

Helping protect, conserve and develop a better built and natural environment

Chairman: Alistair Smith,

Secretary: Eileen Thomas,

Email: KinrossshireCivicTrustSecy@gmail.com

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

Sent as an email attachment to:
developmentmanagement@pkc.gov.uk

13 June 2019

Dear Sir/Madam

19/00517/FLL Erection of a fence (in retrospect) at Burnside, 1 Main Street, Keltybridge

Kinross-shire Civic Trust objects to the above planning application for a 1.8 metre fence next to a road.

The property is in a prominent location in the charming, historic hamlet of Keltybridge. There are several listed buildings a little further along Main Street from the property concerned, and the B Listed Keltybridge is very close by.

The imposing fence adversely affects the setting of these Listed buildings.

The fence does not contribute positively to the quality of the surrounding environment. Its appearance does not respect a nearby important landmark and the wider landscape of the area. The design and massing does not complement its surroundings. It is therefore contrary to Placemaking policies PM1A and PM1B of the Local Development Plan.

In addition, sight lines are affected.

Yours faithfully

Kinross-shire Civic Trust

President – Professor David Munro MBE, Chairman – Mr Alistair Smith,
Secretary – Mrs Eileen Thomas, Treasurer – Mr Ken Miles

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	19/00517/FLL	Comments provided by	Dean Salman Development Engineer
Service/Section	Transport Planning	Contact Details	
Description of Proposal	Erection of a fence (in retrospect)		
Address of site	Burnside 1 Main Street Keltybridge		
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	02 July 2019		

