

<b>TCP/11/16(624)</b> <b>19/01120/FLL – Erection of 4 dwellinghouses, land 60 metres west of 14 Rawes Farm Steading, Longforgan</b>
--

## **INDEX**

- (a) Papers submitted by the Applicant (***Pages 3-44***)
- (b) Decision Notice (***Pages 47-48***)
  - Report of Handling (***Pages 49-60***)
  - Reference Documents (***Pages 21-44***)
- (c) Representations (***Pages 61-152***)
- (d) Further Information (***Pages 153-206***)





**TCP/11/16(624)**  
**19/01120/FLL – Erection of 4 dwellinghouses, land 60**  
**metres west of 14 Rawes Farm Steading, Longforgan**

**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

<b>Applicant(s)</b>		<b>Agent (if any)</b>	
Name	MR NEIL WALKER	Name	DAVID WILSON OLA Ltd
Address	CATTER MILKY TEMPLEHALL, LONGFORGAN BY DUNDEE, SCOTLAND.	Address	130 CUBIE STREET GLASGOW, SCOTLAND.
Postcode	DD2 5HS	Postcode	G40 2AF
Contact Telephone 1		Contact Telephone 1	0141 332 9300
Contact Telephone 2		Contact Telephone 2	
Fax No		Fax No	
E-mail*		E-mail*	

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

\* Do you agree to correspondence regarding your review being sent by e-mail? ☒ Yes ☐ No

Planning authority	PERTH AND KINROSS.		
Planning authority's application reference number	19/01120/FLL		
Site address	LAND TO WEST OF RANES FARM STEADING, LONGFORGAN		
Description of proposed development	ERECTION OF 4 DWELLINGHOUSES ON RURAL BROWNFIELD LAND.		
Date of application	01/08/2019 (VALIDATION)	Date of decision (if any)	30/09/2019.

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

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

**Statement**

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

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

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

PLEASE REFER TO ATTACHED LOCAL REVIEW STATEMENT.

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

Yes ☒ No ☐

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

THE LOCAL REVIEW STATEMENT SEEMS TO CLARIFY SEVERAL STATEMENTS MADE IN THE DELEGATED REPORT WHICH WE BELIEVE TO BE INACCURATE. AS SUCH SOME ADDITIONAL INFORMATION HAS BEEN INCLUDED IN RESPONSE TO VARIOUS POINTS.

**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.

**LOCAL REVIEW STATEMENT IN RESPONSE TO DELEGATED REPORT**

THE FOLLOWING DRAWINGS, VISUALS AND DOCUMENTS WERE SUBMITTED TO SUPPORT THE ORIGINAL PLANNING APPLICATION:

- DESIGN STATEMENT
- PL-E-01, PL-P-01, PL-SP-01, LOCATION PLAN.
- PL-VIS-01, PL-VIS-02, PL-VIS-03, PL-VIS-04, PL-VIS-05, PL-VIS-06.

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

 FOR OLA LTD.

Date

18/12/2019



18<sup>th</sup> December 2019

**Rawes Farm, Longforgan**  
**Application for Erection of four dwellinghouses.**  
**Location – Rawes Farm, Longforgan.**

**Local Review Statement 19/01120/FLL**

This Local Review Statement is being submitted on behalf of our client against the refusal of planning permission for the erection of four dwellinghouses on rural brownfield land at Rawes Farm, Longforgan.

It is our opinion that planning permission can and should be granted for these proposals as there are several factual errors in the Report of Handling Delegated Report and that the proposals are entirely in keeping with the LDP2 including the revised Housing in the Countryside policy.

For our Local Review Statement, we set out to clarify and/or counter in turn points made in the Report of Handling Delegated Report. These can be summarised as:

- Incomplete description of the condition and setting of the current site.
- Providing additional background historical information on the use of all or part of the application site.
- Incomplete representation of the sites' application history.
- Use of the older and out of date Housing in the Countryside Policy.
- No objections from statutory bodies or departments consulted.
- Comments and clarifications on some of the factually inaccurate representations made in objection to the application.
- Response to interpretation of Planning policy appraisal for the proposed development which is inconsistent with other approved sites of similar size and sets a potentially hazardous planning precedent in the interpretation of rural brownfield land.
- Policy ER5 does not apply here. Incorrect assumption in Delegated Report that the site is Class 3.1 Prime Agricultural Land



### **Background and Description of Proposal.**

The Report of handling does not to accurately describe the existing site only mentioning the hedge to the West of the site (photo below from main road looking East). This hedge is in control of the applicant and as the photo shows provides further screening of the development.



In addition to this hedge bounding roadside the there is a significant tree screening to the West of the site (aerial photo below).



The report is correct in stating that this tree belt is less to the South. We understand this area was thinned out during the works to the SUDS basin.

The only views on this corner of the site from the South is from the farmer in their field or a brief glimpse from the railway.

### **Application History**

The Report of handling does not mention a previous LRB decision for PPP (12/01089/IPL) which was 2-1 against our client on 10<sup>th</sup> January 2013.



## Site History

The photos below were submitted as part of the Design Statement supporting the application. They show the condition of the site c.2004/05.

The shed that stood on the application site (middle photo below) was built in the 1950's under permitted development and further investigation of the history of the application site has revealed that prior to the shed the site was used as a stack yard and a thrashing mill. Furthermore, the client can confirm that the site has been removed from all agricultural use and this can be confirmed with the department of agriculture.

All or part of the application site has therefore been brownfield agricultural land for over 70 years and not 'Grade A' agricultural land as the Delegated Report suggests and not contrary to policy ER5.



## National Policy and Guidance.

The Report of Handling notes that that old Housing in the Countryside Guide November 2012 was referred. At the time of our application the councils new Housing in the Countryside Policy 2019 was highlighted as the relevant policy to refer to on the PKC website.

## Consultation Responses

We would note that there were no formal objections from any of the Statutory Bodies or other departments consulted. Any of the points raised regarding flooding and environmental health can be dealt with as a condition of Planning Permission in executing the project.

## Representations

There were multiple points raised in objection by the 12 representations made and below we seek to briefly respond to each one in turn.

### *Drainage – existing waste treatment plant and SUDS would not cope with additional development.*

No evidence was provided to support this statement. In contrast we understand the SUDS system feeds into a deep lying field drain running to the River Tay and we are not aware of any occasion that the SUDS pond being even approaching capacity.

### *Amenity – visual impact.*

This is subjective, any proposals will have a degree of impact. The proposed siting, density and scale (1.5 storeys) will have no additional impact to the site views from the outside and this was clearly demonstrated by the visuals produced for the application which were taken in winter to demonstrate a 'worst case' visual impact.

This same approach minimises the visual impact from the existing houses.

### *Ownership – no authority to use the private road and the drainage SUDS system.*

This representation is completely wrong.

**Road** - Our client has rights of access to/from the road for pedestrian and vehicular traffic for all purposes together with the right to form new access to this road where required to service any future development on the site.

**Drainage SUDS** – Our client retains rights of access to the SUDS and drainage area to construct and maintain necessary drainage to the proposal site.

### *Inaccuracies in submission*

No evidence was provided to support this statement.

### *Design – Does not compliment building group*

This is subjective, and the proposals clearly complete the development as a whole and will be the final phase.

### *Contrary to Policy*

As we have set out in our Design Statement and in this Local Review Statement, we strongly feel this site complies wholly with the relevant parts of the current Housing in the Countryside policy.

### *Loss of Biodiversity*

No evidence was produced to support this claim. As noted in the Design Statement submitted with the application the rural brownfield application site was used as the site compound for the construction of the new houses and has a hardcore base. The site currently exists with unmaintained grassland which is used as a dump for existing resident's grass clippings.

The proposals for 4 dwellinghouses includes an additional landscape buffer of 5m which would boost the biodiversity of the site rather than diminish it.

### *Misleading statements*

Suggesting that 5 houses are in the process of being built is a small error in the wording of the original Design Statement. Hopefully it is clear from the overall submission that what the proposals relate to and that this application for 4 dwellinghouses would constitute the final phase of any development on site as the site as a whole is clearly defined as shown in the photo below.



### *Tree Cover*

The site plan used for the application was based on the area of trees planted under a past grant. We understand the trees to the South were thinned and removed as part of the works to install the SUDS and drainage on site. This is also shown on the photo above.

**Attempt by local resident to influence planning process and abuse of client.**

The client's agent (OLA) was directly approached on more than one occasion by email and once by phone by a local resident of Rawes Steadings who claimed to lead the local resident's group. This unsolicited correspondence included many factual inaccuracies which we can only assume were an attempt to influence due process together with direct attacks and abuse on our client. The client also was the direct recipient of this abuse.

OLA's only correspondence with this individual was to advise to communicate through the proper channels at the planning department. Despite this advice further direct communication was made but was not responded to.

**Policy Appraisal**

The proposals have been assessed against policy RD3 Housing in the Countryside. The Delegated Report indeed states that groups of houses that fall into at least one of the following categories will be supported.

- 1) Building Groups
- 2) Infill site
- 3) New houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
- 4) Renovation or replacement of houses
- 5) Conversion or replacement of redundant non-domestic buildings
- 6) Development on rural brownfield land

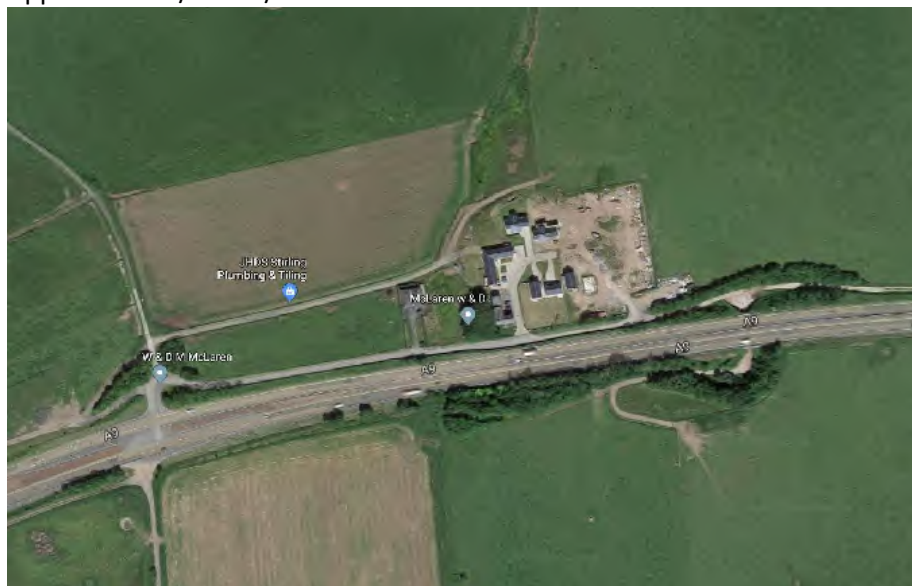
The Delegated Report chose to only assess the proposals against 1) Building Groups. We would strongly contest that the proposals should be considered against and fulfil both Policy 1) Building Groups and 6) Development of Rural Brownfield Land and in addition to the Design statement submitted with the application would like to provide the following points:

**1) Building Groups**

The Delegated Report suggested that the site is not sufficiently contained by established landscape features. We would respectfully suggest that this assessment is wrong and inconsistent, especially when considered against other developments of a similar size which have been granted planning by PKC. The aerial photo on the previous page clearly demonstrates an existing and growing landscape framework. The following two examples demonstrate the inconsistency of the application of policy and we would argue our proposed site demonstrates a far more robust existing landscape framework.

The development next to the A9 near Blackford 18/00634/FLL (aerial photo of partially complete development together with extract of submitted plans) clearly show the open setting of the site which was deemed to be suitable.

Application 18/00634/FLL



Application 18/00634/FLL (site plan as granted)



Furthermore Broadfold Farm, just off the A9 near Auchterarder (multiple applications) similiary demonstrates a lack of any landscape framework yet has received planning permission.



**Broadfold Farm Aerial photo**



#### **Existing landscape buffer**

We would also seek to clarify that the existing landscape belt to the West of the site is becoming increasingly established and is subject to legal agreements with the landowner to protect the tree belt for the foreseeable future. In addition to this planting, the proposed application adds a further 5m landscape buffer to further boost screening and biodiversity.

#### **6) Development of Rural Brownfield Land**

The Delegated Report stated that the land is not being considered as rural brownfield land. Again, we would respectfully suggest that this assessment is wrong and creates potential issues in the future sensible implementation of this policy.

As highlighted earlier in this Local Review Statement all or part of the application site has been used for over 70 years, initially as grain stacks, stack yard and a thrashing mill and then as the location for a large barn.

As outlined in the Design Statement the application site was used as a site compound for the first phase of housing on site. It was completely sensible at the time to demolish the barn so it would not pose any further health and safety risk to site operations and more importantly future residents. The existence of the site for over 70 years and the sensible removal of a barn should not now remove its relevance in consideration as a brownfield rural site.

It also begs the question should the barn just have been left to further decay just to fulfil a planning policy? If so, this may lead to situations in the future that landowners leave buildings in place just in case they need to demonstrate compliance with this policy.

Furthermore, while at initial passing appearance of the site is grassland it is a remediated construction compound and industrial farm site for over 70 years so the delegated reports assumption that there would be no significant environmental improvement to the site is incorrect.

### **Policy ER5**

As noted earlier the client can confirm that the site has been removed from all agricultural use and this can be confirmed with the department of agriculture if necessary.

All or part of the application site has therefore been brownfield agricultural land for over 70 years and not 'Grade A' agricultural land as the Delegated Report suggests and not contrary to policy ER5.

### **Placemaking Policy**

The Delegated Report gives a negative, vague and subjective response to the proposals which were designed to be sympathetic and deferential to the existing setting rather than trying to jump in as many units as possible. As highlighted in the Design Statement the 1.5 storey houses seek to:

- Remain within the overall profile of the existing development.
- The lower density to allow space between houses rather than cram them together.
- To complete the building group which is currently open sided to the rural brownfield site.
- Respect and maintain the residential amenity
- Be of rural character but not simply a 'copy paste' of previous designs.

No reasons were given in the report of handling as to why it would not compliment the existing group and complete the total development.

The Delegated Report states that the previous planning permission 15/01390/FLL suggests that the proposals would be the final phase. The covering letter of the design statement for this application clearly suggests that the client is seeking to change the designs to smaller houses due to market forces and that this would allow them to complete the development along the lines of the previous planning consent. Nowhere in this statement does it suggest this is a final phase.

### **TayPlan**

The Delegated Report here suggests limited public transport and that the lack of mains drainage is not in accordance with the policy. We would highlight that drainage rights are already in place to service the proposed development.

### **Public Transport**

The Delegated Report suggest there is very limited public transport and cites this as part of reasoning for refusal. There is in fact a bus service at least every 60mins all day from nearby Longforgan. In addition, there is an evening and Sunday service (Stagecoach 39) that passes within 200m of the Rawes Steadings in both directions. The school bus stops right outside with a dedicated bus stop.

### **Conservation Considerations**

The Delegated Report contradicts itself as in the above part of the report it suggests it would be detrimental but later under Conservation headings suggest that it would not in fact be detrimental to the grade B listed building.

It is important to add that the siting and scale of the proposed houses are designed to maintain the view to the farmhouse and not add to the roofline when viewed from the West.

### **Design and Layout**

The Delegated Report gives a negative, vague and subjective response to the proposals. As stated above and under Placemaking policy the proposals are specifically designed to be of reduced density to be deferential to the first phase, not add significantly to the external roofline appearance of the site and respect the visual and residential amenity.

### **Landscape**

As stated previously the existing landscape buffer continues to establish itself. It is thinner to the south where there is no overlooking. The landscape buffer will be augmented as part of these proposals and the existing planting is subject to a legal agreement with the landowner.

Regarding the existing condition of the site it remains a rural brownfield site with its history of rural industrial use for over 70 years and latterly as a site compound.

As a wider point the Carse of Gowrie as a whole has a number of larger settlements like Errol, Grange, Inchtute and Longforgan that are open to the landscape and many instances of smaller groupings of housing, set in the farmland with varying degrees of landscaping and screening. The proposals for the final 4 dwellinghouses at the Rawes Farm are entirely consistent with this wider landscape framework.

### **Visual Amenity**

The Delegated Report gives a negative and subjective response to the proposals without stating why. The siting of the proposed houses is designed to minimise the visual impact from inside the site and largely maintain any views.

### **Drainage and Flooding**

As stated earlier in this submission our client retains full access to the SUDS and drainage for the purposes of the development of this site. There has been no evidence produced to suggest that this SUDS is at or even near capacity.



## Summary

The Delegated Report has several errors and inconsistencies which paint a more negative picture of the proposals that we believe to be the case. We strongly believe the proposals are consistent with planning policy and are appropriate to the site and the local and wider landscape framework.

The reasons given for refusal in the Delegated Report in our view:

- Wrongly dismiss planning policy the proposals are subject to.
- Appear more subjective and coloured by previous planning decisions than based on the actual proposals compared to planning policy.
- Underplay the existing landscape framework on site and the proposed additional landscape buffering to the proposals which would also boost biodiversity.
- Contain reasons for refusal that do not apply to the proposals. E.g. the designation of the land as prime agricultural land when it is not.
- Are inconsistent with similar sized developments and proposals where planning was granted.

We therefore respectfully request that this local review be allowed and grant Planning Permission for these proposals.





28<sup>th</sup> June 2019

## Design Statement

**Rawes Farm, Longforgan**  
**Planning Application for four new dwellings**

### Applicant

Mr Neil Walker

### Architects

Opfer Logan Architects.

## Introduction and Background

The principal aim of this statement is to demonstrate that our client's proposal is acceptable in planning terms by complying with the Councils prevailing planning policies covering the site and national planning policy.

**Location** - The site occupies a countryside location approximately one mile south west of Longforgan and the A90 Perth to Dundee dual carriageway. It extends to approximately one acre and forms the western edge to the established residential building group.



**Site Description** - Adjoining the site immediately to the east is the converted stone steading, which is complete and fully occupied, along with the new build houses and all the associated landscaping. The existing stone farmhouse lies to the eastern edge of the group within its own mature landscape setting.

Registered in Scotland Company No. SC176873

To the north, the site is bound by an existing mature Hawthorn Hedge, standing at around 2-2.5m high, which provides an extensive screen to the proposed housing site and then on the other side of this the public road.

To the south and west of the site, there is an existing tree belt which is approximately 10m wide and consists of native hardwoods which were planted under a government initiative around thirteen years ago. On the southern boundary a Sustainable Urban Drainage System (SUDS) which consists of an open reed bed serves the new development.



View from main road towards site showing Hedge and established buffer planting.

Agricultural fields then surround the proposed site and the remainder of the building group, which clearly defines the building group and the application site (as seen by the aerial photo on the previous page) ensuring that if the current application is approved, there is no further scope to extend the group.

The application site is a disused, formerly developed, piece of land which was an integral part of the previous farming complex and the redevelopment of the adjoining housing site. The site now lies vacant following the completion of the steading conversion and has no visual or amenity benefit due to its poor condition.



View of application site from main road with established landscape buffers.

The site previously housed an extensive brick and steel portal framed shed which was part of the farming operation that was based at the site before its re-location to Templehall. This shed was taken down several years ago to provide space for the site compound and material storage during the construction of the adjoining housing development.

At the time, the reasoning behind utilising the application site as the site compound for the steading development could be contained within the existing farm complex layout with no need for it to spill over into the surrounding agricultural fields and tree planting. It also allowed for the unsightly barn to be removed in order to enhance the residential amenity of the new development, thus maximising the opportunity of achieving sales.

The aerial photograph on the following page shows the existing farm complex, including the building in question and was taken around 2004. Although it shows planting hard up against the existing barn, this is no longer the case and by virtue of the tree planting, and uses described above, the site does not form part of any agricultural holding/activity.



Aerial view of site c.2004



Application site as occupied by agricultural shed c.2005



Appication site from main road as occupied bu agricultural sheds c.2005



Site as used for site compound and material storage c.2009

## Planning History

The Planning Permission for the conversion of the traditional stone steading into eight residential units was granted in August 2005, with a number of further Planning Permissions granted over the following three years for the erection of a total of six new build detached dwellings surrounding the steading. The steading development has now been completed with all the units successfully sold and occupied as well as one of the new build units. The remaining five new build houses are at various stages of construction with the foundations in-situ for most of them.

The current site was never part of any of the original planning applications, as it was always our clients overall strategy to use this site as the construction compound to keep it within the existing site boundaries, and then apply for a second phase of housing on this site. The landscape framework for the approved development reflects this strategy, having been laid out to respect the original footprint of the building group, while still providing the containable development site which forms this planning application.

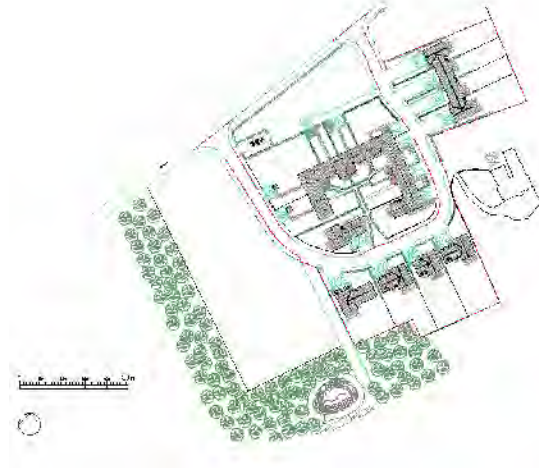
A detailed Planning Application was submitted in August 2008 (08/01767/FUL) for the site which this current application relates to, for the erection of four detached new build dwellings and associated garages and was subsequently refused in January 2009 following determination by the planning authority under delegated powers.

This application was refused on the basis of the following three reasons:

- The proposal was contrary to General Policy 1 of the Perth Area Local Plan 1995, as the site does not have a good landscape framework, the development would be visually obtrusive and the development would not fit the existing pattern of buildings.
- The proposal was contrary to Policy 32 relating to new housing in the countryside in the Perth Area Local Plan 1995, as it did not meet the criteria of any of the listed accepted forms of development.
- The proposal did not fit any of the criteria in the latest Council's Housing in the Countryside Policy (2005).



The image below shows the current completed dwellings / planning permissions on the adjacent site as well as the extensive existing planting and SUDS system.



A further Planning Application in Principal was submitted in June 2012 (12/01089/IPL) for the site which this current application relates to, for the erection of four detached new build dwellings and associated garages and was subsequently refused in September 2012 following determination by the planning authority under delegated powers and refused by the local review body in January 2013.

This application was refused based on the following three reasons:

1. As the proposal does not have an established landscaping framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000), which seeks to ensure that all new sites within the landward area of the Local Plan have a good existing landscape framework in which the development proposed can be set.
2. As the proposal constitutes an extension of an existing building group into a site which does not have a good existing landscape framework, the proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
3. As the proposal constitutes an extension of an existing building group into a site which does not have a good existing landscape framework or will result in significant environmental benefit to the area, the proposal is contrary to the Council's Policy on Housing in the Countryside (2009) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.

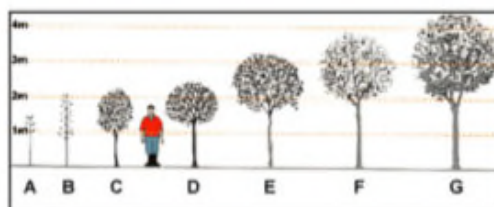
## The Proposed Development

The proposed layout submitted as part of this Planning Application has been carefully thought out to complement the current building group.

It has been laid out in such a manner as to reflect the existing group, in particular the traditional courtyard steading, while minimising any impact on the existing development by keeping the built line behind the existing steading conversion and in-line with the new build houses.

These final four houses on the eastern boundary will complete the whole development and provides a visual balance to the overall site without being obtrusive and improving what is effectively a disused rural brownfield site.

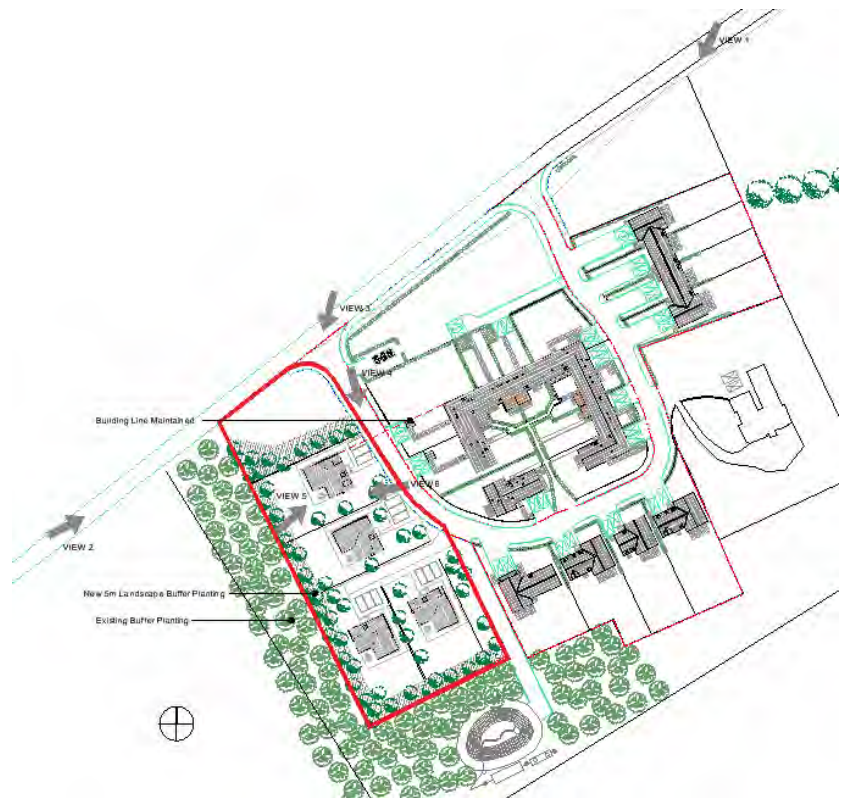
It is also proposed to increase the existing trees belts by planting rows of Heavy Standard Trees (four to five meters high at planting) as per the planting specification on the proposed drawing. These will act to provide additional visual screening of the development while providing further enclosure to the individual gardens.



- B. Feathered tree, untrimmed 1.80-2.80mt
- C. Half standard tree, untrimmed 2.10-2.40mt
- D. 6/8 Light standard tree 2.50-2.75mt with 6/8 Lstd girth 1m above ground
- E. 8/10 Standard tree 2.75-3.00mt with 8/10 Std girth 1m above ground
- F. 10/12 Select standard tree 3.00-3.50mt with 10/12 Sstd girth 1m above ground
- G. 12/14 Heavy standard tree 3.50-4.25mt with 12/14 Hstd girth 1m above ground
- H. 14/16 Extra heavy standard tree 4.25-6.00mt with 14/16cm girth 1mt above ground



The houses will be of similar footprint to the existing new build units but 1.5 storeys in height so the roofline one approach from the East is not altered. The style and materials, while similar reflect this slightly different design while complimenting what is there (refer to visualisation PL-VIS-02). We propose similar boundary treatments as existing. The garden ground areas for the plots are adequate for the type of proposed development and are in keeping with the existing new build plot areas.



The siting and orientation of the 4 proposed houses intends to minimise impact on the existing housing and maintain established building lines.

## Sustainability

The construction industry as a whole has a huge impact on the environment, right from the extraction of raw materials, the production of materials and products, location of production in relation to the site, lifespan and life time maintenance, recyclable potential after use and disposal after use.

With the recent introduction of the new Scottish Planning Policy and the new Building Regulations, the Scottish Government are moving towards carbon neutral developments at a rapid pace. It is therefore essential that these new regulations and aims are considered now for future homes to ensure compliance and help protect the environment.

The use of renewable technologies has grown exponentially over the last few years and are becoming more cost effective and attractive, especially with the introduction of FITS and the forthcoming introduction of RHI for domestic generation of heating and hot water. Key to the specification of renewable technologies is that they have to be right for the site and situation, whether it be a wind turbine, heat pump, solar thermal, biomass or photovoltaics, an appropriate level of investigation needs to be carried out to ensure that the end user is getting the maximum return from their renewable installations. If sited poorly or the wrong technology is installed or wrongly specified for a site or situation, then not only is money wasted, but an opportunity is lost to maximize the production of 'green energy'.

Renewable, energy saving and sustainable technologies, that would be suitable for the scale and location of our client's proposal would be:

- Biomass Boilers for heating and hot water—either individual or communal
- Solar Thermal Panels for hot water
- Photovoltaic Panels for electricity generation
- Triple Glazing
- Mechanical Heat Recovery ventilation
- Waste hot water from showers etc collected and used to either pre-heat water or low-grade heating.
- Super insulation with u-values no greater than 0.13W/ m<sup>2</sup>K.
- 'Grey' Rainwater collection tanks which would supply toilets, washing machines etc.

## Planning Policy Context

Registered in Scotland Company No. SC176873

## Local Authority Development Plan

The Scottish Government document *PA/N68* has also been referenced in preparation of this Design Statement.

The Development Plan covering the application site comprises the **Perth Area Local Plan2 (Proposed) 2017** which we assume will be formally adopted soon.. The Council's most recent **Housing in the Countryside Policy (2019)** is also a material consideration as it is the most recent expression of Council Policy towards new housing in the countryside and is applicable across the entire landward area of Perth and Kinross.

### Perth Area Local Plan2 (Proposed) 2017

The site lies within the landward area of the Perth Area Local Plan and the most relevant Policies are General Policy 1 and Policy 32.

General **Policy 1: Placemaking** outlines the general criteria that all developments will be judged against. Policy 1B outlines the general policy and our proposals are in line with these requirements

- It has a good landscape framework provided by the existing site boundaries i.e. existing development, tree belts, Reed Bed and extensive hedging along the public road. The proposal also includes for additional Heavy Tree planting which will help screen the development from out with the site.
- The proposed layout has been designed to complement the existing building pattern, and the intention would be for the proposed houses to reflect the scale, form, colour and design of the existing new build units.
- The proposed residential use is compatible with the adjacent housing development and would not conflict with the agricultural land use to the west and south.
- The site would be accessed off the new road serving the adjoining development which is accessed off the public road. A new bus drop off point was also created as part of the adjoining development.
- Local services will be extended onto the site from the adjoining development.
- The site area is more than adequate for the number of houses proposed and accords with the existing density.

With reference to the previous reasons for refusal under this Policy, we would argue that the criteria of this Policy have been satisfactorily met by the proposal.

The physical environment surrounding the site clearly demonstrates that the site is well contained by the adjoining development, tree and hedge planting, the SUD system and the public road. There is no scope for any future expansion of the building group out with these boundaries as it is surrounded on all sides by agricultural fields.

The proposed dwellings act to complete the re-development of the existing farm group which has been ongoing since 2004. The proposed layout will complement the existing buildings and provide an overall balance to the grouping.

The visual impact of the development will be minimal due to the existing and proposed planting along with the existing building group. The layout has been kept back to the line of the existing building line. The lower profile of the proposed houses (1.5 storey) ensures that there will be no material change to the skyline on approach from the West.

### **Policy 2: Design Statements**

The proposals fall below the threshold that would require a supporting design statement but given the planning history of the site we have produced a Design Statement in support of the application.

### **Policy 19: Housing in the Countryside.**

Policy 19 of the Perth Area Local Plan refers to Housing in the Countryside and we have referenced the latest Housing in the Countryside Policy (2019)

The Housing in the Countryside Policy contained Local Plan has been reviewed Council wide on a number of times since the adoption of the 1995 Local Plan and the most recent approved Policy was approved in 2019 and covers the whole landward area of Perth and Kinross.

With reference to the previous reasons for refusal under this Policy, by demonstrating compliance with the most up to date Housing in the Countryside Policy and we would contend that the proposal is not contrary to Policy 19 of the Perth Area Local Plan.

Policy 19 supports proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:

- (1) Building Groups
- (2) Infill sites
- (3) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
- (4) Renovation or replacement of houses
- (5) Conversion or replacement of redundant nondomestic buildings
- (6) Development on rural brownfield land

With reference to the previous reasons for refusal under this Policy, by demonstrating compliance with the most up to date Housing in the Countryside Policy (see below), and not being assessed against the out of date Policy contained within Annex 1, we would contend that the proposal is not contrary to Policy 19 of the Perth Area Local Plan.

The main section of the Policy that our proposal falls into is Section One, Building Groups, which are defined as three or more buildings of a size at least equivalent to a traditional cottage. The existing building group adjoining the application site consists of the steading conversion of nine units, six new build houses and the existing farmhouse, and therefore falls within this definition.

Within this section of the Policy it is stated that consent will be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features that provide a suitable setting.

As demonstrated and previously stated the physical environment surrounding the site clearly demonstrates that the site is well contained within an existing landscape framework consisting of the adjoining development, tree and hedge planting, the SUD system and the public road.

It is therefore considered that the application site is clearly defined and will provide a suitable complementary setting to the surrounding area and relationship with the adjoining development.

This Policy also states that the proposal must respect the character, layout and building pattern of the group and demonstrate a high level of residential amenity can be achieved for the existing and proposed houses.

The proposed layout has been designed in such a manner as to reflect the existing group, in particular the traditional courtyard steading, while minimising any impact on the existing development by keeping the built line behind the existing steading conversion and in-line with the new build houses. The development will provide a high standard of residential amenity for the new houses and will also improve that of the existing houses through the redevelopment of a disused, formally developed, piece of land which was part of the previous farming complex.

There are many examples of similar sized and groupings of rural ex-farmyard developments in Perth and Kinross that have received planning permission. Some of which have far greater visual impact. Anecdotally and more locally the recent southern extension to Inchtute, while a village, has zero landscape buffering and the new housing and can be seen for miles. It seems therefore disproportionate why such a hardline stance has been taken in the past with this rural brownfield site.

Our proposed visualisations clearly demonstrate the 4 proposed houses to have minimal visual impact on the site due to the established landscape framework and the lower height and sighting of the proposals. This will be further reduced by additional planting.

The proposed development will not contribute towards ribbon development and will in fact help to round off the existing building group.

Section 6 of the Housing in the Countryside Policy relates to brownfield sites and states that favourable consideration will be given to re-use for housing of brownfield sites in the countryside which have ceased to be required for their principal use. Although the existing farm shed which occupied the application site was demolished around four years ago, brownfield sites are generally defined as sites which have previously been developed or where land has been significantly degraded by a former activity.

The redevelopment of this site will provide an environmental improvement to the building group as the land is presently derelict in nature and of poor quality due to the previous uses i.e. the farm shed and the site compound for the adjoining development.

The photos of the farm contained earlier in this report clearly show that the proposed site is a rural brownfield site and the photo montage below shows the location of the previous barn. As outlined previously the barn was demolished to facilitate the site compound of the first phases of work and remove an unsightly and decaying structure.



In reference to the previous reasons for refusal under the Housing in the Countryside Policy, we would conclude that the proposal meets the criteria set down under Section One for the extension of an existing building group into a definable site formed by the existing topography and well established landscape features. We would also note that although the existing shed has been removed, the proposal accords with the sentiments of Section Six of this policy for the redevelopment of brownfield sites. To redefine the use of the site post development due to the above is unfair.

#### **Other Material Considerations:**

The Scottish Planning Policy (SPP) published in February 2010 is the statement of the Scottish Government's policy on nationally important land use planning matters. It emphasises the importance of sustainability and the requirement that all development must conform to the principles of sustainable development which is embodied in both legislation and this SPP.

The relevant sections of policy for this application relate to Sustainable Development, Housing, and Rural Development.

The Sustainable Development section of the SPP (Paragraphs 34-40) sets out the Scottish Government's commitment to sustainable development, and why the planning system should promote development that supports the move towards environmentally sustainable environments.

Paragraphs 37 and 39 are relevant to our proposal as they outline what decision making in the planning system should strive to achieve. Although the proposal is for Planning in Principle at this stage, the development can still accord with the Government's aspirations to:

- Contribute to the reduction of greenhouse gas emissions.
- Protect and enhance the natural environment.
- Support healthier living by improving the quality of the build environment.
- Reduce the need to travel.
- Promote rural development
- Encourage energy efficiency through the orientation and design of buildings, choice of materials and the use of low and zero carbon generating technologies.
- Support sustainable water resource and waste management.

Although the Housing Section of the SPP relates more to large scale housing developments, it also encourages Council's Development Plans to promote the development of rural communities and aim to support and sustain fragile and dispersed communities through appropriate housing development.

The Rural Development section of the SPP identifies the important role the planning system has in supporting growth in rural communities with the emphasis on enabling developments in rural areas which support prosperous and sustainable communities whilst protecting and enhancing environmental quality.

## **The Erection of Four New Dwellings to Complete The Building Group is Suitable in Planning Terms**

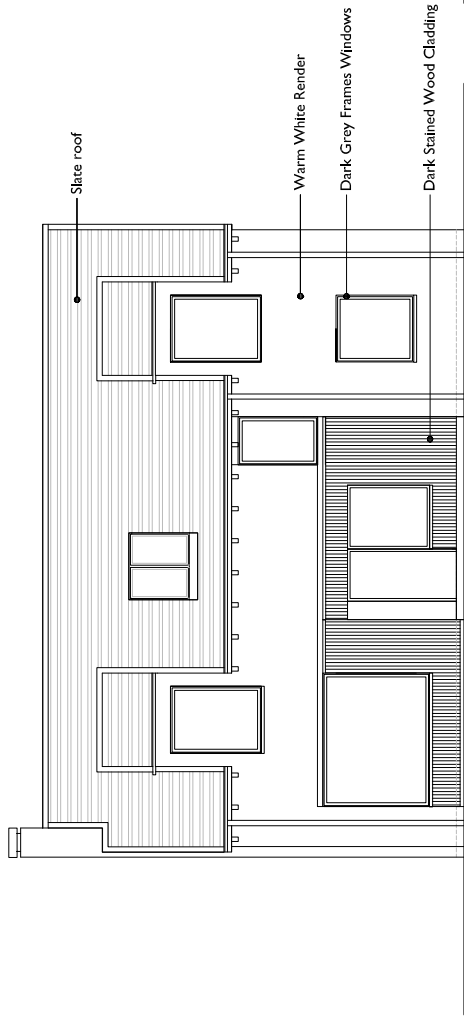
The principal aim of this statement has been to demonstrate that our client's proposal to erect four new build dwellings to complete the current building group, is acceptable in planning terms by complying with the Council's prevailing Policies covering the site.

The proposal complies with the Perth Area Local Plan and particularly regarding the application of Policy 19, Housing in the Countryside.

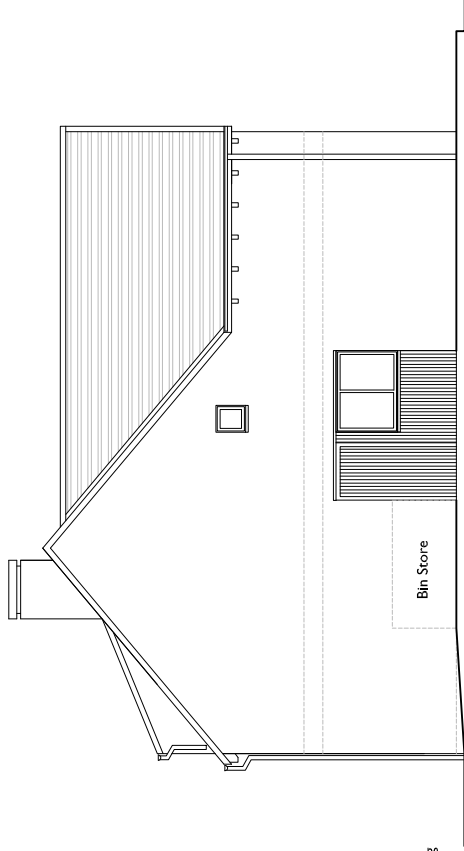
Furthermore, it is considered that the proposal is in accord with National Planning Policy objectives regarding sustainability, housing and rural development matters, which provides additional material considerations in support of the applicant's proposals.

It is respectfully requested that Perth and Kinross Council grants planning permission for the erection of four new dwellings to complete the building group at Rawes Farm which we have submitted on behalf of our client Mr Neil Walker.

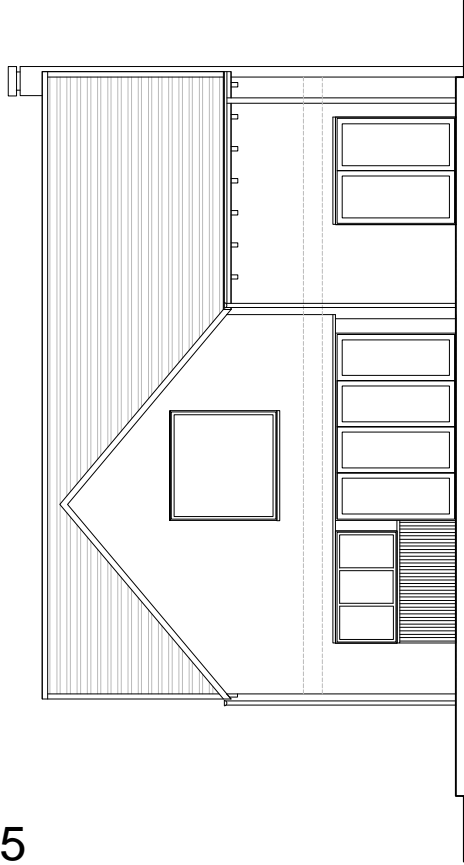




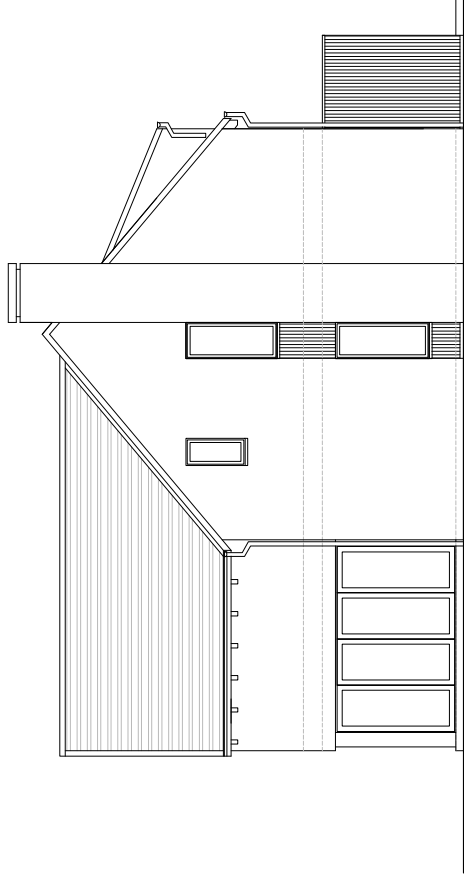
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



PLANNING		
Rev	Description	By / Date



OFFER LOGAN ARCHITECTS  
130 CUBIE STREET | GLASGOW | G40 2AF  
T: (0141) 332 8900 F: (0141) 342 2299 E: info@offerlogan.com

Client MR & MRS WALKER

Project RAWES FARM STEADING – VACANT SITE

Title ELEVATIONS

Project No. 21840

Scale 1:50 @ A1

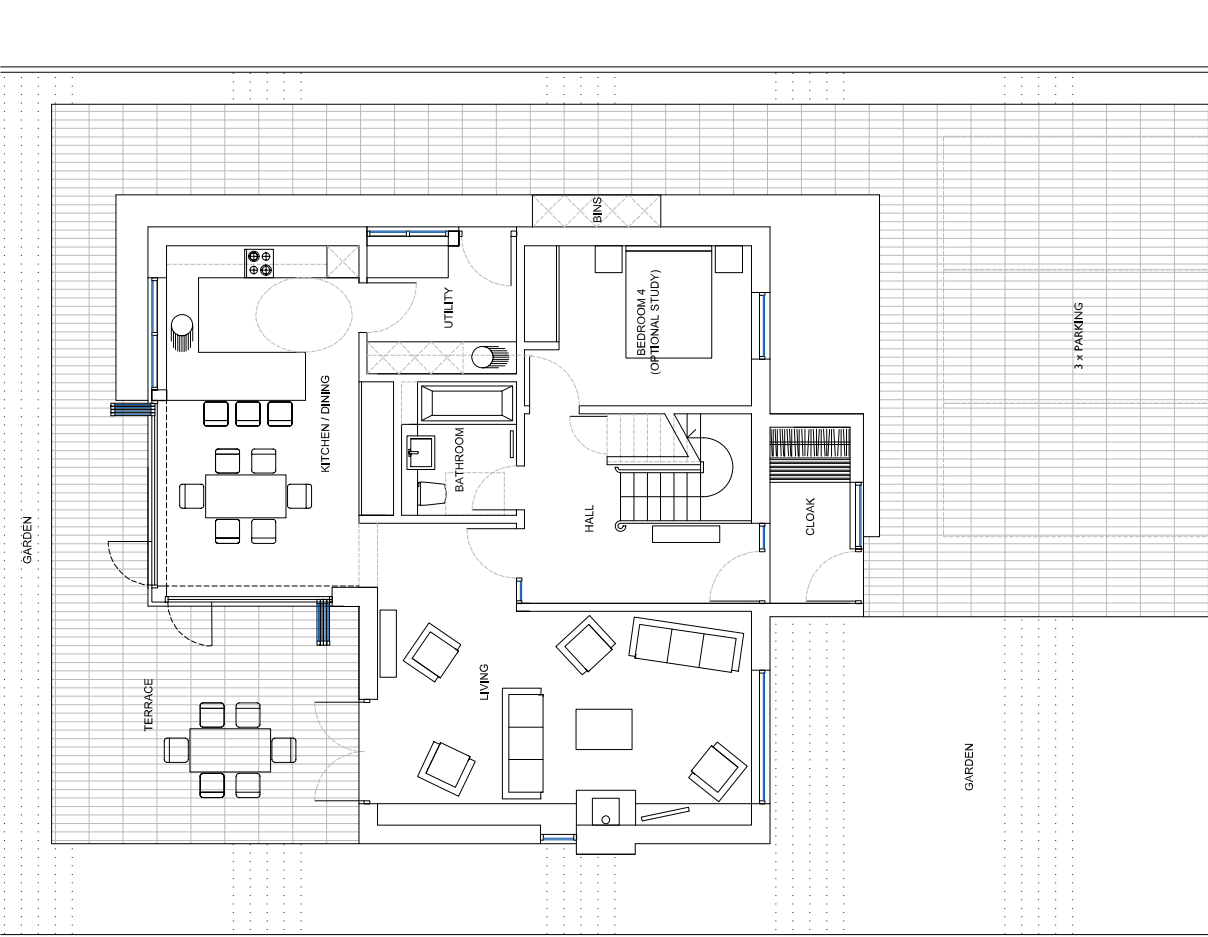
Drawn By PL-E-01

Date JUNE 2019

Checked By LW

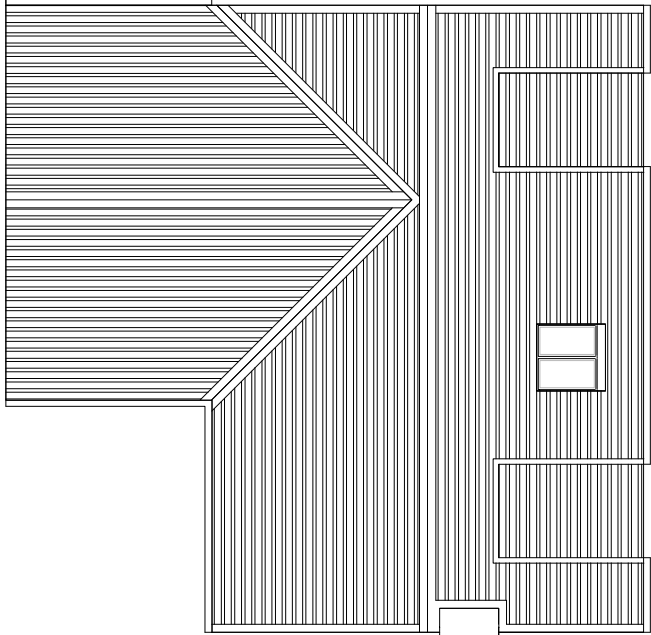
COPYRIGHT OF DESIGN & DRAWING RESERVED. UNAUTHORIZED COPYING, DISTRIBUTION OR REPRODUCTION OF THIS DRAWING IS PROHIBITED. IF IN DOUBT PLEASE CONTACT OLA LTD



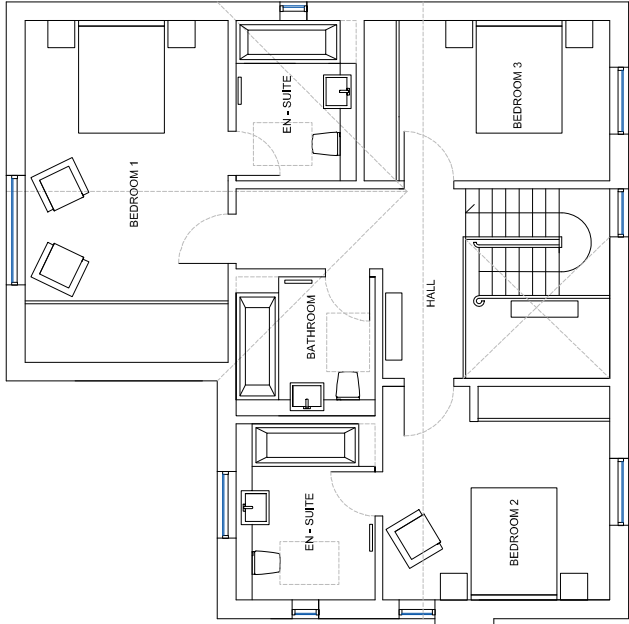


GROUND FLOOR PLAN

0 2 5 10m NORTH VARIES REFER TO SITE PLAN FOR ORIENTATION



ROOF PLAN



FIRST FLOOR PLAN

PLANNING		
Rev	Description	By / Date



OFFER LOGAN ARCHITECTS  
130 CUBIE STREET | GLASGOW | G40 2AF  
T: (0141) 332 8900 F: (0141) 342 2299 E: info@offerlogan.com

Client	MR & MRS WALKER	
Project	RAWES FARM STEADING - VACANT SITE	
Title	LONGFORM	
Project No.	21840	
Scale	1:50 @ A1	
Drawn No.	PL-P-01	
Date	JUNE 2019	
Drawn By	LH	
Checked By	DW	
COPYRIGHT OF DESIGN & DRAWING RESERVED. UNAUTHORIZED COPYING, DISTRIBUTION OR REPRODUCTION OF THIS DRAWING IS PROHIBITED. IN DOUBT PLEASE CONTACT OLA LTD		





PLANNING		
A	Amended and New Boundary	DMW 07/19
Rev	Description	By Date



OFFER LOGAN ARCHITECTS  
130 CUBIE STREET | GLASGOW | G40 2AF  
T: (0141) 332 9300 F: (0141) 342 2299 E: info@offerlogan.com

Client	MR & MRS WALKER
Project	RAWES FARM STEADINGS - VACANT SITE
Title	SITEPLAN
Project No	21840
Scale	1:500 @ A1
Drawn By	PL-SP-01
Date	JUNE 2019
Rev	A
Checked By	DW
COPYRIGHT OF DESIGN & DRAWING RESERVED UNAUTHORISED COPYING, REPRODUCTION OR REUSE OF THIS DRAWING IN ANY FORM OR BY ANY MEANS WITHOUT THE WRITTEN PERMISSION OF OFFER LOGAN ARCHITECTS IS STRICTLY PROHIBITED. IF IN DOUBT PLEASE CONTACT OLA LTD	



Project: RAWES FARM, LONGFORGAN  
Project No: 21840  
Client: MR & MRS WALKER  
Drawing No: P-VS-01  
Date: JUNE 2019

**RAWES FARM, Longforgan**  
Opfer Logan Architects

**OLA**

Copyright of design and drawing reserved.



Project: RAWES FARM, LONGFORGAN  
Project No: 21840  
Client: MR & MRS WALKER  
Drawing No: P-VS-02  
Date: JUNE 2019



Project: RAWES FARM, LONGFORGAN  
Project No: 21840  
Client: MR & MRS WALKER  
Drawing No: PL-VIS-03  
Date: JUNE 2019



**RAWES FARM, Longforgan**  
Opfer Logan Architects

**OLA**  
Copyright of design and drawing reserved.



Project: RAWES FARM, LONGFORGAN  
Project No: 21840  
Client: MR & MRS WALKER  
Drawing No: PL-VIS-04  
Date: JUNE 2019



**RAWES FARM, Longforgan**  
Opfer Logan Architects

**OLA**

Copyright of design and drawing reserved.







Project: RAWES FARM, LONGFORGAN  
Project No: 21840  
Client: MR & MRS WALKER  
Drawing No: PL-VIS-06  
Date: JUNE 2019



**RAWES FARM, Longforgan**  
Opfer Logan Architects

**OLA**

Copyright of design and drawing reserved.

<p><b>TCP/11/16(624)</b> <b>19/01120/FLL – Erection of 4 dwellinghouses, land 60 metres west of 14 Rawes Farm Steading, Longforgan</b></p>
--

## **PLANNING DECISION NOTICE**

## **REPORT OF HANDLING**

## **REFERENCE DOCUMENTS** *(included in applicant's submission, pages 21-44)*



# PERTH AND KINROSS COUNCIL

Mr Neil Walker  
c/o Opfer Logan Architects  
David Wilson  
The Exchange  
130 Cubie Street  
Glasgow  
G40 2AF

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 30th September 2019

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **19/01120/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 1st August 2019 for permission for **Erection of 4 dwellinghouses Land 60 Metres West Of 14 Rawes Farm Steading Longforan** for the reasons undernoted.

Head of Planning and Development

### Reasons for Refusal

1. The proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.
2. The proposal is contrary to Policy PM1A and PM1B of the Perth and Kinross Local Development Plan 2014. The design and siting of the proposed dwellinghouses does not respect the form and character of the existing building group and would not make a positive contribution to the built and natural environment.

3. The site is designated as prime agricultural land (category 3.1). The proposal is contrary to policy ER5 (prime agricultural land) of the Local Development Plan 2014 which does not support development of this scale on such land outwith settlement boundaries.

### **Justification**

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

**The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

### **Plan Reference**

19/01120/1	19/01120/5	19/01120/9
19/01120/2	19/01120/6	19/01120/10
19/01120/3	19/01120/7	19/01120/11
19/01120/4	19/01120/8	



## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	19/01120/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	30.09.2019	
Report Issued by		Date
Countersigned by		Date

**PROPOSAL:** Erection of 4 dwellinghouses

**LOCATION:** Land 60 Metres West Of 14 Rawes Farm Steading  
Longforgan

#### 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:** 22 August 2019

#### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Full planning permission is sought for the erection of four dwellinghouses on land to the west of Rawes Farm Steading, Longforgan. Planning permission was first granted in 2005 (04/02408/FUL) for conversion of the existing steading. Further permission around this time was given for some individual new build houses. In 2015 (15/01390/FLL) planning permission was given for a total of eight dwellinghouses on land to the northeast and south of the converted steading complex. This replaced a number of the previous consents and resulted in an overall increase of three additional dwellinghouses to the five additional previously approved giving a total of 17 units.

Land to the west of the original steading was used as a construction compound for the site. This land is the subject of this planning application for the erection of four dwellinghouses. Planning permission for this site has previously had consent refused (08/01767/FUL and 12/01089/IPL).

Part of the site formerly contained a farm shed which was demolished as part of the other works at the site. The site has largely revegetated. There is a large hedge to the west, outwith the site boundary but limited hedge/tree cover to the south. The existing SUDS basin and treatment plant associated with the existing development is sited to the south of the site. The access road serving the existing development runs to the east of the site.

The proposal is for four 3 to 4 bed detached dwellinghouses with accommodation over two levels. The houses will be finished in a mix of white render and dark stained wood cladding. The roofs will be slate. The existing access road and SUDS is proposed to be used to service this proposed development.

## **SITE HISTORY**

08/01767/FUL Erection of 4 dwellings with associated garages Rawes Farm Steading Longforgan 24 October 2008 Application Refused  
12/01089/IPL Residential Development (in principle) 21 September 2012 Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 18/00501/PREAPP

## **NATIONAL POLICY AND GUIDANCE**

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



## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 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 PM4 - Settlement Boundaries**

For settlements which are defined by a settlement boundary in the Plan, development will not be permitted, except within the defined settlement boundary.

#### **Policy TA1B - Transport Standards and Accessibility Requirements**

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

#### **Policy 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.

#### **Policy NE2B - Forestry, Woodland and Trees**

Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

#### Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

#### Policy ER5 - Prime Agricultural Land

Development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need such as a major infrastructure proposal, there is no other suitable site available on non prime land or it is small scale development (generally single buildings) linked to rural business.

#### Policy EP3B - Water, Environment and Drainage

Foul drainage from all developments within and close to settlement envelopes that have public sewerage systems will require connection to the public sewer. A private system will only be considered as a temporary measure or where there is little or no public sewerage system and it does not have an adverse effect on the natural and built environment, surrounding uses and the amenity of the area.

#### Policy EP3C - Water, Environment and Drainage

All new developments will be required to employ Sustainable Urban Drainage Systems (SUDS) measures.

#### Policy EP12 - Contaminated Land

The creation of new contamination will be prevented. Consideration will be given to proposals for the development of contaminated land where it can be demonstrated that remediation measures will ensure the site / land is suitable for the proposed use.

### **Proposed Perth and Kinross Local Development Plan 2 (LDP2)**

The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

### **OTHER POLICIES**

Housing in the Countryside Guide – November 2012

Developer contributions and affordable housing supplementary guidance September 2016

## **CONSULTATION RESPONSES**

Environmental Health (Contaminated Land)

No objection.

Transport Planning

No objection.

Scottish Water

No objection. No Scottish Waste Water infrastructure in the area.

Development Negotiations Officer

Summary of Requirements

Affordable Housing: £28,000 (1 x £28,000)

Education: £0

Transport Infrastructure: £9,236 (3 x £2,639) + (1 x £1,319)

Total: £37,236

Dundee Airport Ltd

No objection. Calculations show that given the position and height of this development it would not infringe the safeguarding surfaces for Dundee Airport.

Structures And Flooding

Note that the proposed development is adjacent to the fluvial flood extents as shown on the SEPA Flood Maps. Review of LiDAR DTM data indicates that the proposed development lies at a higher elevation than the surrounding land. No objection but would strongly recommend that finished floor levels are set above existing ground levels.

Informative note requested with regard Council's flood guidance.

Environmental Health (Noise Odour)

No objection subject to condition with regard operation of woodburning stoves.

## **REPRESENTATIONS**

The following points were raised in the 12 representations received:

Drainage - existing waste treatment plant and SUDS would not cope with additional development

Amenity – visual impact

Ownership – no authority to use road and drainage system

Inaccuracies in submission

Design – does not complement building group

Contrary to policy

Loss of biodiversity

It is noted that the design statement does contain some misleading statements and information with regard to the status of the existing development suggesting some

units are still to be completed when this is not the case. Also, some of the submitted plans indicate that tree cover on the site is more extensive than it is in reality.

The other points will be 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	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

#### **APPRAISAL**

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

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

#### **Policy Appraisal**

The local plan through Policy PM4, Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan. However, through Policy RD3, Housing in the Countryside, it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall into at least one of the following categories will be supported:

- 1) Building Groups
- 2) Infill site
- 3) New houses in the countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
- 4) Renovation or replacement of houses
- 5) Conversion or replacement of redundant non-domestic buildings
- 6) Development on rural brownfield land

In this case the proposal is largely to be considered against the terms of Category 1, building groups. The site does not meet the requirements of any of the other categories within the housing in the countryside policy. It is not an infill site (2). It does not fall into any of the categories of site listed in section (3), New Houses in the Open Countryside. It does not comprise the renovation or replacement of a house (4). It is not for the conversion or replacement of a redundant non-domestic building (5). Category 6 relates to rural brownfield land however this section is primarily applicable in cases where there is dereliction and development would result in a significant environmental improvement. In this case the site is not derelict and the proposed development would not result in a significant environmental improvement.

The building group, section 1, of the Housing in the Countryside policy and Guide supports development where it would extend an existing group into a definable site formed by existing topography and or well established landscape features that will provide a suitable setting. In addition all proposals must respect the character, layout and building pattern of the group. There is some hedging along the west and north boundaries however it is considered that the site is not sufficiently contained by established landscape features to provide a suitable setting for development of the site. This was also a reason for refusal of previous applications on the site. It is also noted that the existing hedge/trees are not in the ownership/ control of the applicant.

Developments should also meet the "For All Proposals". In particular j) states that "The proposed development should not conflict with any other policy or proposal in the Local Plan". In this case the site is within an area that is identified as Class 3.1 Prime Agricultural Land. Policy ER5 does not support development on prime agricultural land unless it is necessary to meet a specific established need such as a major infrastructure and there is no other suitable site available on non-prime land. Small scale development directly linked to rural businesses, including houses, may be acceptable however small scale is generally single buildings so this proposal would be contrary to this policy.

Placemaking policies are also relevant with Policy PM1A stating that development must contribute positively to the quality of the surrounding built and natural environment. PM1B c) specifically requires that the design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours. The housing development proposed is for four detached properties that would be sited to the west and southwest of the existing converted steading. The design of the development would not contribute positively to this existing development nor complement the established building group.

The existing building group on this site is centred around the old converted steading. Some additional housing has been built to the north east and southwest. The most recent planning permission on this site for 8 dwellinghouses, 15/01390/FLL, suggests that the development recently completed would be the final phase of development at the site and that further housing would result in over development of the site. The existing grouping is relatively tight knit and additional detached dwellings to the west would be of significant detriment to the visual amenity and landscape character of the area and would fail to relate to the character, layout and building pattern of the adjacent group. The extension of the group into this site would detract from the setting of the existing building group.

Additional development in this area would also be contrary to locational priorities of TAYPlan and the LDP which direct housing to defined settlements. The continued addition of houses in this rural location without mains drainage and with limited public transport and services is not in accordance with the locational policies of the Development Plan.

The former farm house, a listed building, is to the east of the existing building group. The local plan seeks to restrict development that would be detrimental to the setting of a listed building.

### **Design and Layout**

The original scheme to develop this site focussed on the existing steading building. Later development has tried to retain the tight grouping of the steading building. Later phases of development particularly the development of detached dwellings to the southeast have somewhat diluted this. However four further detached properties would further detract from the historic form and character of the central steading conversion and would be contrary to placemaking policies as it would not contribute positively to the built environment.

### **Landscape**

There are no existing trees on the site however there is some planting to the west that is noted to be around 13 years old. This is not as extensive as is indicated on the submitted plans. It is also outwith the site boundary and as such it is not clear how these trees will be managed and maintained should the site be developed for housing.

The development site has largely re-vegetated and as such does contribute to the biodiversity of the area and to the setting of the converted steading building.

### **Residential Amenity**

The distances between dwellings, their height and orientation will not result in overlooking or overshadowing of neighbouring properties. Residential amenity of existing and future occupiers will be protected.

### **Visual Amenity**

The design of the development would not contribute positively to the existing development nor would it complement the established building group. The existing grouping is relatively tight knit and additional detached dwellings to the west and southwest would be of significant detriment to the visual amenity and landscape character of the area and would fail to relate to the character, layout and building pattern of the adjacent group. There will therefore be an adverse impact on visual amenity.

### **Roads and Access**

The site will be served by an existing private access to the public road. There have been objections that the applicant does not have any rights to use this road.

However this is largely a matter to be resolved between the applicant and the owners of the road. In transport planning terms the access road is suitable for the proposed development and there are no objections from the Transport Planner.

### **Drainage and Flooding**

It is noted in the submission that the new development would utilise the existing treatment plant and SUDS. There have been a number of objections with regard to this as it is disputed that the landowner has any right to do this. It is also noted that existing treatment plant would require to be upgraded as it is currently at capacity. Due to the level of objection it is considered that further information to demonstrate in more detail how the site will be serviced in terms of foul and surface water would be required prior to any planning permission being given. This has not been requested as the principle of development of the site is considered to be contrary to the housing in the countryside policy and therefore being recommended for refusal for other reasons.

### **Conservation Considerations**

The site is around 120 metres from Rawes Farmhouse, a Category B listed building. Due to intervening development the proposal is not considered to have any significant impact on the setting of the listed building.

### **Agricultural land**

Policy ER5 of the Local Development Plan does not generally support development on prime agricultural land outside of defined settlements. Whilst this site is not actively being farmed it is designated as 3.1 agricultural land and as such this development proposal would be contrary to policy ER5.

### **Developer Contributions**

#### **Affordable Housing**

The Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.

The site forms a later phase of the wider Steading Development and the new build dwellings currently under development. In line with Paragraph 7.2 of the Developer Contributions and Affordable Housing Guidance this site will be considered as an extension of the existing development in terms of the Affordable Housing requirement.

The Affordable Housing requirement is 1 unit ( $4 \times 0.25$ ). A commuted sum will be accepted in lieu of onsite provision. The commuted sum for the Perth Housing Market Area for this site is £28,000.



## **Primary Education**

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

This proposal is within the catchment of Longforgan Primary School.

Education & Children's Services have no capacity concerns in this catchment area at this time. No contribution is required.

## **Transport Infrastructure**

The Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.

The site is within the reduced contributions area. A contribution of Transport Infrastructure of £9,236 (3 x £2,639) + (1 x £1,319) is required.

## **Economic Impact**

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

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

#### **Conditions and Reasons for Recommendation**

1 The proposal is contrary to Policy RD3 Housing in the Countryside of the Perth and Kinross Local Development Plan 2014 and the Council's Housing in the Countryside Guide 2012 as the proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.

2 The proposal is contrary to Policy PM1A and PM1B of the Perth and Kinross Local Development Plan 2014. The design and siting of the proposed dwellinghouses does not respect the form and character of the existing building group and would not make a positive contribution to the built and natural environment.

3 The site is designated as prime agricultural land (category 3.1). The proposal is contrary to policy ER5 (prime agricultural land) of the Local Development Plan 2014 which does not support development of this scale on such land outwith settlement boundaries.

#### **Justification**

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

#### **Informatives**

None.

#### **Procedural Notes**

Not Applicable.

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

19/01120/1

19/01120/2

19/01120/3

19/01120/4

19/01120/5

19/01120/6

19/01120/7

19/01120/8

19/01120/9

19/01120/10

19/01120/11

**Date of Report**

27 September 2019

**TCP/11/16(624)**  
**19/01120/FLL – Erection of 4 dwellinghouses, land 60**  
**metres west of 14 Rawes Farm Steading, Longforgan**

## **REPRESENTATIONS**



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

<b>Planning Application ref.</b>	19/01120/FLL	<b>Comments provided by</b>	Rebecca Morley
<b>Service/Section</b>	HE/Flooding	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of 4 dwellinghouses		
<b>Address of site</b>	Land 60m W of 14 Rawes Farm Steading, Longforgan		
<b>Comments on the proposal</b>	<p>We have reviewed the information provided in this application and we would note that the proposed development is adjacent to the fluvial flood extents as shown on the SEPA Flood Maps.</p> <p>Review of LiDAR DTM data indicates that the proposed development lies at a higher elevation than the surrounding land. Therefore we have no objection to the proposed development on flood risk grounds but we would strongly recommend that finished floor levels are set above existing ground levels.</p>		
<b>Recommended planning condition(s)</b>	N/A		
<b>Recommended informative(s) for applicant</b>	<p>The applicant is advised to refer to Perth &amp; Kinross Council's <a href="#">Supplementary guidance on Flood Risk and Flood Risk Assessments 2014</a> as it contains advice relevant to your development.</p>		
<b>Date comments returned</b>	02/08/2019		





From: Jenni Macintosh [REDACTED]  
Sent: 06 August 2019 11:30  
To: Development Management - Generic Email Account  
Subject: RE: Planning Application Consultation for Application No 19/01120/FLL

Your Ref: 19/01120/FLL  
Our Ref: 2019/0072/DND

Dear Sir/Madam,

PROPOSAL: Erection of 4 dwellinghouses  
LOCATION: Land 60 Metres West Of 14 Rawes Farm, Steading, Longforgan

With reference to the above proposed development, it is confirmed that our calculations show that, at the given position and height, this development would not infringe the safeguarding surfaces for Dundee Airport.

Therefore, Dundee Airport Limited has no objections to the proposal.

Regards

Safeguarding Team  
on behalf of Dundee Airport Limited  
c/o Highlands and Islands Airports Limited  
Head Office, Inverness Airport, Inverness IV2 7JB  
? 01667 464244 (DIRECT DIAL)  
0 safeguarding@hial.co.uk ? www.hial.co.uk

-----Original Message-----

From: DevelopmentManagement@pkc.gov.uk <DevelopmentManagement@pkc.gov.uk>  
Sent: 01 August 2019 13:07  
To: Safeguarding <Safeguarding@hial.co.uk>  
Subject: Planning Application Consultation for Application No 19/01120/FLL

Please see attached.

The information in this email is solely for the intended recipients.

If you are not an intended recipient, you must not disclose, copy, or distribute its contents or use them in any way: please advise the sender immediately and delete this email.

Perth & Kinross Council does not warrant that this email or any attachments are virus-free and does not accept any liability for any loss or damage resulting from any virus infection. Perth &

Kinross Council may monitor or examine any emails received by its email system.

The information contained in this email may not be the views of Perth & Kinross Council. It is possible for email to be falsified and the sender cannot be held responsible for the integrity of the information contained in it.

General enquiries to Perth & Kinross Council should be made to enquiries@pkc.gov.uk or 01738 475000.

This email has been scanned for email related threats and delivered safely by Mimecast.  
For more information please visit <http://www.mimecast.com>

6<sup>th</sup> August 2019

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



Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**DD2 Longforan 14 Rawes Farm Steading 60M West**  
**PLANNING APPLICATION NUMBER: 19/01120/FLL**  
**OUR REFERENCE: 780743**  
**PROPOSAL: Erection of 4 dwellinghouses**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

**Water**

- There is currently sufficient capacity in the Clatto Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

**Foul**

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

**Infrastructure within boundary**

Scottish Water records appear to show a private surface water drains and foul drains within your site. Please note that Scottish Water records are indicative only and your attention is

drawn to the disclaimer at the bottom of this letter. You should contact the owner(s) to establish their requirements for building in the vicinity of this asset.

#### **Scottish Water Disclaimer**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

#### **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

#### **General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**  
**Tel: 0333 123 1223**  
**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**  
**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link**  
<https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

#### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

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. All 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](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment

washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk)

Yours sincerely

**Angela Allison**

[Redacted signature]



## Tracy McManamon

**From:** Conrad Moody [REDACTED]  
**Sent:** 11 August 2019 17:41  
**To:** Development Management - Generic Email Account  
**Subject:** Application 19/01120/FLL Objection

ENTERED IN COMPUTER

12 AUG 2019

Dear Sir/Madam,

I am writing to object to the above application at Rawes Farm. I believe this is the third application for planning permission on this site over the past 11 years.

I have to be frank in my objection for a number of reasons. These will be explained below in detail. The application narrative within the Design statement is incorrect and a contradiction in terms in many areas.

It states :

### Planning History

(1) The Planning Permission for the conversion of the traditional stone steading into eight residential units was granted in August 2005, with a number of further Planning Permissions granted over the following three years for the erection of a total of six new build detached dwellings surrounding the steading. The steading development has now been completed with all the units successfully sold and occupied as well as one of the new build units. The remaining five new build houses are at various stages of construction with the foundations in-situ for most of them.

-In fact, the development is now complete with the introduction of 4 new build detached properties, and the further addition of 4 new build semi-detached properties to the far east of the proposed site, adjacent to the original farmhouse. As part of this Second Phase of building, 3 additional properties were built which totalled 8 properties, rather than the original intended 5. These additional properties have now put the WTP at its operating limit. It is understood that the previous Developers made a retrospective enquiry about future development on the proposed site and were told that a new WTP and associated infrastructure would be required if one more house was built at a **considerable and non viable cost**.

(2) The site now lies vacant following the completion of the steading conversion and has no visual or amenity benefit due to its poor condition.

[REDACTED] I can confirm that contrary to the statement above, it has never been visually ugly to myself. In fact, as many people who live within rural communities and houses would confirm, it is actually a common sight of a field. Many visitors have commented how tranquil it is and that the sight actually compliments the rural feel of the steading development.

(3) The current site was never part of any of the original planning applications, as it was always our clients overall strategy to use this site as the construction compound to keep it within the existing site boundaries, and then apply for a second phase of housing on this site.

-The second 'phase' of the development is now complete with the introduction and completion of 8 dwellings to the development, including an additional 3 to the original 5 planned. As I see it and I'm sure the rest of the development residents see it is that the development is complete, with no requirement for additional housing to 'complete' the aforesaid development.

### The Proposed Development



(1) The proposed layout submitted as part of this Planning Application has been carefully thought out to complement the current building group.

- I see no inclination as to how the houses complement the current building group. They are not only **not** in keeping of the style and colour of the existing existing and new build properties, but also when viewed from the various angled photographs on the application, they have the appearance of being an 'add on' to what is already a completed rural community development.

(2) These final four houses on the eastern boundary will complete the whole development and provides a visual balance to the overall site without being obtrusive and improving what is effectively a disused rural brownfield site.

- The development is already **Complete**. As stated above, the existing completed development requires no visual balance, nor does it improve on what is an attractive development.

(3) The siting and orientation of the 4 proposed houses intends to minimise impact on the existing housing and maintain established building lines.

- As you can see from the size of the site, the proposed houses are sited so as to be directly close to opposite households, therefore not utilising the full area of the site by build lines being roadside, rather that set back.

#### Local Authority Development Plan

(1) It has a good landscape framework provided by the existing site boundaries i.e. existing development, tree belts, Reed Bed and extensive hedging along the public road. The proposal also includes for additional Heavy Tree planting which will help screen the development from out with the site.

-The proposed site has no existing trees on the South boundary. This area is merely a mound of overgrown earth left over from the Phase 2 development, therefore providing no screening.

(2) The proposed layout has been designed to complement the existing building pattern, and the intention would be for the proposed houses to reflect the scale, form, colour and design of the existing new build units.

-The proposed layout and style of house is totally different, both in style and colour, therefore contradicting the above statement.

(3) The site would be accessed off the new road serving the adjoining development which is accessed off the public road. A new bus drop off point was also created as part of the adjoining development.

-I believe the development road is private, therefore an assumption to use this as an access to the dwellings is totally incorrect.

(4) The proposed dwellings act to complete the re-development of the existing farm group which has been ongoing since 2004. The proposed layout will complement the existing buildings and provide an overall balance to the grouping.

- Once again, the reference is made to completing the redevelopment. As stated previously, the development has undergone Phase 2 and is now complete.

Kind regards and thank you for your consideration on this matter.

Conrad Moody



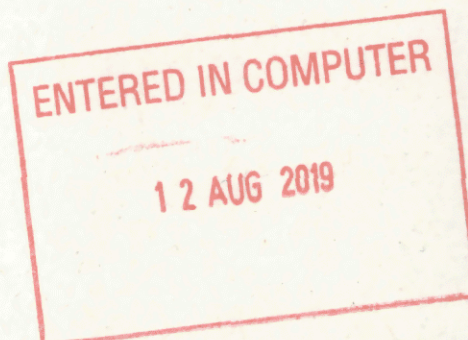


**Tracy McManamon**

---

**From:** Simon Watkins [REDACTED]  
**Sent:** 12 August 2019 10:15  
**To:** Development Management - Generic Email Account  
**Subject:** Planning application 19/01120/FLL

Simon Watkins  
[REDACTED]



Ref planning application 19/01120/FLL

Dear Sir/Madam,

I write to state my objection to the above planning application. I have the following 4 reasons to object to the plans as they currently stand.

1. It is stated on the application that surface water drainage and sewage from proposed houses will be directed to the SUDs basin and waste treatment plant which is already established at Rawes Farm Steading. The waste treatment plant and SUDs basin cannot cope with more properties than are already connected. Indeed, the system cannot cope with the current volume of flow as demonstrated at considerable cost during the past three years since phase two Rawes farm steading development completion in 2016. (Addition of 8 properties)

The SUDs basin and waste treatment plant has been overcome at least twice during wet periods. This is due to the restrictive nature of the outlet from the SUDs basin and waste treatment plant. This is a common drain pipe which is an existing field drain. It is too small and could not cope with the volume of effluent/surface water causing backing up through treatment plant and SUDs basin up the drains towards the houses. A sewage tanker was required to take excess off site. The pipework downstream of the SUDs basin and waste treatment plant would need to be enlarged to cope with further properties.

2. The proposed plans show and state that there is hardwood screening trees to the South of the proposed development. Indeed there was hardwood saplings planted in that area, possibly at Tax payers expense.

They were present and growing successfully until the second phase of Rawes farm steading. At that time the majority of them were destroyed by the developers tracked vehicle when thousands of tons of building spoil was deposited at that location. That building spoil also buried one of the waste treatment plant/ SUDs basin inspection manholes. This manhole has not been located/excavated to this date.

Therefore most of the screening trees shown on the proposed plan do not exist and screening to the South of site is very limited.

3. It is stated on the proposal that site currently has no 'amenity value'.

I would disagree with this point. Since being left in a fallow condition for several years the site has become abundant in varied flora and fauna.

It is now a valued oasis for many animals, birds, insects and vegetation that are otherwise eradicated in the heavily farmed land that surrounds the site.

I have witnessed a welcome increase in wildlife activity, especially in the numbers of butterflies that have been attracted to the site. I have even sighted a very rare to UK variety there, a variety of butterfly thought to only exist in small numbers in South of UK!

Areas such as this are best left undeveloped to protect and encourage the wildlife.

4. The proposed plan shows a shaded portion which includes the West side access lane currently used by residents at Rawes Farm Steading. This suggests ownership by the planning applicant. I am unaware that this road was owned by anyone other than the current residents at Rawes Farm Steading (equal shared ownership and subsequent responsibility for maintenance). I have not been made aware of any third party owning the access road [REDACTED]

Thank you and Regards

Simon Watkins  
[REDACTED]





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

<b>Planning Application ref.</b>	19/01120/FLL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of 4 dwellinghouses		
<b>Address of site</b>	Land 60 Metres West Of 14 , Rawes Farm Steading, Longforgan		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I have no objections to this proposal.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	16 August 2019		



# Comments for Planning Application 19/01120/FLL

## Application Summary

Application Number: 19/01120/FLL

Address: Land 60 Metres West Of 14 Rawes Farm Steading Longforgan

Proposal: Erection of 4 dwellinghouses

Case Officer: Persephone Beer

## Customer Details

Name: Mr Fergus Mann

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Adverse Effect on Visual Amenity
- Inappropriate Housing Density
- Inappropriate Land Use
- Loss Of Open Space
- Noise Pollution
- Out of Character with the Area
- Over Intensive Development
- Road Safety Concerns
- Traffic Congestion

Comment: Dear Sir/Madam,

I object to the Planning Application (Ref: 19/01120/FLL) for the erection of 4 dwelling houses at Rawes Farm Steading made by Mr Neil Walker.

My reasons are as follows:-

The existing development has sympathetically converted and restored the original steading and the additional homes built to date have enhanced the original steading conversion.

The additional 4 houses which are fundamentally different in colour and design from the rest of the development, would turn what was intended to be a "beautiful location" and "stunning rural setting" into it becoming suburban in appearance.

Of further concern would be the increased demands on the private road that loops around the steading. The roadway where the 4 houses are proposed is essentially the width of a single-track

road, meaning that the increased traffic levels suggested by the planning application will be added in an area where young children often play outside on bicycles and scooters and benefit from the fresh air. This would be reduced once construction began.

The noise level and vibrations caused by heavy plant operating for 8 hours a day would be unbearable. This is an unacceptable risk.

The original Waste Treatment Plant, installed by the previous constructor was, I believe, a second hand old scoop conveyor belt system. This system regularly needed maintenance and repair at great cost to the original 9 households.

After the additional 8 houses were built to complete the steading, the developer of the site previously cited inadequate capacity of the water treatment facility as a reason for blocking development of the adjacent site in 2012 - suggesting that they were already aware of its deficiencies. Yet the additional 8 houses were built anyway, causing the breakdown of the WTP to become even more frequent.

The conveyor belt system was removed and replaced with a more modern and easier system. This existing WTP is still constantly breaking down and being repaired at a cost to all 17 residents. A further 4 houses would exacerbate the problem, with major investment needed to replace an already unsatisfactory system that would be very much unfit for purpose.

The proposal to build an additional 4 properties greatly reduces the green space and openness of the development, which would impact on the wildlife - butterflies, bats, birds and deer in what is their local habitat.

In summation, both the access road and the Waste Treatment Plant are privately owned by the Rawes Farm Steading residents. I hope Mr Walker is not assuming that he would be able to make use of both road and WTP without consultation with the residents as part of his application.

Fergus Mann

[REDACTED]  
[REDACTED]  
[REDACTED]

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

<b>Planning Application ref.</b>	19/01120/FLL	<b>Comments provided by</b>	Euan McLaughlin
<b>Service/Section</b>	Strategy & Policy	<b>Contact Details</b>	<b>Development Negotiations Officer:</b> Euan McLaughlin [REDACTED]
<b>Description of Proposal</b>	Erection of 4 dwellinghouses		
<b>Address of site</b>	Land 60 Metres West Of 14 , Rawes Farm Steading, Longforgan		
<b>Comments on the proposal</b>	<p><b>NB: Should the planning application be successful and such permission not be implemented within the time scale allowed and the applicant subsequently requests to renew the original permission a reassessment may be carried out in relation to the Council's policies and mitigation rates pertaining at the time.</b></p> <p>THE FOLLOWING REPORT, SHOULD THE APPLICATION BE SUCCESSFUL IN GAINING PLANNING APPROVAL, <u>MAY</u> FORM THE BASIS OF A SECTION 75 PLANNING AGREEMENT WHICH MUST BE AGREED AND SIGNED PRIOR TO THE COUNCIL ISSUING A PLANNING CONSENT NOTICE.</p> <p><b>Affordable Housing</b></p> <p>With reference to the above planning application the Council's Affordable Housing Policy requires that 25% of the total number of houses, above a threshold of 5 units, for which planning consent is being sought is to be in the form of affordable housing.</p> <p>The site forms a later phase of the wider Steading Development and the new build dwellings currently under development. In line with Paragraph 7.2 of the Developer Contributions and Affordable Housing Guidance this site will be considered as an extension of the existing development in terms of the Affordable Housing requirement.</p> <p>The Affordable Housing requirement is 1 unit (4 x 0.25). A commuted sum will be accepted in lieu of onsite provision. The commuted sum for the Perth Housing Market Area is £28,000.</p> <p><b>Primary Education</b></p> <p>With reference to the above planning application the Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.</p>		

	<p>This proposal is within the catchment of Longforgan Primary School.</p> <p>Education &amp; Children's Services have no capacity concerns in this catchment area at this time.</p> <p><b>Transport Infrastructure</b></p> <p>With reference to the above planning application the Council Transport Infrastructure Developer Contributions Supplementary Guidance requires a financial contribution towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites in and around Perth.</p> <p>The site is within the reduced contributions area .</p>
<b>Recommended planning condition(s)</b>	<p><b>Summary of Requirements</b></p> <p>Affordable Housing: £28,000 (1 x £28,000)  Education: £0  Transport Infrastructure:£9,236 (3 x £2,639) + (1 x £1,319)</p> <p><b><u>Total: £37,236</u></b></p> <p><b>Phasing</b></p> <p>It is advised that the preferred method of payment would be upfront of release of planning permission.</p> <p>Due to the scale of the contribution requirement it may be appropriate to enter into a S.75 Legal Agreement.</p> <p>If S.75 entered into the phasing of financial contributions will be based on occupation of open market units with payments made 10 days prior to occupation.</p> <p>Payment for each open market unit will be £9,309 (£37,236/ 4 = £9,309).</p>
<b>Recommended informative(s) for applicant</b>	<p><b>Payment</b></p> <p><b>Before remitting funds the applicant should satisfy themselves that the payment of the Development Contributions is the only outstanding matter relating to the issuing of the Planning Decision Notice.</b></p> <p><b>Methods of Payment</b></p> <p>On no account should cash or cheques be remitted.</p> <p><b>Scheduled within a legal agreement</b></p> <p>This will normally take the course of a Section 75 Agreement where either there is a requirement for Affordable Housing on site which will necessitate a Section 75 Agreement being put in place and into which a Development Contribution payment schedule can be incorporated, and/or the amount of Development Contribution is such that an upfront payment may be considered prohibitive. The signed Agreement must be in place prior to the issuing of the Planning Decision Notice.</p>



**NB:** The applicant is cautioned that the costs of preparing a Section 75 agreement from the applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own legal agents fees, Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 Agreement. The applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service to advise on this issue.

#### **Other methods of payment**

Providing that there is no requirement to enter into a Section 75 Legal Agreement, eg: for the provision of Affordable Housing on or off site and or other Planning matters, as advised by the Planning Service the developer/applicant may opt to contribute the full amount prior to the release of the Planning Decision Notice.

#### **Bank Transfers**

All Bank Transfers should use the following account details;

**Sort Code:** 834700

**Account Number:** 11571138

Please quote the planning application reference.

#### **Direct Debit**

The Council operate an electronic direct debit system whereby payments may be made over the phone.

To make such a payment please call 01738 475300 in the first instance. When calling please remember to have to hand:

- a) Your card details.
- b) Whether it is a Debit or Credit card.
- c) The full amount due.
- d) The planning application to which the payment relates.
- e) If you are the applicant or paying on behalf of the applicant.
- f) Your e-mail address so that a receipt may be issued directly.

#### **Affordable Housing**

For Affordable Housing contributions please quote the following ledger code:  
1-30-0060-0000-859136

#### **Transport Infrastructure**

For Transport infrastructure contributions please quote the following ledger code:  
1-30-0060-0003-859136

#### **Indexation**

All contributions agreed through a Section 75 Legal Agreement will be linked to the RICS Building Cost Information Service building Index.

#### **Accounting Procedures**

Contributions from individual sites will be accountable through separate accounts and a public record will be kept to identify how each contribution is spent. Contributions will be recorded by the applicant's name, the site

	address and planning application reference number to ensure the individual commuted sums can be accounted for.
<b>Date comments returned</b>	19 August 2019

[REDACTED]

**From:** Jim Rogers [REDACTED]  
**Sent:** 19 August 2019 00:32  
**To:** Persephone Beer  
**Subject:** RE : Comments to Planning Application ref: 19/01120/FLL

Dear Sirs,

I refer to the above referenced Planning Application [REDACTED]  
[REDACTED]

I have already submitted a note of clarification and concern to which you have already noted and replied.

Comments in relation to my property : [REDACTED]

#### **1.The access road**

It is obvious from the PA Siteplan that this proposed development has assumed access to the 4 new houses via the existing road.

The existing road is in fact a private road owned by the residents. In fact your own Highways Team refused to adopt the Road for reasons which we as residents have never understood. The lighting and maintenance costs for the road are paid by the residents via a factored charge. The site factors are LPM of Glasgow.

The applicant and/or his agent have not approached the residents re the status of this road and any request to adopt into this PA would be refused.

#### **2.The Waste Treatment Plant**

The Waste Treatment Plant was installed in 2008 and the Licence to discharge issued by SEPA to the site developer Hadden Constuction.

The WTP was designed to process the waste water from the Phase 1 development of 8 houses and the proposed Phase 2 development of 5 houses.

The developer sought a planning amendment to Phase 2 from 5 houses to 8 and this was approved by your Planing Team. I understand that the developer did seek a variance on the WTP licence from SEPA but that it not clear. I bought into the Phase 2 development and my solicitor established capacity of the plant would be at its max processing capacity with the additional 3 properties.

We have also discovered that the original Rawes Farm Farmhouse which was owned by the Applicant at the time of the construction of Phase 1, was connected into the Site drainage system BUT not notified to either SEPA or to the PKC Planning or Building standards teams. The system approved for the Phase 1 and Phase 2 developments was waste water processed through the WTP and all rainwater and surface water via the SUDS basin soakaways.

The Farmhouse has a single feed into the waste water system i.e all the surface water and the rainwater from the Farmhouse is being processed as waste wastewater in contravention of the planning consent and pushing the WTP capacity beyond its design limits.

All the costs of maintaining and operating the WTP are paid for by the existing residents via a factored charge from site factor LPM of Glasgow.

The PA for the proposed development has assumed that the waste water from the 4 houses will be processed through this privately owned WTP and the rain and surface water through the SUDS basin.

The Applicant and/or his agent has not approached the existing residents, site factor, SEPA or WTP licence holder re permission to use this plant.

It would be refused and certainly would not have the capacity to manage the additional volumes.

It is my assertion that purely on these two areas of concern that this PA has to be refused or at very least send back to the applicant for review and resubmission.

**My other areas of concern -I have the documents contained within the PA submission and highlighted areas of concern italicised in Red and commented as :**

### **3.Design statement**

**3.1 Location** - *The site occupies a countryside location approximately one mile south west of Longforgan and the A90 Perth to Dundee dual carriageway. It extends to approximately one acre and forms the western edge to the established residential building group.*

#### **Comment:**

The point here is the applicant has accepted that the existing development is established

**3.2 To the south and west of the site**, *there is an existing tree belt which is approximately 10m wide and consists of native hardwoods which were planted under a government initiative around thirteen years ago. On the southern boundary a Sustainable Urban Drainage System (SUDS) which consists of an open reed bed serves the new development.*

#### **Comment**

Largely incorrect statement and falsely represented site plan. The claim that there is a tree belt to the Southern Boundary is false. If there was ever substantive tree planting of native hardwoods they were all uprooted by the site developer - Hadden Construction and buried under 100's tonnes of foundation spoil from the second phase of construction. I understand that the applicant is not only aware of this fact but actually gave authority to Hadden Construction to dump this material in this area.

Correct statement re the SUDS basin but it was designed for the original Phase 1 and 2 stages of the original development. No capacity to handle any further inflow of rain and surface water.

**3.3 The application site is a disused, formerly developed**, *piece of land which was an integral part of the previous farming complex and the redevelopment of the adjoining housing site. The site now lies vacant following the completion of the steading conversion and has no visual or amenity benefit due to its poor condition.*

#### **Comment**

Totally disagree with the assertion that this plot of land has no visual or amenity benefit and is in poor condition. Since it was abandoned some 11 years ago it has returned back to mother nature. The area is full of natural Scottish moorland flora and fauna. We have nesting birds, Pheasants a family of roe deer and butterflies. The residents have previously approached the Applicant to buy the land and develop as a community space for our children to play in. In its present condition it is



not an eyesore. Applicant has noted that the steading conversion is complete and totally disagree re the piece of land has no visual or amenity development.

### **3.4 Planning History**

*The Planning Permission for the conversion of the traditional stone steading into eight residential units was granted in August 2005, with a number of further Planning Permissions granted over the following three years for the erection of a total of six new build detached dwellings surrounding the steading. The steading development has now been completed with all the units successfully sold and occupied as well as one of the new build units. The remaining five new build houses are at various stages of construction with the foundations in-situ for most of them.*

#### **Comment**

Absolute nonsense - Phase 1 was granted for 8 properties and they were built.

The original Phase 2 development had planning approval for 5 houses.

The developer then sought a planning variation to increase from 5 to 8 houses and that approval was granted in 2015-16.

those eight houses were built and sold - there are no new build houses at various stages of development.

The development was completed in 2016 and the private road resurfaced to final dress condition.

**3.5***The current site was never part of any of the original planning applications, as it was always our clients overall strategy to use this site as the construction compound to keep it within the existing site boundaries, and then apply for a second phase of housing on this site. The landscape framework for the approved development reflects this strategy, having been laid out to respect the original footprint of the building group, while still providing the containable development site which forms this planning application.*

#### **Comment**

The track record of the Applicant is just to sell the land to another builder or developer. Therefore he never had and does not now have any strategy in terms of use of the site. It was the site developer - Hadden Construction who requested the use of this piece of land as a compound during the construction phase.

No formal agreement but we understand that the Applicant received certain favours in return e.g. the connection of his farmhouse to the site drainage system in exchange for use of this land. It was Hadden Construction who applied for and developed the site as it exists now - the Applicant was not involved at any stage and was only interested in selling the land.

if permission is granted to build these 4 houses the Applicant will simply find a house builder or developer who is prepared to buy the plots and he will have no involvement in the construction process. Clearly the land will have a premium value with outline planning permission granted.

**3.6***The image below shows the current completed dwellings / planning permissions on the adjacent site as well as the extensive existing planting and SUDS system.*

#### **Comment**

The claim that there is extensive planting is false and the SUDS system is part of the WTP that is privately owned by the existing Rawes Farm residents - see previous points re WTP

**3.7 The Proposed Development** *The proposed layout submitted as part of this Planning Application has been carefully thought out to complement the current building group. It has been laid out in such a manner as to reflect the existing group, in particular the traditional courtyard steading, while minimising any impact on the existing development by keeping the built line behind the existing steading conversion and in-line with the new build houses. These final four houses on the eastern boundary will complete the whole development and provides a visual*



balance to the overall site without being obtrusive and improving what is effectively a disused rural brownfield site. It is also proposed to increase the existing trees belts by planting rows of Heavy Standard Trees (four to five meters high at planting) as per the planting specification on the proposed drawing. These will act to provide additional visual screening of the development while providing further enclosure to the individual

#### **Comment**

The existing development is already complete -already acknowledged by the applicant. It does not require a "visual balance" and these 4 houses will most definitely be obtrusive which is why the applicant has put in extensive additional screening of 5 m high trees. In terms of "providing further enclosure to the individual" I certainly would object to having a row of 5m high trees alongside the western boundary to my property. This has a southerly aspect and once these proposed trees reach maturity they will block out light into my kitchen and main bedroom. I would also be very concerned that the root structure of these trees could damage the foundation to my property.

3.8 houses will be of similar footprint to the existing new build units but 1.5 storeys in height so the roofline one approach from the East is not altered. The style and materials, while similar reflect this slightly different design while complimenting what is there (refer to visualisation PL-VIS-02). We propose similar boundary treatments as existing. The garden ground areas for the plots are adequate for the type of proposed development and are in keeping with the existing new build plot areas.

#### **Comment**

The footprint is just about the only element of similarity to the existing houses. The proposed houses have dark grey window frames v the existing brown wood stain and woodstain effect UVPC. The proposed houses are to be clad with wood (not specified) and painted with a dark woodstain v the existing larch cladding \_ not treated and allowed to weather naturally. How can these design features be considered complimentary - in effect the exact opposite. The existing development has post and wire boundary fencing at the front - the proposed from visualisation pictures provided appears to be wooden slat fencing. Totally incompatible.

#### **4. Sustainability**

*The construction industry as a whole has a huge impact on the environment, right from the extraction of raw materials, the production of materials and products, location of production in relation to the site, lifespan and life time maintenance, recyclable potential after use and disposal after use.*

*With the recent introduction of the new Scottish Planning Policy and the new Building Regulations, the Scottish Government are moving towards carbon neutral developments at a rapid pace. It is therefore essential that these new regulations and aims are considered now for future homes to ensure compliance and help protect the environment.*

*The use of renewable technologies has grown exponentially over the last few years and are becoming more cost effective and attractive, especially with the introduction of FITS and the forthcoming introduction of RHI for domestic generation of heating and hot water. Key to the specification of renewable technologies is that they have to be right for the site and situation, whether it be a wind turbine, heat pump, solar thermal, biomass or photovoltaics, an appropriate level of investigation needs to be carried out to ensure that the end user is getting the maximum*



return from their renewable installations. If sited poorly or the wrong technology is installed or wrongly specified for a site or situation, then not only is money wasted, but an opportunity is lost to maximize the production of 'green energy'.

## **Comment**

Sorry but I am not an expert in this field.

This is simply a list of design aspirations - what relevance does it have to this application.

I cannot see any commitment to incorporate these design features within the 4 proposed houses. As stated earlier the Applicant has a track record of 0 involvement with either the design or construction of the houses built on the land that he has sold.

If Planning permission is given for the 4 proposed houses the applicant will simply sell to a developer and simply walkaway.

There is always the possibility that any future developer may even change the design \_ admittedly only after gaining the necessary authority from your office.

## **5. Local Authority Development Plan**

*Perth Area Local Plan2 (Proposed) 2017 The site lies within the landward area of the Perth Area Local Plan and the most relevant Policies are General Policy 1 and Policy 32. General Policy 1: Placemaking outlines the general criteria that all developments will be judged against. Policy 1B outlines the general policy and our proposals are in line with these requirements*

*• It has a good landscape framework provided by the existing site boundaries i.e. existing development, tree belts, Reed Bed and extensive hedging along the public road. The proposal also includes for additional Heavy Tree planting which will help screen the development from out with the site. • The proposed layout has been designed to complement the existing building pattern, and the intention would be for the proposed houses to reflect the scale, form, colour and design of the existing new build units. • The proposed residential use is compatible with the adjacent housing development and would not conflict with the agricultural land use to the west and south. • The site would be accessed off the new road serving the adjoining development which is accessed off the public road. A new bus drop off point was also created as part of the adjoining development. • Local services will be extended onto the site from the adjoining development. • The site area is more than adequate for the number of houses proposed and accords with the existing density.*

## **Comment**

The PA does not have a complete landscape framework because of the points raised re the Southern boundary aspect.

The development INTENDS ONLY to reflect the scale form colour and design of the existing properties \_ it clearly fails to do that.

The site cannot be accessed off the existing new road for the reasons stated previously - private road.

There is no new bus drop off point

Local serviced extension - only water and electricity and waste and surface water disposal cannot be serviced from local services.

*The proposed layout has been designed in such a manner as to reflect the existing group, in particular the traditional courtyard steading, while minimising any impact on the existing development by keeping the built line behind the existing steading conversion and in-line with the new build houses. The development will provide a high standard of residential amenity for the new houses and will also improve that of the existing houses through the redevelopment of a disused, formally developed, piece of land which was part of the previous farming complex.*



## **Comment**

The proposed development does absolutely nothing to improve the amenity of the existing houses \_ the land abandoned by the applicant has gone back to nature and is a great community space.

## **6.Conclusions**

*Furthermore, it is considered that the proposal is in accord with National Planning Policy objectives regarding sustainability, housing and rural development matters, which provides additional material considerations in support of the applicant's proposals. It is respectfully requested that Perth and Kinross Council grants planning permission for the erection of four new dwellings to complete the building group at Rawes Farm which we have submitted on behalf of our client Mr Neil Walker*

## **Comment**

The building group at Rawes Farm is complete \_it does not need the erection of 4 additional properties \_to complete the development.

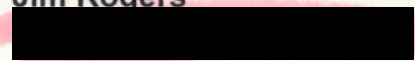
Mr Walker has tried on two previous occasions to develop this piece of land which he has classified as rural brownfield but we see it as rural greenfield that has the potential to be developed in a sustainable way as a community space.

Mr Walker has no real interest in developing this site in a sustainable way - just a cash generator if he can get planning permission and then sell the plots on to a developer or housebuilder. I am confident that the PA should be rejected on the basis of issues raised on Point 1 and 2 above.

All the residents are concerned about the uncertainty and would like to think that if Planning is refused that it will be for good.

I await your decision and make myself available to discuss any issues as required.

**Yours sincerely**

**Jim Rogers**  




## Tracy McManamon

---

**From:** Gavin Brankin [REDACTED]  
**Sent:** 21 August 2019 13:07  
**To:** Development Management - Generic Email Account  
**Subject:** Planning objection for 19/01120/FL

Dear Sirs

I refer to the above ref PA 19/01120/FL and confirm that I am a [REDACTED]  
I would like to raise my concerns about this proposed development because:

1. The proposed development assumes that access from the public road will be via the existing road. This road is private owned by the residents and has never been adopted by PKC. I pay for the maintenance and lighting of this road. I would refuse the approach from the Applicant to use this road.

2. The proposed development has assumed that the drainage waste and surface water to the proposed new houses will be to the existing WTP.

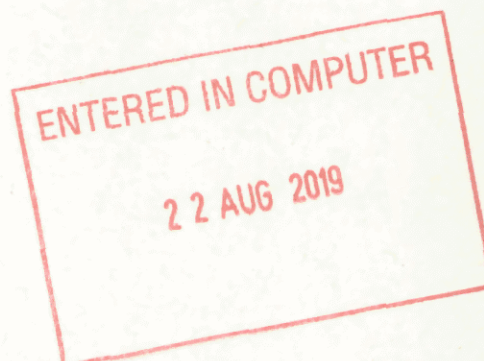
This plant is owned by the residents and I pay a factored charge for the running costs and maintenance. This plant is running at its max capacity and already causes issues breaking down which results in higher charges.

I would refuse any approach by the applicant to use the WTP

3. The area is already at capacity with issues obtaining BT landlines and access to internet is limited which with more housing would only become worse

Yours sincerely  
Gavin Brankin

[REDACTED]







## Tracy McManamon

---

**From:** andy bruce [REDACTED]  
**Sent:** 21 August 2019 18:14  
**To:** Development Management - Generic Email Account  
**Subject:** Objection to Planning ref 19/01120/FL

Dear Sirs

I refer to the above ref PA(Quote 19/01120/FL [REDACTED])  
I would like to raise my concerns about this proposed development because:

1. The proposed development assumes that access from the public road will be via the existing road. This road is privately owned by the residents and has never been adopted by PKC. I pay for the maintenance and lighting of this road. I would refuse and approach from the Applicant to use this road for both construction vehicles and household vehicle.

2. The proposed development has assumed that the drainage, waste and surface water to the proposed new houses will be to the existing WTP.

This plant is owned by the residents and I pay a factored charge for the running costs and maintenance of the plant. This plant is running at its max capacity.

I would refuse any approach by the applicant to use the WTP

Mr Walker is not a builder and is only interested in selling the plots. This piece of land is not brownfield but a community greenfield site full of flora and fauna, along with wild animals, ie butterflies etc

Yours sincerely

Andrew Bruce  
[REDACTED]

Sent from Mail for Windows 10

ENTERED IN COMPUTER

22 AUG 2019





**Tracy McManamon**

---

**From:** Robin Dickinson [REDACTED]  
**Sent:** 21 August 2019 13:41  
**To:** Development Management - Generic Email Account  
**Subject:** Fw: Planning application 19/01120/FL

ENTERED IN COMPUTER

22 AUG 2019

----- Forwarded message -----

**From:** Robin Dickinson [REDACTED]  
**To:** DevelopmentManagement@pkc.gov.uk <DevelopmentManagement@pkc.gov.uk>  
**Sent:** Wednesday 21 August 2019, 13:40:08 GMT+1  
**Subject:** Planning application 19/01120/FL

Dear Sir,

Your reference – 19/01120/FL

[REDACTED] I am writing to highlight our concerns about the above application.

The proposed development assumes that access from the C484 public road will be via the existing Rawes Farm Steading roadway. Since the early 2009 amendment to the original planning reference 04/02408/FUL, the proposed status of the roadway as a public thoroughfare recognised as such by PKC was withdrawn. The roadway is privately owned by the residents. We pay for the maintenance and lighting of this road, and having seen the damage and mess caused to the roadway by heavy construction equipment during the second phase of development in 2015-2016 we refuse any and all approach from the Applicant to use this road. [REDACTED]

[REDACTED] increased traffic from site occupants and construction machinery who may be preoccupied with other matters would be of concern from a safety perspective.

The proposed development assumes that waste and surface water outflow from the proposed new houses will be to the existing water treatment plant. Again, this plant is owned by and paid for by the residents. We pay a factored charge for the running costs and maintenance as well as frequent emergency surcharges for repairs. This plant is already running at its maximum capacity, which was a consideration during previous applications to permit housing on the plot under consideration – at a time when the second phase of Rawes Farm Steading was only planned to comprise 5 dwellings. Following the changes to planning of this phase, 8 properties were built, with concomitantly greater use of the facility and consequent expense to the existing residents as a result of subsequent equipment failures. We refuse any approach by the applicant to access the existing treatment plant owing to likely further problems with exceeded capacity and expense to existing residents.

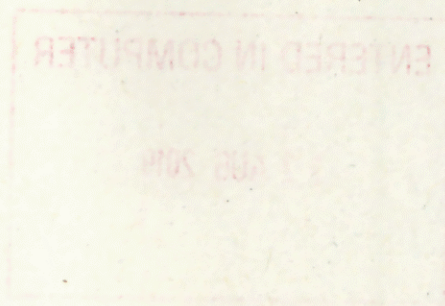
Although the plots in question may once have been occupied by agricultural buildings, these were cleared more than a decade ago, and the plot allowed to develop its own ecosystem. We hope that the planning committee are able to give our concerns regarding this matter due consideration.

With my best wishes,



Robin Dickinson (Dr.)

21st August 2019.





**Tracy McManamon**

---

**From:** [REDACTED]  
**Sent:** 21 August 2019 20:34  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Ref 19/01120/FL

Dear Sir / Madam,

I refer to the above planning application ref (19/01120/FL). [REDACTED]  
[REDACTED]

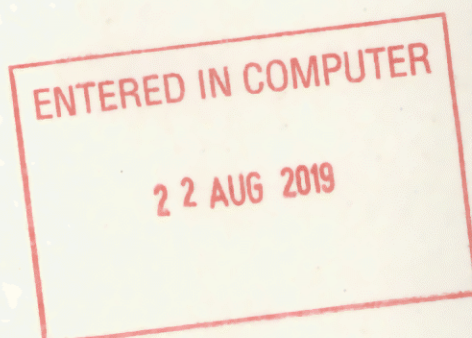
I wish to object to the above referenced planning application based on the following points.

- The direct access to the proposed properties would need to be from a road which is privately owned by the residents of the development. The road was not adopted by Perth & Kinross Council and as such I contribute to the maintenance and lighting of this and therefore would refuse any approach by the applicant to use this road.
- The development at Rawes Farm is not supported by Mains sewerage. At our cost we have waste controlled by a private water treatment plant, which is owned by the residents. We fund the running costs and maintenance of the water treatment plant via a factored charge. The plant is currently running at the maximum capacity for the houses already on the development, and therefore I would not support any approach from the applicant to use this facility.
- The area surrounding Rawes Farm Steading is a designated greenfield site, which supports wildlife and in abundance, and would not be enhanced with the addition of four more homes.

In summary, I am completely opposed to the planning application and would ask you to consider my objections as outlined above when you are reviewing your decision.

Yours Sincerely,

Garry & Karen Rankin  
[REDACTED]







**Tracy McManamon**

---

**From:** [REDACTED]  
**Sent:** 21 August 2019 12:32  
**To:** Development Management - Generic Email Account  
**Subject:** 19/01120/FL

*Dear Sirs*

*I refer to the above ref PA19/01120/FL [REDACTED]  
I would like to raise my concerns about this proposed development because:*

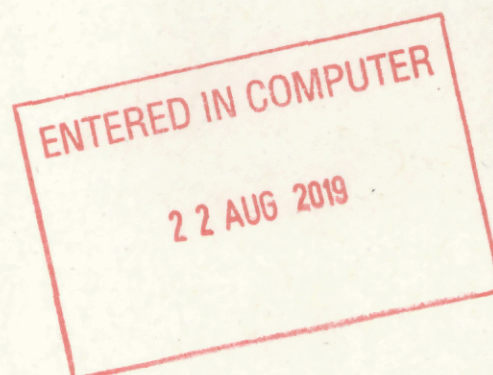
*1. The proposed development assumes that access from the public road will be via the existing road. This road is private i.e owned by the residents and has never been adopted by PKC. I pay for the maintenance and lighting on this road. I would refuse and approach from the Applicant to use this road.*

*2. The proposed development has assumed that the drainage for waste and surface water to the proposed new houses will be to the existing WTP.  
This plant is owned by the residents and I pay a factored charge for the running costs and maintenance.  
This plant is running at its max capacity.  
I would refuse any approach by the applicant to use the WTP*

*Yours sincerely*

*Claire & Sean Richardson*  
[REDACTED]

Sent from my iPhone







**Tracy McManamon**

---

**From:** [REDACTED]  
**Sent:** 21 August 2019 21:04  
**To:** Development Management - Generic Email Account  
**Subject:** re:Planning ref 19/01120/FL

*Dear Sirs*

*I refer to the above ref 19/01120/FL [REDACTED]  
I would like to raise my concerns about this proposed development because:*

*1.The proposed development assumes that access from the public road will be via the existing road.This road is private\_ owned by the residents\_ and has never been adopted by PKC.I pay for the maintenance and lighting of this road.I would refuse any approach from the Applicant to use this road.*

*2.The proposed development has assumed that the drainage and waste and surface water to the proposed new houses will be to the existing WTP.*

*This plant is owned by the residents and I pay a factored charge for the running costs and maintenance. This plant is running at its max capacity, and has had many problems over the 2 years.  
I would refuse any approach by the applicant to use the WTP*

*Yours sincerely  
Jonathan Wright*

ENTERED IN COMPUTER

22 AUG 2019







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

Dear Sir/Madam

**Objection to Planning Application 19/01120/FLL - Erection of 4 dwellinghouses, Land 60 Metres West of 14 Rawes Farm Steading Longforan**


I note the above planning application submitted for the construction of four additional properties at Rawes Farm Steading. Although my property is not included in the neighbour notification plan, I do feel that all existing properties would be impacted by this further development as the application assumes access to assets jointly owned by all residents. On that basis, I am disappointed that all residents were not formally consulted and object to the proposed development.

My primary concerns are as follows:

1. Waste treatment plant – the application proposes connection to the existing waste treatment plant. This plant is jointly owned by the residents and is at capacity. Any request to use this facility for the four additional dwellings proposed would clearly be rejected.
2. Access road – the siteplan indicates that access to the proposed properties will be via the existing access road. This road is owned by the residents and I have not been approached by the applicant to gain permission for it to form the access to the proposed new houses. Any such request would be rejected.
3. Inaccuracies in the design statement – there are numerous inaccuracies in the design statement, ranging from comments regarding the build status of Phase 2 of the original development to statements regarding tree screening that does not actually exist. I would expect any application with such material factual inaccuracies to be rejected or at least clarified with the applicant and corrected accordingly.
4. Loss of amenity – original residents bought into a proposal that included Phase 1 plus five further detached properties. With the approval of application 15/01390/FLL a further three properties were added. A further four properties would adversely impact on the residential amenity of existing occupants due to increased noise, traffic, overlooking in some cases and the loss of the open countryside feel of the development.

The above summarises my reasons for objecting to this planning application.

Yours faithfully

Susan J Young, 







**Tracy McManamon**

---

**From:** [REDACTED]  
**Sent:** 22 August 2019 09:04  
**To:** Development Management - Generic Email Account  
**Subject:** Fwd: 19/01120/FL

ENTERED IN COMPUTER

22 AUG 2019

**From:** [REDACTED]  
**Date:** 21 August 2019 at 21:36:12 BST  
**To:** [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)  
**Subject:** 19/01120/FL

Dear Sir/Madam

I write to voice my concerns regarding the above application, [REDACTED]

As a resident we pay factoring fees for the development and this includes; the private road, street lighting, sewage system and the repairs this has incurred over the years.

It appears the new developer wishes to access these, however I believe he has no right to do this as this belongs to the residents in the development.

The new developer cannot use these, in particular the road without our permission.

Kind regards

Keith Johnstone

Sent from my iPhone



# Memorandum

To	Development Quality Manager	From	Regulatory Service Manager
Your ref	19/01120/FLL	Our ref	LA
Date	22 August 2019	Tel No	

Housing & Environment

Pullar House, 35 Kinnoull Street, Perth, PH1 5G

## **Consultation on an Application for Planning Permission RE: Erection of 4 Dwellinghouses, Land 60 Metres West of 14 Rawes Farm Steading, Longforgan for Mr Neil Walker**

I refer to your letter dated 1 August 2019 in connection with the above application and have the following comments to make.

### **Recommendation**

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

### **Comments**

This application contains provision for a single wood burning stove and associated flue to each of the 4 dwellinghouses.

Perth and Kinross Council have a duty to assess biomass boilers for capacity within the range of 50kW to 20MW in terms of nitrogen dioxide and particulate matter based on their effect on air quality in the area. This will not be necessary with the domestic sized stove as proposed in this case and therefore I have no adverse comments to make with regards to air quality.

Another matter pertaining to the stove which could cause an issue is the potential for smoke or odour disamenity. This Service has seen an increase in complaints with regards to smoke and odour due to the installation of biomass appliances. This can be caused due to poor installation and maintenance of the biomass appliances and also inadequate dispersion of emissions due to the inappropriate location and height of a flue with regards to surrounding buildings.

I note from the submitted plans that the dwellinghouses will be two storey properties and that the flue serving the stove will discharge via a chimney and terminate above roof ridge height and therefore this will aid dispersion of emissions. I would advise that this could be further minimised by the use of fuel recommended by the manufacturer.

I would therefore have no objections to this development provided that the following condition is attached to the consent.



## Conditions

- EH50** The stove shall be installed, operated and maintained in full accordance with the manufacturer's instructions and shall not be used to burn fuel other than that approved for use by the manufacturer of the appliance as detailed in the information supporting this permission.

## CHX Planning Local Review Body - Generic Email Account

---

**From:** Conrad Moody [REDACTED]  
**Sent:** 13 January 2020 18:27  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Notice of review representations Ref TCP/11/16(624) PA Ref 19/01120/FLL FAO Lisa Simpson

Good afternoon Lisa,

I am writing to refute the claims made by the applicant regarding the appeal against the proposed planning application as above.

I assume that my previous objection comments will be regarded, therefore I don't intend to repeat a lot of my text.

There are points that I am sure you are already aware of, which I would like to revisit again to bolster the points further.

With regards to the existing WTP and SUDS arrangement, Rawes Farm Steading has no further capacity for connecting into by the proposed 4 houses. With this in mind, a new WTP would have to be in place to support these houses at what would be a considerable cost to any potential developer on the land. This point does not seem to be mentioned in any way shape or form within the application.

The access to and use of the road is private. Evidence would have to be presented to challenge this. Therefore no access would be granted onto the current road by the residents of Rawes Farm Steading. This in itself would require a review of access requirements for the proposed houses, which would require an **additional** entry and exit road off a currently 60mph through road from neighbouring villages. This in itself presents a hazard in itself by having two entry points close together. Again, access rights to the current Steading development have been incorrectly assumed.

As stated in the Refusal, the planning site actually is classed as prime agricultural land and therefore is against the various Local policies in place to prevent excessive house building in rural areas which this seems to be an example of. I would assume that the Department of Agriculture could confirm this if required by carrying out soil ph checks for suitability.

As stated previously, once again the applicant has incorrectly classed Rawes Farm Steading as an incomplete development. I am unaware of the applicants previous development background with regards to Rawes Farm that has allowed him to state this fact in the first instance. Hadden were the developers who completed the final phase of building and subsequently completed this rural Steading Development by doing this.

As far as the site being unattractive as is, for the members of the planning committee that have visited the site amongst the completed development, I am sure that they are in agreement with many of my visitors to my house during the years who commented on how it compliments the rural feel of Rawes Farm Steading. This area has now blossomed into a wild garden area housing various wildlife and fauna.

With regards to the tree screening, this is not evident in any way shape or form in various areas of the site. Once again, another inaccurate statement as well as others regarding the current state of the proposed site.

Another inaccuracy is the applicants claims that the proposed houses would compliment the existing development. Surely for that to be correct and accurate, the buildings would have to be built in kind in style and colour to the current houses within Rawes Farm Steading, which the proposed house styles and colour schemes blatantly are not.

To summarise, alongside my original objections, I feel that I have had to reinforce these points above. The application is inaccurate in so many areas. I have written this e-mail as I'm sure the other recipients of the Review

Board e-mail will have also to reinforce the feelings not just of ourselves but of everybody within our Community Steading. I hope that these points are noted and that a correct and proper decision is made regarding this matter. I thank you for your time.

Kind Regards,

Conrad Moody





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

---

**From:** Jim Rogers [REDACTED]  
**Sent:** 13 January 2020 16:35  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Re: TCP/11/16(624)

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

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

**Application Ref: 19/01120/FLL – Erection of 4 dwellinghouses, land 60 metres west of 14 Rawes Farm Steading, Longforgan – Mr N Walker**

**To Lisa Simpson**

#### **Clerk to the Local Review Body**

I refer to the e mail dated 23/12/2019 from the Clerk to the Local Review Body giving notice that in response to the Planning Authority's Decision Notice that the applicant to PA Ref 19/01120/FLL has made an application for a review of the decision made. That review to be made by the Perth and Kinross Local Review Body.

I would like to make further representations and in particular to the Local Review statement made by the applicants Agent Opfer Logan Architects dated 18/12/2019. I have assumed that the original representations made by me in e-mails dated 19/12/2019 and 20/12/2019 respectively will be available for the Local Review Body to consider and that therefore any further reference to these earlier representations can be made without having to repeat the text.

#### **1. Background and description of Proposal.**

With regard to the comment regarding the roadside hedge to the western boundary there is a statement that this is "in control of the applicant". It is our understanding that this hedge borders land that does not belong to the applicant so it is very unclear what "in control" actually means. The tree screening to the West side of the site referred to in Aerial Photo is very patchy and variable in density and certainly cannot be referred to as "significant."

The "tree belt to the south" is non-existent.

Reference to this point was made in my previous submission as to the most likely cause. It is totally incorrect to state that this was a result of "thinning out" during works to the SUDS basin.

#### **2. Representations**

##### **2.1 Drainage.**

In earlier correspondence with the planning Case Officer I had raised my concerns concerning the site drainage issues and in particular ownership of the Waste Treatment Plant, Licence and consent to discharge from SEPA etc. I was told that these matters are not normally considered in Planning Application decisions but that they would be noted.

With regard to the capacity of the existing site and waste drainage systems both the Waste Treatment Plant and the SUDS basin drain into one single field drain. This drain has a limited capacity which at times results in a build up and backflow of waste and flooding into the SUDS basin.

The applicant has requested evidence .

The Inspection Chamber to the junction of the Waste Treatment Plant and SUDS basin outflows has been buried under tonnes of foundation spoil from the 2nd phase of construction as detailed in previous representation.

We have a very detailed record of maintenance issues to the Plant and can provide evidence of considerable expenditure on "gully sucker and waste disposal" to clear blockages in the system.

As stated in my previous representation the holder of the SEPA Licence for the Waste Treatment Plant is Hadden Construction and I do have a note of confirmation from them that the existing plant has " no free capacity " to take any waste from the additional four homes proposed.

## **2.2 Amenity - visual impact.**

Totally refute the claim that the representations made in terms of the visual impact were subjective.

I had previously made comments in relation to the design and style of the proposed 4 houses and the design statement claim that they would compliment the existing houses. They are totally incompatible.

The existing development does not require a "visual balance" and these 4 houses will most definitely be obtrusive which is why the applicant has put in extensive additional screening of 5 m high trees. In terms of "providing further enclosure to the individual"

I certainly would object to having a row of 5m high trees alongside the western boundary to my property.

This has a southerly aspect and once these proposed trees reach maturity they will block out light into my kitchen and main bedroom.

## **2.3 Ownership - no authority to use the private road and the drainage SUDS system**

There is now recognition from the applicant that the access road is in fact private and that the original statement that the private drainage arrangements will be via -"connection to existing communal treatment septic tank and reed bed filtration system" is now a "claim to retain rights of access to the SUDS and drainage area to construct and maintain necessary drainage to the proposal site".

Reference to a communal treatment septic tank is totally incorrect and demonstrates a lack of understanding as to how the Communal (Private ) waste and site drainage system operates.

As stated previously the existing site drainage system is a combination of the outflows from the Waste Treatment Plant (WTP) and the SUDS basin. As stated in previous representations and not challenged by the applicant the WTP is owned operated and fully funded by the existing residents who would not give authority to the applicant to use.

In addition the WTP has no further capacity - see previous comments.

The access road is private and the Deeds of Condition that all the existing residents were asked to sign as a condition of purchase clearly specify and define our responsibilities to maintain the private road and the WTP and drainage systems.

The applicant has not provided any evidence to prove the claimed rights to access either the private road or the site drainage systems .

## **2.4 Inaccuracies in submission**

I totally refute the claim that no evidence was provided to support this statement.

So many examples : the claim and supporting drawings to suggest existing tree screening to Southern belt \_ the totally false statements concerning the planning history of the development within the original Design Statement\_ as noted in my earlier representation and certainly more than the claimed "small error in the wording".

Reference to the Private Waste Treatment Plant as a "communal treatment septic tank"

Once again noted in my earlier representations reference to a waste collection being "short push to road side for collection" and claims that there is a new dedicated bus stop.

Both statements are false.

## **2.5 Design - does not compliment the building group.**

As per comments in 2.2 above and in previous representations - I totally refute the claim that these comments are subjective.

In addition there seems to be an overriding view from the applicant that the existing development is not complete and that the building of these 4 additional houses will be the final phase.

In my earlier representations I went to some length to summarise the stages of the development of Rawes Farm and as far as I am concerned the development is complete in terms of planning and construction\_ there were only two phases not three.

## **2.6 Loss of biodiversity.**

The statement that the "rural brownfield site" was used as the site compound for the construction of the new houses is not totally correct.

I understand that it was certainly used during the Phase 1 of construction but certainly not used during Phase 2. The area has returned to mother nature and all the points made in previous representations re this space are valid. Where is the evidence that the building of 4 houses within this space can add to the biodiversity of this site?

## **2.7 Misleading statements**

I have highlighted above the many misleading statements in the original design statement and I would further suggest that the full statement concerning the status of the current development is significantly more than a small error in wording bearing in mind the detailed site layout drawings and aerial photos provided by the applicant.

Once again the misleading wording in this statement " this application for 4 dwelling houses would constitute the final phase of any development on this site".

The applicant has tried to imply throughout this application process that the existing development of Rawes Farm is not complete.

As stated in earlier representations and again in this there were two phases of the Rawes Farm Development and they are complete. There is no third and final phase.

## **2.8 Tree cover**

As stated in previous representations and again as noted above there is no tree screening to the southern belt of the development.

The reason stated for the apparent "thinning" in this area is totally incorrect - see comments above.

I understand that these further representations will be forwarded to the applicant for review and further comment and that both sets of comments will be posted and available online at

<http://www.pkc.uk/localreviewbody>.

I also understand that we will be receive notice of the Local Review Meeting at which the review will be considered.

**Yours sincerely**

**J Rogers**





## CHX Planning Local Review Body - Generic Email Account

---

**From:** Fergus Mann [REDACTED]  
**Sent:** 14 January 2020 14:18  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** CHX Planning Local Review Body TCP/11/16(624)

To:  
Lisa Simpson, Clerk to the Local Review Body

I refer to the e-mail dated 23/12/2019 from the Clerk to the Local Review Body regarding Application Ref: 19/01120/FLL - **Erection of 4 dwelling houses, land 60 metres west of 14 Rawes Farm Steading, Longforgan – Mr N Walker**

Hello Lisa,  
I would like to make further representations regarding the above appeal.

### Visual impact

The land on which the additional houses are proposed is classed as agricultural and currently provide an oasis and haven for various forms of local wildlife and for nature lovers.

It adds to the symmetry of the field at the opposite end of the Steading which provides an enclosure for horses during the warmer months. With both ends of the Steading having wildlife areas it also compliments the grassy bank to the north which provides a safe environment for children and dog walker's, with this area set back from the main road.

Also there seems to be a misconception that these proposed houses would complete the development of the Steading. There were never any plans for a 3<sup>rd</sup> phase to this development. The Steading development was complete after phase 2 (completed in 2017).

Looking at the artist impression of the proposed 4 houses, they are totally different from the existing development, looking more fitting for a city development rather than a countryside setting.

### Drainage

With regard to the capacity of the existing site and waste drainage systems both the Waste Treatment Plant and the SUDS basin drain into one single field drain. This drain has a limited capacity which at times results in a build up and backflow on waste and flooding to the SUDS basin.

The inspection chamber to the junction of the Waste Treatment Plant and SUDS basin outflows has been buried under tonnes of earth and rubble from the 2nd phase of construction.

A very detailed record of maintenance issues to the WTP over a number of years can be provided and evidence of considerable expenditure on waste disposal to clear blockages etc. in the system.

### Access to the private road and the drainage SUDS system

It is now acknowledged that the access road is privately owned by the residents, and as such, is our responsibility to maintain and who can utilise it.

If a secondary road were to be built it would surely compromise safety issues with the road entry/exit coming off the main road going past the Steading.

As stated previously the existing site drainage system is a combination of the outflows from the Waste Treatment Plant and the SUDS basin and the Waste Treatment Plant is owned operated and fully funded by the existing residents who would not give authority to the applicant to use.

In addition the Waste Treatment Plant is running at full capacity and would not support additional houses connecting to it.

Please include the above representations when the Local Review Body makes its verdict.

Regards

Fergus Mann

A black rectangular redaction box covering the signature of Fergus Mann.



## CHX Planning Local Review Body - Generic Email Account

---

**From:** David Wilson <david@olarchitects.com>  
**Sent:** 03 February 2020 17:28  
**To:** CHX Planning Local Review Body - Generic Email Account  
**Cc:** nell1965@icloud.com  
**Subject:** RE: TCP/11/16(624) Rawes Farm - Response to Representations  
**Attachments:** Farm woodland premium scheme 30 yr commitments.pdf; TCP-11-16-624 Rawes Farm - Land Snapshot Application Site Highlighted.jpg; Rawes Steading (WAL5.1); PTH32524 - Title sheet - pages 8 and 11.pdf; PTH32524 - Title Plan (1).pdf

Hi Lisa,

Many thanks for sending these over. I have noted our additional responses to the points re-raised by the 4 representations in turn below. Some of our responses may be repetitive so I'll try to reference them back to previous responses where possible. In addition please also find attached the following to support our responses:-

- Covering email and attached title deeds and plan to the application site where the applicants Solicitors has highlighted the relevant clauses which confirm that the applicant retains full access rights to both the access road and the SUDS. Full title deed has been enclosed by the solicitor but for clarity and simplicity the relevant pages are '8 of 25' and '11 of 25' and I have also attached them separately.
- Confirmation that the existing areas of tree planting bordering the site to the West and partially the South were planted in 2006 as part of a Farm Woodland Premium Scheme and attached is an extract from this agreement. The scheme requires that the trees have to be managed and maintained for at least 30years from planting.
- A table showing the subsidies claimed for farmland and the application site has had no subsidies.

It is worth noting that these responses, as with the responses to the original planning application, are primarily emotive. Many of the areas of planning policy we have highlighted in our LRB response to be incorrectly applied have not been countered or we have been demonstrated, with the inclusion of the title deeds for example, that the representations are in fact mistaken.

### **Response to LRB Representations**

#### **Gerry Rankin**

- The response refers to the application site as greenfield land but this is not the case. The site is agricultural brownfield. As set out in our Design statement and LRB Statement the site is agricultural brownfield land for over 70 years.
- The original development by Hadden Construction was indeed built over two phases but the current application site was never part of that development other than to form the site compound to assist construction. The ownership of the application site has always remained separate as illustrated by the attached title deeds. All of the representations appear to be conflating two separate things.

#### **Fergus Mann**

- The response states to the application site is classed as agricultural land but this is not the case. As set out in our Design statement and LRB Statement the site is agricultural brownfield land for over 70 years.
- As with the response above there appears to be a conflation between the previous development and this application site.
- It has clearly been outlined in the design statement supporting our application that the proposed houses are of a different, 1.5 storey, design to lessen their visual impact on the site and to the surrounding landscape. It is completely wrong to suggest they are of a urban aesthetic when in fact they are more rural in character, scale and density than the houses currently on site.

- Drainage – no objections were raised by the statutory consultees on the viability of the drainage of the proposals.
- Again, no actual evidence has been produced of these capacity issues. This also misses the wider point that any new drainage and connections would be subject to a full design process where existing and proposed capacity will be taken into account and the SUDS designed accordingly if indeed that is required at all.
- Access to Private Road and SUDS – The statement by the respondent is false and the attached title deeds confirm that the applicant retains access rights to both the road and SUDS. No secondary road off the main road would be required.

## **Jim Rogers**

### **1 Background**

- The roadside hedge is owned by the applicant where the application site borders the main road. The hedge bordering the road beside the field is then owned by the farmer who maintains it.
- The Tree buffers to the East, South and West of the Rawes were planted in 2006 as part of a Farm Woodland Premium Scheme and attached is an extract from this agreement. The scheme requires that the trees have to be managed and maintained for at least 30 years from date of planting (2036). This responsibility was passed to the farmer who purchased the surrounding farmland.
- Western Tree buffer – the statement that the planting to the Western boundary is patchy is false. The trees were planted in 2006 and are largely deciduous and will only continue to grow and thicken in time. The photo from the West for the visualisation (PL-VIS-02) of the proposed housing was taken in mid-winter when both the tree buffer and the hedge is at its thinnest. Even at this time of year the whole development, both existing and proposed, is well screened. As is noted in the application additional planting to the West and South is proposed to further boost biodiversity on the site.
- Southern Tree buffer – Despite the Southern part of the site not being overlooked it is recognised that the tree buffer is thin here so our proposals looked to add an additional zone of planting to this boundary to further screen the application site from the farmland.

### **2.1 Drainage**

- Again no actual evidence has been presented to support this assertion. As noted above if required the SUDS, if even required, will be designed to suit.

### **2.2 Amenity – Visual Impact**

- Again comments are subjective. We have made clear as to why a different, but still rural, 1.5 storey house design at a lower density than the current housing is being proposed here.
- The proposed planting will not block any light to the property and if required we can work with the PKC and the resident in question on a planting scheme in this area as part of any condition of planning.

### **2.3 Ownership**

- Once again there is a conflation between the access rights to the road and SUDS and the maintenance of them. The attached highlighted title deeds demonstrate the applicants rights of access to both the access road and the SUDS.

### **2.4 Inaccuracies in Submission**

- The proposed drawings, design statement and LRB response give a clear picture of the proposals and the planning history. It has now been demonstrated that it is in fact the Report of Handling and representations made to the application and our LRB statement that contain the main inaccuracies.

### **2.5 Design**

- As with the response above there appears to be a conflation between the previous development and its phases and this application.

### **2.6 Loss of Biodiversity**

- We are grateful that this representation acknowledges that the application site is rural brownfield land and was used as a site compound to assist with the construction of the previous housing development.
- As outlined in our design statement and LRB statement the application site is rough grass land.

- As is noted in the application additional planting to the West and South is proposed to further boost, not reduce, biodiversity on the site.

## 2.7 Misleading Statements

- Again no actual evidence has been provided by this representation. As noted above it has now been clearly demonstrated that it is in fact the representations made against the application and our LRB statement that are mistaken and factually incorrect.

## 2.8 Tree Cover

- Responded in 1 and 2.2

## Condrad Moody

- Drainage - as noted previously.
- Access to road and SUDS - as noted previously.
- Prime Agricultural Land - As outlined in our LRB statement the planning report of handling erroneously referred to the site as prime agricultural land when in fact it is rural brownfield land having been used for over 70 years as first as stack yard and then threshing mill before a large barn was built in the 1950's under permitted development. In addition to this the site has not taken any agricultural subsidy which it would have been entitled to had it indeed been agricultural land. We have attached the last years land snapshot which highlights and confirms no subsidies were sought.
- As with the response above there appears to be a conflation between the previous development which the respondent is benefiting from and this application site.
- Tree buffers as noted previously.
- Design – As noted previously.

We hope that the above and the attached clarifies and responds to the representations and we look forward to the notification of the relevant LRB meeting in due course.

Kind Regards

David

**David Wilson** BArch(Hons) MArch RIAS RIBA  
DIRECTOR

## **Opfer Logan Architects**

130 Cubie Street / Glasgow / G40 2AF

[www.olarchitects.com](http://www.olarchitects.com)

t: +44 (0) 141 332 9300

f: +44 (0) 141 342 2299

e: [david@olarchitects.com](mailto:david@olarchitects.com)

**FOR MORE INFORMATION ABOUT OUR WORK, PLEASE VISIT OUR WEBSITE:** [www.olarchitects.com](http://www.olarchitects.com)

[www.cubiestreet.com](http://www.cubiestreet.com)

This e-mail is confidential and intended solely for the use of the individual to whom it is addressed. Any views or opinions presented are solely those of the author and do not necessarily represent those of OLA Ltd. If you are not the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited.

Please note that any original drawings by OLA Ltd attached to this email are the subject of copyright protection under the Copyright, Designs and Patents Act 1988. Any copying and/or distribution of such articles without the written consent of OLA Ltd may constitute an infringement of copyright. Receipt of such articles from a party other than OLA Ltd does not indemnify the receiving party from copyright infringement arising as a result of such distribution. If in doubt please contact OLA Ltd.

OLA LTD T/A Opfer Logan Architects - Company No. SC176873

---

**From:** CHX Planning Local Review Body - Generic Email Account <PlanningLRB@pkc.gov.uk>

**Sent:** 21 January 2020 18:20

**To:** David Wilson <david@olarchitects.com>

**Subject:** TCP/11/16(624)





## CHX Planning Local Review Body - Generic Email Account

---

**From:** Irene Wilkie <iwilkie@abl-law.co.uk>  
**Sent:** 03 February 2020 14:52  
**To:** David Wilson  
**Cc:** Lizzie McFadzean  
**Subject:** Rawes Steading (WAL5.1)  
**Attachments:** Title Sheet Plan PTH32523.pdf; Title Sheet PTH32524.pdf

Dear David

Neil Walker  
Rawes Steading (WAL5.1)

Many thanks for your e-mail of 31<sup>st</sup> January.

I now attach the Title Sheet PTH32524 for the development at Rawes Farmhouse having highlighted on page 11 the rights which Neil Walker retained in respect of both access and the drainage system.

Firstly you will note:-

1. There is reserved to the seller as owner of that part of the retained property lying to the west of the steading development a right of access over the new access road which is described as the road coloured blue on the plan.
2. You will see at point 2 I have highlighted there is a reservation in favour of the seller as proprietor of the retained property a servitude right to connect any future development within the retained property into the drainage system where capacity allows.

I trust this is of some assistance.

Kind regards,

*Lizzie McFadzean*

[Lizzie@abl-law.co.uk](mailto:Lizzie@abl-law.co.uk)

Anderson Beaton Lamond, Solicitors  
Bordeaux House  
31 Kinnoull Street  
Perth PH1 5EN  
01738 639999

email disclaimer:

The information in this email is confidential and meant solely for the intended recipients. If you have received this email in error, any disclosure, copying or distribution of the information contained in it is strictly prohibited. If you are not the intended recipient, please advise the sender immediately and delete this email.





---

## Title Information: PTH32524

### Search summary

Date/Time of search	04-09-2019 12:01:11
---------------------	---------------------

Transaction number	SCO-03493549
--------------------	--------------

User Reference	walker/emm
----------------	------------

**Section A****PTH32524**

## Property

Date of first registration	09-10-2007
Date title sheet updated to	15-05-2017
Date land certificate updated to	19-02-2014
Hectarage Code	1.3
Real Right	OWNERSHIP
Map Reference	NO3027 NO3028
Cadastral Unit	PTH32524
Sasine Search	<a href="#">6626</a>
Property address	RAWES FARM STEADING, LONGFORGAN, DUNDEE DD2 5HQ

Description	Subjects cadastral unit PTH32524 RAWES FARM STEADING, LONGFORGAN, DUNDEE DD2 5HQ edged red on the cadastral map being 1.26 hectares in measurement on the Ordnance Map; Together with free ish and entry therefrom and thereto from the public road from Errol to Invergowrie; Together also with (One) the servitudes contained in the Disposition in Entry 2 of the Burdens Section; (Two) the servitudes contained in the Deed of Conditions in Entry 3 of the Burdens Section; and (Three) the subsisting rights to real burdens specified in the Schedule of Particulars relative to Subsisting Rights to Real Burdens below.
-------------	--

Notes	<p>1. The parts edged and numbered in green on the cadastral map have been removed from this cadastral unit.</p> <p>2. The Dispositions of the parts edged and numbered in green on the cadastral map each include (i) a right along with the owners of other properties within the Rawes Farm Steading Development in and to the Servitudes and others as more particularly specified 1., 2. and 3. in Part 3 of the Disposition in Entry 2 of the Burdens Section including a right of access to and use of the Drainage System (as more particularly defined therein), and (ii) all other rights (common, mutual and exclusive) effeiring to the subjects disposed specified in the Deed of Conditions in Entry 3 of the Burdens Section; and (iii) all necessary rights of access to the subjects disposed over the roads, footpaths and service strips formed or to be formed within the Development of which the subjects disposed form part.</p> <p>3. The description of the burdened property in each entry of the Schedule of Particulars relative to Subsisting Rights to Real Burdens above should be read in conjunction with the Explanatory Note in the Burdens Section.</p> <p>4. Further information relating to the particular boundaries of the plot is narrated in the Disposition by Neil Walker in favour of Hadden Construction Limited, registered 9 Oct 2007.</p>
-------	--



## Schedule of Particulars Relative to Subsisting Rights to Real Burdens

Entry No	Benefited Property	Real Burdens	Burdened Property
1	subjects in this Title	Part 2 of Disposition to Hadden Construction Limited, registered 9 Oct. 2007, in Entry 2 of the Burdens Section	The Retained Property as defined in Disposition to Hadden Construction Limited, registered 9 Oct. 2007 in Entry 2 of the Burdens Section
2	subjects in this Title and other subjects	Deed of Conditions by Hadden Construction Limited, registered 3 Dec. 2009, in Entry 3 of the Burdens Section	Development at Rawes Farm Steading, Longforgan edged red on the cadastral map

This is a Copy which reflects the position at the date the Title Sheet was last updated.

© Crown copyright 2019

**Section B****PTH32524**

## Proprietorship

HADDEN CONSTRUCTION LIMITED a Company incorporated under the Companies Acts (Company Number SC141875) and having its Registered Office at 1 Maidenplain Place, Aberuthven, Auchterarder, PH3 1EL.

Entry number	1
Date of registration	09-10-2007
Date of Entry	19-09-2007
Consideration	£750,000

This is a Copy which reflects the position at the date the Title Sheet was last updated.  
© Crown copyright 2019

## Section C

**PTH32524**

Securities

There are no entries.

This is a Copy which reflects the position at the date the Title Sheet was last updated.  
© Crown copyright 2019

## Section D

**PTH32524**

### Burdens

Number of Burdens: 4

#### Burden 1

Disposition by Charles James George Paterson, with consent of William Abel Towler to David Walker and his heirs and assignees, recorded G.R.S. (Perth) 21 Jun. 1919, of 343.428 acres, contains the following burdens:

But declaring with regard to the boundaries as it is hereby provided and declared that it has been arranged between the said William Abel Towler and our said disponent as follows; -

(First)

Where the boundary is a road, the centre of the road shall form the boundary and the proprietors on each side of the road shall be liable for the maintenance of the wall, dyke or fence on his own side of the road;

(Second)

Where the boundary is a wall, dyke, sunk dyke or fence, hedge, ditch or stream the same shall be mutual property and shall be kept in repair at joint expense, the centre line thereof being the boundary; and that where the lands and others hereby disposed adjoin subjects not forming part of the said lands and barony immediately prior to the term of entry being Whitsunday 1919 the boundary shall be the boundary thereof as possessed by me the said Charles James George Paterson and my authors; And declaring that these presents are granted with the following heritable and irredeemable servitudes, rights and privileges, videlicet;- the right to use for the purpose of access to any part of the lands and others hereby disposed all existing roads and footpaths through any other portions of the said whole lands and barony which are at present used for that purpose and the right to use for the water supply, drainage and sewerage of the subjects and others hereby disposed all existing water courses, pipes, drains and sewers in and under any other parts of the said whole lands and barony which are at present so used with right of access for the maintenance or renewal of the same upon payment of any damage thereby occasioned; all which rights, declarations and privileges are hereby declared to be servitudes or real burdens upon and affecting the said lands and barony in so far as belonging to the said Charles James George Paterson as at 14 Mar. 1919 (other than the lands and others hereby disposed) in favor of the lands and others hereby disposed; And particularly without prejudice to the said generality immediately before written with right to our said disponent and his foresaids (first) along with the proprietors of the lands and farms of Overyards, Templehall Orchards, Templehall, Monorgan and Burnside of Monorgan and their successors) his water supply for the said farm of Raws as at present from the spring or well situated in the nursery behind the Home Farm Buildings in Castle Huntly Policies number 713 on the plan annexed hereto supplemented by the Fountainhead spring situated in field number 686 on said plan known as "Snabs Home Farm Parks" and of maintaining the line or track of pipe from the said spring or well situated in the said field number 686 through field number 691 on West Bank



Farm to the tank situated in said field number 713 and from thence to the subjects hereby disposed for the purpose and use of conveying water from the said springs or wells to the said Farm of Raws and also right to take and use water from the said springs or wells as heretofore; Declaring that the cost of upholding the said water supply system including the machinery connected therewith or other machinery to be substituted therefor and any surface damage occasioned shall be allocated as follows;- the cost of upholding the pipe and relative connections leading from the said Fountainhead spring to the tank behind the said Home Farm Buildings and from thence to the subjects hereby disposed, Overyards, Templehall Orchards, Templehall, Monorgan and Burnside of Monorgan being for the joint use of our said disponent and his foresaids and the proprietors of Overyards, Templehall Orchards, Templehall, Monorgan and Burnside of Monorgan shall be borne by our said disponent and his foresaids and by the proprietors of Overyards, Templehall Orchards, Templehall, Monorgan and Burnside of Monorgan and their successors in proportion to the annual value of the said respective properties as given in the Valuation Roll for the County of Perth current at the date when the expense of the repairs is incurred; which rights of water supply and rights incidental thereto are hereby declared to be servitudes or real burdens upon and affecting the said farms and lands of Overyards, Templehall Orchards, Templehall, Monorgan, Burnside of Monorgan, "Snabs Home Farm Parks", West Bank and Castle Huntly in favour of the lands and others hereby disposed;

Reserving always to the said Charles James George Paterson and his successors in the respective parts of the said whole lands and barony, so far as not hereby disposed (First) the right to use for the purpose of access to the other portions of the said whole lands and barony all existing roads and footpaths through the lands and others hereby disposed, which are at present used for that purpose and (Second) the right to use for the water supply, drainage and sewerage of the other portions of the said whole lands and barony all existing water courses, pipes, drains and sewers, in and under the lands and others hereby disposed which are at present used for that purpose, with the right of access for the maintenance and renewal of the same upon payment of any damage thereby occasioned.

Note: The plan annexed to the foregoing deed has not been submitted to the Keeper, therefore the said policy and field numbers cannot be determined in relation to the subjects in this Title.

## **Burden 2**

Disposition by Neil David Walker (the "Seller") to Hadden Construction Limited and its successors and assignees (the "Purchaser"), registered 9 Oct. 2007, of subjects Rawes Farm Steading, Longforgan, being the subjects Rawes Farm Steading, Longforgan being the subjects in this Title, contains the following real burdens and servitudes:

### **Part 1**

#### **Interpretation**

"the Arbiter" means an arbiter mutually chosen or, failing agreement, appointed on the application of either the Purchaser or the Seller by the President (or other senior executive replacing or deputizing for the President) for the time being of the Royal Institution of Chartered Surveyors in Scotland who shall have power to find the parties liable in or entitled to expenses

and which arbiter's decision shall be final and binding on all parties and the application of Section 3 of the Administration of Justice (Scotland) Act 1972 is expressly excluded

"the Barn" means the Barn forming part of the Conveyed Property and the Retained Property shown lettered X in blue on the cadastral map

"the Conveyed Property" means the subjects hereby disposed

"the Development" means the development of the Conveyed Property to be carried out by the Purchaser

"the Drainage area" means that area of ground lying on or towards the south southwest of the Conveyed Property and comprising part of the Retained Property and as such part of the Farm and Lands of Rawes and tinted brown on the cadastral map

"the Drainage Systems" means the Waste Water Treatment Plant and SUDS Basin to be constructed by the Purchaser within the Drainage Area as part of and to serve the Development

"the Farmhouse" means the existing Rawes Farmhouse shown lettered Y in blue on the cadastral map and forming Part of the Retained Property

"the New Access Road" means the road to be constructed by the Purchaser as part of the Development, the proposed line of which is shown tinted blue on the cadastral map

"the Purchaser" means Hadden Construction Limited and its successors and assignees as proprietors of the Conveyed Property or any part or parts thereof

"the Retained Property" means the Farm and Lands of Rawes, extending to 343.428 acres, in the Parish of Longforgan, described in Disposition to David Walker and others, recorded G.R.S. (Perth), 23 Feb. 1950, under exception of the subjects hereby disposed and also under exception of (1) subjects described in Disposition to Halley Brothers Limited, recorded G.R.S. (Perth) 17 Mar. 1951, (2) subjects described in Disposition to British Railways Board, recorded G.R.S. (Perth) 16 May 1989, (3) subjects described in Disposition to Gordon Murray Fyfe and another, recorded G.R.S. (Perth) 19 May 1993, (4) subjects described in Disposition to Andrew Gavin Morton and another, recorded G.R.S. (Perth) 26 Aug. 1994, (5) subjects described (in the First Place) and (in the Second Place) in Disposition to Albert Cooper and another, recorded G.R.S. (Perth) 20 Oct. 1994 and (6) subjects registered under Title Number PTH23539

"the Seller" means Neil David Walker and his successors as proprietors of the Retained Property or any part thereof

"the Service Media" means all existing pipes, cables, tanks, meters and transmission media serving the Conveyed Property or the Retained Property and both the Conveyed Property and the Retained Property

## Part 2

### Real Burdens affecting the Retained Property

The following real burdens are imposed on the Retained Property in favour of the Conveyed Property:-

1. The cost of inspecting, maintaining, repairing and/or renewing all Service Media serving the Conveyed Property and the Retained Property and not maintained by the relevant Authority shall, in so far as said Service Media serve the Conveyed Property and the Retained Property, be divided between the Purchaser and the Seller according to their use of same, and in the event of the parties using said Service Media being unable to agree the division of the cost, then the matter will, on the application of any of the said parties, be referred to the decision of the Arbiter
2. The New Access Road and any other roads forming part of the Development over which the Seller has a right of access shall be maintained, repaired and/or renewed by the parties using same and the cost of maintaining, repairing and/or renewing the said New Access Road will be divided according to usage and in the event of the parties using same being unable to agree the division of the share of the cost, then the matter will, on the application of any of the parties using same, be referred to the decision of the Arbiter
3. The cost of maintenance, repair and renewal of the Drainage Systems, in so far as said systems serve the Conveyed Property, the Seller and his successors as proprietors of the Farmhouse and the Seller and his successors as proprietors of any other part of the Retained Property, will be divided amongst the proprietors of the relevant properties using same according to their use, declaring that in the event of the parties using said Drainage Systems being unable to agree the division of the cost, then the matter will, on the application of any of the said parties, be referred to the decision of the Arbiter
4. On being provided with a right of access over the New Access Road and on connection into the Drainage Systems, the Seller will renounce and hereby renounces all servitude rights to any existing access and drainage systems which presently pass through the Conveyed Property to serve the Retained Property
5. The Seller shall permit the demolition of the Barn

### Part 3

#### Servitudes affecting the Retained Property

The following servitudes are imposed on the Retained Property in favour of the Conveyed Property:-

1. A servitude right for all existing Service Media which presently pass through the Retained Property and serve the Conveyed Property with a right of access thereto on all necessary occasions for the purposes of inspection, repair, maintenance and renewal thereof subject always to (i) said rights being exercised in such a way as to caused minimum practical inconvenience to the Seller as proprietor of the Retained Property or any part thereof and (ii) payment of compensation for all damage caused to the Retained Property and the structures thereon



2. A non-exclusive servitude right to the Drainage Area within the Retained Property to construct and install within the Drainage Area a Waste Water Treatment Plant and SUDS Basin and all pipes, cables and apparatus relevant thereto to provide all necessary drainage facilities for the Development on the Retained Property with all necessary rights of access thereto and that for the purpose of constructing, installing and thereafter maintaining and renewing same and taking such action as may be necessary from time to time to ensure that the Drainage Systems are in good working order

3. A non-exclusive servitude right to lead drains over the Retained Property from the Drainage Area to the River Tay for the purpose of taking outfall from the Drainage System, including without prejudice to the foregoing generality the right to construct such pipes and others as may be necessary to meet the requirements of the Scottish Environmental Protection Agency or any other relevant public body and that without prejudice to the foregoing generality in terms of the Water Environment Control Activities (Scotland) Regulations 2005 and the Water Environment & Water Services (Scotland) Act 2005 and any amending legislation or regulations or orders made thereunder subject to payment of compensation for any damage caused and restoration of the ground.

4. A non-exclusive servitude right of access to and Retained Property for the purpose of demolishing the Barn ("the Works") which Works will be carried out in such a way as to cause minimum practical inconvenience to the Seller

#### Part 4

#### Real Burdens affecting the Conveyed Property

The following real burdens are imposed on the Conveyed Property in favour of the Retained Property

1. The cost of inspecting, maintaining, repairing and/or renewing all Service Media serving the Conveyed Property and not maintained by the relevant Authority in so far as any such Service Media serve solely the Conveyed Property shall be the sole responsibility of the Purchaser and in so far as said Service Media serve the Conveyed Property and the Retained Property, the cost of such maintenance and repair and/or renewal will be divided between the Purchaser and the Seller according to their use of same, and in the event of the parties being unable to agree the division of the cost, then the matter will on the application of any of the said parties be referred to the decision of the Arbiter

2. The New Access Road shall be maintained, repaired and/or renewed according to usage and in the event of the parties using same being unable to agree the division of the share of the cost, then the matter will, on the application of any of the parties using same, be referred to the decision of the Arbiter

3. The cost of maintenance, repair and renewal of the Drainage Systems, in so far as said Systems serve the Conveyed Property and the Seller and his successors as proprietors of the Farmhouse and the Seller and his successors as proprietors of any other part of the Retained Property, will be divided amongst the proprietors of the relevant properties using same according to their use, declaring that in the event of the parties using said Drainage Systems



being unable to agree the division of the share of cost, then the matter will, on the application of any of the said parties, be referred to the decision of the Arbiter

4. During the Development, the Purchaser shall ensure that there is no disruption to the Service Media so as to interfere with the continued occupation of the Farmhouse

5. The Purchaser shall, in the course of the Development, connect the Farmhouse to the Drainage Systems, the location of such connection being at such point as the Purchaser and the Seller may, acting reasonably, agree. The Purchaser shall have no liability for the improvement, repair or replacement of any pipes, fittings or apparatus for drainage within the Farmhouse and the cost of repairing, maintaining and renewing all pipes, connections and apparatus used in common by the Seller and his successors as proprietors of the Farmhouse and the Purchaser, in so far as not the responsibility of any other relevant Authority, will be divided amongst the proprietors of the relevant properties using same according to their usage and in the event of any failure to agree the division of the cost, then the matter will, on the application of any of the said parties, be referred to the decision of the Arbiter

## Part 5

### Servitudes affecting the Conveyed Property

The following servitudes are imposed on the Conveyed Property in favour of the Retained Property

1. There is reserved to the Seller as proprietor of the Farmhouse a servitude right of access to and egress from the Farmhouse and to that part of the Retained Property lying to the west of the Conveyed Property and that for private motor vehicles and pedestrian purposes only and not for agricultural or commercial vehicles and that by means of the New Access Road subject always to (1) said rights of access being exercised in such a way as to cause minimum practical inconvenience to the Purchaser and his forebears as proprietors of the Conveyed Property or any part thereof and (2) the cost of maintenance of the said New Access Road so far as serving the Purchaser and its successors as proprietors of the Conveyed Property and the Seller and his successors as proprietor of the Farmhouse and other parts of the Retained Property being divided amongst the proprietors of the relevant properties using same according to their usage declaring that in the event of the parties using said access road being unable to agree the division of the share of the cost of maintenance, repair and/or renewal, then the matter will on the application of any of the said parties be referred to the decision of the Arbiter

2. There is reserved to the Seller as proprietor of the Retained Property a non-exclusive servitude right to connect the existing Farmhouse and any future development within the Retained Property into the Drainage Systems declaring that the capacity and specification of the Drainage Systems will be sufficient for the Development and the Farmhouse but otherwise will be at the Purchaser's sole discretion, which servitude right will be exercised in such a way as to cause minimum practical inconvenience to the Purchaser and its successors as proprietors of the Conveyed Property and subject to the reinstatement of all damage occasioned in its exercise

3. A servitude right for all existing service media which presently pass through the Conveyed Property and served the Retained Property with a right of access thereto on all necessary

occasions for the purposes of inspection, repair, maintenance and renewal thereof subject always to (1) the said rights being exercised in such a way as to cause minimum practicable inconvenience to the Purchaser as proprietor of the Conveyed Property or any part thereof and (2) payment of compensation for all damage caused to the Conveyed Property and the structures thereon

### **Burden 3**

Deed of Conditions, registered 3 Dec. 2009, by Hadden Construction Limited, Proprietor of the Development as hereinafter defined contains burdens &c., in the following terms, viz:

#### **1 DEFINITIONS, INTERPRETATION and CONSTRUCTION**

##### **1.1 Definitions**

"Common Property" means the Development under exception of

(1) all Plots, (2) any paths to which any individual Owner or Owners has/have been given a servitude or other right in the Disposition granted in their favour or otherwise and (3) all parking spaces exclusively conveyed and shall include the Open Ground and the road and drop-off point serving the Development as the said road and drop-off point are tinted blue on the cadastral map

"Consent" means, in relation to any Plot, the written consent of the Owner of any other Plot which is at some point within four metres of the Plot in question, (disregarding the width of any intervening road if of less than twenty metres and any pertinent of either Plot) except that where the Developer owns any Plot in the Development it means the written consent of the Developer

"Developer" means Hadden Construction Limited incorporated under the Companies Acts (Registered number SC141875) and having their Registered Office at 1 Maidenplain Place, Aberuthven, near Auchterarder PH3 1EL

"Development" means the subjects edged red on the cadastral map

"the Drainage Area" means that area of ground lying on or towards the south southwest of the Development and comprising part of the Retained Subjects and as such part of the Farm and Lands of Rawes, which area is tinted brown on the cadastral map

"Drainage System" means the foul and surface water drainage system constructed or to be constructed by the Developer as part of and serving the Development within the Drainage Area including the Waste Water Treatment Plant and SUDS basin and all pipes, connections and other which form part thereof (specifically excluding any pipes or connections which lie within a Plot and which only serve that particular Plot alone)

"Dwellinghouse" means a dwellinghouse (whether detached, semi-detached, terraced or otherwise) within the Development

"Land Certificate" means the Land Register of Scotland Land Certificate Title Number PTH32524

"the Lease" means the lease between the Developer and Shell Gas Limited dated 12 November and 15 December 2008 and registered in the Books of Council and Session for preservation on 26 January 2009

"LPG Equipment" means such storage vessels, pipework and associated equipment as the Developer in consultation with Shell Gas Limited may determine is necessary to provide the fourteen Dwellinghouses within the Development with a full main service LPG supply in terms of which LPG is to be stored centrally within the Development and piped around the Development to each of the Dwellinghouses

"Maintenance" shall include without limitation a reference to repair and replacement, maintenance, preventative maintenance, restorations, renewal, upkeep, upholding, inspection, cleaning, painting and other routine works, gardening, landscaping, reinstatement of parts, altering levels and the words "Maintain" and "Maintaining" shall be construed accordingly

"Manager Duties" means:

- (i) laying out a Maintenance schedule for the Common Property
- (ii) ordering Maintenance repairs, decoration and other operations in respect of the Common Property
- (iii) employing such gardeners, cleaners and other contractors as may be required for the Maintenance and preservation of the Common Property
- (iv) fixing the amount of the service charge to be paid by the Owners in terms of Condition 5, and if appropriate, the amount of any initial deposit required to be paid by Owners on purchasing a Property
- (v) arranging collection on behalf of the Owners of the said service charge or initial deposit
- (vi) arranging common insurance policies, if required
- (vii) modifying or revoking any previous Maintenance schedule or work instructed or arrangements made

"Manager" means the Developer or Life Property Management Limited, 70 West Regent Street, Glasgow G2 2QZ or such organisation or person who may be appointed in accordance with the provisions of Condition 5 hereof

"Open Ground" means such part or parts (if any) of the Development comprising landscape areas and/or areas of open spaces, woodland, play areas, entrance features, boundary walls, fences, hedges as said areas are tinted pink on the cadastral map

"Owner" means at any time the owner that that time of any Plot, and where two or more persons own the Plot includes both or all of them



"Plot" means a plot of ground on which a Dwellinghouse is erected and the garden ground and/or curtilage pertaining thereto and includes, without prejudice to the foregoing generality, any footpath or part of a roadway within such plot of ground

"Retained Subjects" means the Farm and Lands of Rawes extending to three hundred and forty three acres and four hundred and twenty eight decimal or one thousandth parts of an acre (343.428 acres) described in Disposition to David Walker and others recorded G.R.S. (Perth) 23 Feb. 1950 but that under exception of (1) ground extending to fifty two decimal or one hundredth parts of an acre (0.52 acre) or thereby described in Disposition to Halley Brothers Limited recorded G.R.S. (Perth) 17 Mar. 1951 (2) ground extending to seventeen square yards or thereby described in Disposition to British Railways Board recorded G.R.S. (Perth) 16 May 1989 (3) ground extending to twenty six decimal or one hundredth parts of an acre (0.26 acre) described in Disposition to Gordon Murray Fyfe and another recorded G.R.S. (Perth) 19 May 1993 (4) ground extending to nineteen decimal or one hundredth parts of an acre (0.19 acre) or thereby described in Disposition to Andrew Gavin Morton and another recorded G.R.S. (Perth) 26 Aug. 1994 (5) (First) ground extending to thirteen decimal or one hundredth parts of an acre (0.13 acre) or thereby described (In The First Place) in Disposition to Albert Cooper and Another recorded G.R.S. (Perth) 20 Oct. 1994 and (Second) ground extending to zero point zero seven (0.07) acres described (In The Second Place) in Disposition to Albert Cooper and another recorded G.R.S. (Perth) 20 Oct. 1994 (6) ground registered under Title Number PTH23539 and (7) the Development as hereinbefore defined

"Service Media" means all gas, electricity, telephone and mains water supplies and other utilities including without prejudice to the foregoing generality all cables, pipes, wires, mains, telecommunications and IT cables, transmitters and appurtenances thereof and all underground works required in connection therewith

"Service Strips" means any area of ground containing a duct or conduit for the purpose of leading gas, water, electricity, drainage and telephone services to and from the plots

"Servitudes" means the Servitudes affecting the Retained Property in favour of the Development specified in Entry 2 of the Burdens Section

"Shell Gas Limited" means Shell Gas Limited (Company registration number 00481121) whose registered office is at Shell Centre, London SE1 7NA and their successors and assignees in the tenants' rights under the Lease

"Visibility Splay" means any area within the Development or adjacent to a roadway required by the relevant Local Authority to be maintained for the adequate and safe passage of vehicular traffic

"the 2003 Act" means the Title Conditions (Scotland) Act 2003

## 1.2 Interpretation and Construction

Save to the extent that the context or the express provisions otherwise requires, in this Deed of Conditions:

1.2.1 words importing any gender include all other genders;



1.2.2 words importing the singular number only include the plural number and vice versa;

1.2.3 words which import the whole are to be treated as including reference to any part of the whole;

1.2.4 where at any one time there are two or more persons included in the expression "Owner" obligations contained in this Deed of Conditions are binding jointly and severally on them;

1.2.5 words importing individuals include legal persons and vice versa;

1.2.6 references to this Deed of Conditions or to any other document are to be construed as reference to this Deed of Conditions or to that other document as modified, amended, varied, supplemented, assigned, novated or replaced from time to time;

1.2.7 any reference to a Condition is to the relevant Condition of this Deed of Conditions;

1.2.8 reference to any statute or statutory provision (including any subordinate legislation) includes any statute or statutory provision which amends, extends, consolidates or replaces the same, or which has been amended, extended, consolidated or replaced by the same, and includes any orders, legislation, instruments or other subordinate legislation made under the relevant statute or statutory provision;

1.2.9 any phrase introduced by the words "including", "include", "in particular" or any similar expression is to be construed as illustrative only and shall not be construed as limiting the generality of any preceding words.

### 1.3 Headings

The headings in this Deed of Conditions are included for convenience only and are to be ignored in its construction.

### 1.4 Exercise of rights conferred by this Deed

Any rights conferred on an Owner or the Manager by this Deed of Conditions may be validly exercised by any person duly authorised by such Owner or the Manager including its tenants, agents and tradesmen, but subject to any limitations or restrictions imposed upon such Owner or the Manager by this Deed.

## 2 COMMUNITY BURDENS

### 2.1 Creation

2.1.1 The conditions set out in Conditions 2 to 4 are imposed on the Plots in the Development as community burdens

2.1.2 To the extent that the Developer is the Owner of any Plot, the conditions set out in Conditions 2 to 4 are real burdens in favour of such Plot

2.1.3 Condition 5 is a manager burden

## 2.2 Date of creation and application

The conditions imposed by this Deed of Conditions will take effect, in respect of a Plot, on the date of registration in the Land Register of Scotland of a disposition of that Plot in which the conditions in this Deed of Conditions are expressly stated to apply

## 2.3 Variation and Discharge of community burdens

A community burden may be varied or discharged by a Deed of Variation or Discharge under Section 33 of the Title Conditions (Scotland) Act 2003 granted:

2.3.1 by or on behalf of the Owners of at least a majority of the Plots, or

2.3.2 by the Manager, but only where the Manager is authorised to do so under Condition 5

## 2.4 Lands Tribunal applications

No application may be made to the Lands Tribunal for Scotland under sections 90(1)(a)(i) and 91(1) of the Title Conditions (Scotland) Act 2003 in respect of the community burdens and servitudes created in this Deed for a period of five years after the date of registration of this Deed of Conditions in the Land Register of Scotland

2.5 Each Plot shall be a benefited property in respect of the burdens contained in Entry 2 of the Land Certificate and that in relation to the Retained Subjects, all in terms of Section 12 of the 2003 Act

## 3 BURDENS

3.1 The Dwellinghouses shall be used and occupied solely for private residential purposes and shall not be sub-divided

3.2 No alterations or additions shall be made on or to the buildings erected or to be erected by the Developer unless all necessary statutory consents and permissions are obtained therefor and adhered to. No additional buildings of any description shall be erected on any Plot unless all necessary statutory consents are obtained therefor and adhered to

3.3 No Dwellinghouse, garage or other building or any part thereof, or any ground attached thereto shall be used for carrying on any trade, business or profession which involves the delivery or receipt of goods or persons visiting a Dwellinghouse, declaring that for the purpose of this restriction any deliveries other than normal mail will be deemed to constitute a business

3.4 No Dwellinghouse, garage or other building or any part thereof, or any ground attached thereto shall ever be used for the sale of any wine, spirits or excisable liquor or for the making or manufacturing of any goods for sale, or for any purpose which may be deemed to be a nuisance or likely to injure the amenity or prejudice the present or future development of the Development

3.5 No poultry, ducks, pigeons, bees or other livestock shall be kept within the Development. The breeding of animals within the Development shall be prohibited. The Owner shall not be

entitled to keep more than one dog and/or one cat in each Dwellinghouse and that only provided that such dog or cat shall not prove a nuisance to other Owners. It is expressly provided that all dogs shall be kept under control within the Development and shall at no time be allowed to run unfettered within the Development or to foul any part of the Development

3.6 No boats, caravans, motor caravans, trailers or commercial vehicles used for the transportation of goods shall be parked or stored in the open on any part of the Development

3.7 Any garden ground pertaining to a Dwellinghouse shall be kept in a neat and tidy condition in all time coming and the garden ground lying to the front and to the side of any Dwellinghouse shall only be used as ornamental garden ground and shall not be used for the drying of clothes. Any amenity planting/shrubs provided by the Developer which fall within a Plot shall be maintained by the Owner concerned in a neat and tidy condition in similar style to that provided by the Developer

3.8 Only one satellite television dish or aerial or equivalent shall be permitted to be placed on each Dwellinghouse and that provided always (a) that such dish or aerial or equivalent is of normal size and is located in as unobtrusive a position as reasonably practicable and (b) that all necessary consents for the erection of such dish or aerial or equivalent are obtained from the local Planning Authority

3.9 The pieces of ground (if any) specifically set aside as parking spaces shall be used for the parking of private motor cars or motor cycles and for no other purpose whatsoever and the parking thereon of boats, caravans, motor caravans, trailers or commercial vehicles used for the transportation of goods is strictly prohibited

3.10 Any common access roadways shall not be obstructed or used for the parking of any vehicles whatsoever

3.11 No business nameplate or board or advertisement (including without prejudice to the foregoing generality "For Sale" and "To Let" signs) will be affixed on the exterior of any of the Dwellinghouses or placed or affixed on or to any part of the Development (declaring that the provisions of this clause 3.11 do not apply to the Developer relative to the marketing of the Dwellinghouses in which connection the Developer shall be entitled to have "For Sale" notices affixed on or to any part of the Development until the sale of the last Dwellinghouse is complete)

3.12 The Owner will never place any walls or buildings or other permanent erections over the routes of or otherwise interfere with the Service Media

3.13 The Owner will never place any walls or buildings or other permanent erections on the ground where any trees and/or shrubs are planted to comply with the requirements of the Planning Authority

3.14 Each Owner shall, for a period of ten years (subject to the break option in the Lease) from the commencement of the LPG supply, concur in and accept the installation and use of the LPG Equipment and shall meet such costs as may be levied by Shell Gas Limited or such other reputable gas supplier as may succeed Shell Gas Limited in providing a supply of gas (the said Shell Gas Limited and such other suppliers being herein referred to as "the Supplier") in connection with the rental of meters and the supply of gas to his Dwellinghouse, as such costs



may be determined by the Supplier and the LPG Equipment will remain the property of the Supplier

#### 4 OBLIGATIONS TO MAINTAIN

4.1 Each Owner shall be bound to uphold and maintain his property in a good state of repair and decoration (in respect of which all painted exterior woodwork and other external parts normally painted or stained shall be regularly painted or stained in the original colours of the Development) and take all appropriate steps either by himself or in conjunction with the other Owners having an interest therein to prevent damage to the fabric thereof which may prejudice the stability thereof or create a nuisance to other Owners and in particular, but without prejudice to the foregoing generality, by control of vermin and immediate treatment of any dry rot or other form of rot or infestation which may be detected and the repair of any damage to water or other service cables, pipes, wires or others. Any Owner shall in the event of failure to take timeous and adequate measures to prevent and repair such damage or such defect, including notification to adjoining Owners whose property may be affected with a view to safeguarding their property, be liable for and bound to make good any damage, loss or injury occasioned thereby or resulting therefrom

4.2 Service media situated within individual Plots shall be maintained by the Owners of the Dwellinghouses concerned to the satisfaction of the service provider

4.3 Each Owner shall be bound and obliged always to keep his Dwellinghouse constantly insured against loss by fire with an Insurance Company of good standing against all risks normally covered by a Comprehensive Household Insurance Policy for the full replacement value from time to time of the said Dwellinghouse and others and in the event of any building or structures thus covered being destroyed or damaged by fire or otherwise, the Owner concerned shall be bound to repair and restore the same so far as practicable on the same site and to the same building and value and conforming so far as practicable with the existing style and that within a period of two years from such destruction or damage

4.4 Considering that for the benefit of amenity of the Development it is intended that the appropriate garden ground or ground attached or pertaining to each of the Dwellinghouses, garages or other buildings erected or to be erected on the Development shall be separated and divided from those adjoining or from the adjacent footpath or access road with such walls, posts, fences, concrete kerbs, timber edgings or such other enclosures or identification markers (if any) as the Developer may decide the Owners concerned shall be bound to keep and maintain the same in all time coming in the same style and pattern and when necessary renew the same

With the exception of such walls, fencing or others (if any) erected or planted by the Developer or by the Developer's predecessors in title, the said garden ground will not be enclosed by the erection of walls, fences, hedges (including closely planted conifers) or gates (without the Developer's prior written consent) but will be kept open in all time coming. Where a boundary wall or fence lies adjacent to a path, any part of the Common Property or other undeveloped area within the Development, it shall be maintained at the sole expense of the Owner concerned, so far as it is adjacent to his property. Any Visibility Splay incorporated in a Plot shall not be obstructed by any structure or plant, tree or shrub, to the satisfaction of the Local Authority. Except to the extent that any boundary enclosures comprise mutual boundary



enclosures separating one Dwellinghouse within the Development from another Dwellinghouse within the Development, each Owner shall (unless otherwise specified in any particular title) be responsible for the maintenance, repair and renewal of all boundary enclosures bounding his Plot in good repair and condition

4.5 In respect that (i) the Common Property and the Servitude shall in all time coming be held by each Owner in common and for the common use and benefit of the Owners in the Development and (ii) it is intended that, so far as not already done, the Developer will lay out and form the Common Property and Open Ground and install or arrange the installation of the Service Media and LPG Equipment and construct such roads with relative gutters, kerbs and footpaths ex adverso and within the Development and the Drainage System all as required in the development of the Development, the Owner shall, when the said roads, gutters, kerbs and foot pavements including the Drainage Systems, Common Property, Service Media and LPG Equipment are formed or constructed, uphold and maintain the same jointly in equal shares along with the other Owner or Owners having an interest therein with where appropriate the proprietor of the Retained Subjects in good repair and condition and in relation to the LPG Equipment the Owner shall comply with the terms of the Lease

4.6 Any common driveway or footpath serving two or more Dwellinghouses shall not be used for the parking of any vehicles whatsoever and shall be kept free of all obstructions at all times. The Owners of the Dwellinghouses served by the common driveway and footpath shall have a right of access over such common driveway and footpath to and from their Dwellinghouses. The expense of maintaining and keeping in repair such common driveways and footpaths shall be borne by the respective Owners having an interest therein in equal proportions and such Owner shall be prohibited from placing or permitting the placing of any objects whatsoever on such common driveways and footpaths

4.7 The expense of maintaining and keeping in repair the division walls, fences, drains, water and gas pipes, electric mains, rhones and downpipes and all other parts common or mutual to any Dwellinghouse and any adjoining Dwellinghouse shall be borne by all of the respective Owners involved having an interest therein, in equal proportions with, where appropriate, the proprietor of the Retained Subjects. The expense of maintaining and keeping in repair division walls, fences and hedges between the Development and the Retained Subjects shall be as set out in the title deeds

4.8 Where there is a Service Strip within or ex adverso any Plot, the planting of trees, shrubs or other items within the Service Strip is prohibited and the said Service Strip shall be maintained by the Owner(s) of the Plot

4.9 Each Owner shall on taking entry to his Dwellinghouse deposit with the Developer the sum of Ninety pounds (£90) sterling together with any Value Added Tax payable on the said sum as a contribution towards the initial costs to be incurred by the Manager

## 5 MANAGER BURDEN

5.1 The Development is subject to the manager burden in Condition 5.2 in favour of the Developer

5.2.1 The Developer or anyone appointed by the Developer for the purpose may:

5.2.1.1 act as the manager (the "Initial Manager") of the Development;

5.2.1.2 appoint some other person to be such manager;

5.2.1.3 dismiss any person appointed by virtue of Condition 5.2.1.2

and that with power to vary or discharge a community burden or burdens and that by a Deed of Variation or Discharge under Section 33 of the 2003 Act, for 5 years from the date of registration of this Deed or until the Developer no longer owns any Plot in the Development whichever is the shorter period (the "Initial Period")

5.2.2 The Manager shall carry out the Manager's Duties and/or such other duties or activities as authorised by the Developer or by a meeting of the Owners as aftermentioned

5.2.3 Following the earliest to occur of (a) the expiry of the Initial Period, (b) the resignation of the Initial Manager, and (c) (in the case of no Initial Manager being appointed) the registration of a Disposition by the Developer to an individual Owner of the last Plot within the Development, the Owners may at a meeting convened as aftermentioned appoint a Manager or terminate the appointment of any Manager. The Manager or any of the Owners shall be entitled to call a meeting of all of the Owners within the Development to be held at such reasonably convenient time (except at weekends or on public holidays) and place as the Manager or the Owner or Owners convening the said meeting may determine on at least seven days' written notice of the said meeting being given to all of the Owners and at any meeting so convened, any of the Owners may be represented by a mandatory appointed by written mandate to attend, vote and act on behalf of the Owner or Owners granting the mandate. Where such a meeting is convened, the Owners of three of the Plots within the Development or the mandatory or mandatories of such Owners shall be a quorum. The Owners or their mandatories present at the said meeting shall be entitled to one vote for each Plot owned by them or their principal. In the event of any of the Plots being owned by two or more Owners, only one of those Owners shall be entitled to vote and in no case shall more than one vote be allowed in respect of each Plot

5.2.4 A simple majority of those voting at any such meeting shall be entitled:

5.2.4.1 to order any Maintenance or other operations to be carried out to or on the Common Parts, and to carry out or order to be carried out the Manager's Duties

5.2.4.2 to make any regulations considered necessary with regard to the Maintenance, use or enjoyment of the Common Property (including without prejudice to the foregoing generality provisions for the collection from each Owner of a service charge, to be determined from time to time, and the share of the cost of any Maintenance due by each Owner)

5.2.4.3 to delegate to the Manager (subject always to the provisions of Condition 5.2.6) full right, power and authority to take charge of all matters pertaining to the Manager's Duties, including the power to employ others to undertake to carry out the said Duties, as if the said right, power and authority had been exercised by a simple majority vote at such a meeting

5.2.4.4 to enforce the provisions of this Deed

5.2.4.5 to exercise any of the mutual servitudes referred to in Condition 6 hereof

5.2.4.6 to dismiss any Manager (save that it shall not be permitted to dismiss the Initial Manager until after the expiry of the Initial Period) and to appoint such Manager as the meeting may approve

5.2.5 At any such meeting, the decision of a simple majority of those present and voting aforesaid shall be binding on all the Owners within the Development, whether consentors thereto or not, subject to there being a quorum present. Where decisions are required in respect of matters only affecting Common Property, a simple majority of the Owners of the Plots having an interest therein will prevail

5.2.6 The Manager (other than the Initial Manager) shall (unless otherwise determined at a meeting of the Owners) be entitled during the continuance of his appointment to exercise the whole rights and powers which may competently be exercised at or by a meeting of the Owners convened as aforesaid (save (i) for the powers referred to in Condition 5.2.4.3 and (ii) in respect of any single item of expenditure proposed to be incurred in terms of Conditions 5.2.4.1 and 5.2.4.2 the cost of which (as estimated by the Manager acting reasonably) would exceed a sum equivalent to twenty per cent (20%) of the total aggregate expenditure incurred under said Conditions 5.2.4.1 and 5.2.4.2 in the immediately preceding twelve-month period and any such proposed single item of expenditure shall require to be approved by a meeting of the Owners convened as aforesaid)

5.2.7 The Initial Manager shall be entitled during the continuance of his appointment to exercise the whole rights and powers which may competently be exercised at or by a meeting of the Owners convened as aforesaid (save for the power referred to in Condition 5.2.4.3)

5.2.8 The expenses and charges incurred in respect of any work undertaken or services performed in terms of or in the furtherance of the provisions herein-contained and the remuneration of the Manager shall be paid by the Owners, whether consentors thereto or not, each Owner bearing an equal share with other Owners of the said expenses, charges and remuneration with interest thereon at four per cent (4%) per annum above the base lending rate charged from time to time by the Bank of Scotland from the date on which payment is demanded by the Manager until payment is made and in the event of the share (and any interest payable thereon) due by any of the Owners being unpaid for more than one calendar month the Manager (or in the event of no Manager being appointed, the remainder of the Owners) shall be entitled to sue for recovery of the same in his (or their) own name, together with all expenses incurred by him or them. If the Manager is unable to recover the unpaid share, then it shall be paid by the remainder of the Owners, each bearing an equal share thereof, the said remainder of the Owners in that event being entitled to sue for and to recover such reimbursed payment or expenses from the Owner or Owners whose share is unpaid as aforesaid

5.2.9 At settlement of the purchase of his or her Plot, each Owner (excepting for the avoidance of doubt the Developers) will require to pay the Manager an Initial Deposit

The Initial Deposit will be Ninety pounds (£90) sterling, or such other sum as the Manager may reasonably determine



On ceasing to be an Owner of a Plot, a person will be entitled to repayment of said initial deposit without interest and under deduction of any sums due by that person in terms of this Deed

5.2.10 Each Owner shall also pay to the Manager a service charge to be reasonably determined by the Manager or by a meeting of the Owners convened as aforesaid, said charge to be paid to the Manager at such times and in such manner as requested by him and to be applied by the Manager towards the Owner's liability for his share of any expenses, charges and remuneration due in terms of this Deed. If, in any year, the service charge exceeds an Owner's liability for his share of any such expenses, charges and remuneration, the excess may be held by the Manager as an advance payment for liability in subsequent years. All sums held by the Manager in respect of the Development are held by him in trust for the Owners

5.2.11 The Manager shall, at least once a year, make available to a meeting to the Owners convened as aforesaid a full and vouched statement of account (in arrears) of his intromissions or shall make such statement available at his place of business to any Owner or any person appointed to act for an Owner who wishes to examine same

5.2.12 When any Owner sells or disposes of his Plot, he or she shall notify the Manager at least fourteen days prior to the date of entry of the new Owner of the date of sale or disposal and the identity of the new Owner of their Plot

5.3 The Developer may assign the Manager Burden created in this Condition

5.4 The Manager shall have the following rights, powers and responsibilities and any other rights, powers or responsibilities reasonably incidental thereto:

- a) to receive an initial float against expenses from each Owner along with the purchase price of each Plot
- b) to carry out or instruct maintenance or repairs in relation to any part of the Development
- c) to apportion liability for costs among the Owners and to recover from each of the Owners their share of said liability on a monthly basis or at such other frequency as the Manager may determine, and
- d) to carry out the Manager Duties and to enforce the provisions of this Deed

## 6 SERVITUDES

The rights in this Condition are servitudes imposed on the relevant burdened properties in favour of the relevant benefited properties

### 6.1 Community Servitudes

6.1.1 For the purposes of this Condition 6.1:-

- (i) the burdened property is the Development, and



(ii) each Plot is a benefited property

6.1.2 The following servitudes are imposed on the Development in favour of each Plot:

(i) a right of access for pedestrian and vehicular traffic over all roads, footpaths, parking spaces and lanes within the Development, other than those situated within any Plot;

(ii) a right of access over, and use of, (including a right to erect scaffolding) any other Plot for the purpose of inspecting, cleaning, repairing and renewing any building, wall, fence or other structure erected on a Plot;

(iii) a right of access over, and use of, (including a right to erect scaffolding) any other Plot for the purpose of inspecting, cleaning, repairing and renewing the drains, sewers, electric cables, gas and water mains, and other pipes, cables and enclosed units comprising the Service Media serving a Plot

(iv) a right of pedestrian (and, where appropriate, vehicular) access and egress to and from their respective Plots over any adjoining service strip for all purposes

## 6.2 Development Servitudes

6.2.1 For the purposes of this Condition 6.2:

(i) the burdened property is the Development, and

(ii) each Plot is a benefited property

6.2.2 The following servitudes are imposed on the Development in favour of each Plot:

(i) a right to lead pipes, cables, wires or other enclosed units over or under the Development for sewage, electricity, gas, water and all other necessary purposes;

(ii) a right to install, construct and lay drains, sewers, electric cables, gas and water mains, and other pipes, cables and enclosed units and to connect into such drains, sewers, electric cables, gas and water mains, and other pipes, cables and enclosed units as already exist or are installed by virtue of Condition 6.2.2(i), and

(iii) a right to carry out all necessary acts of inspection, maintenance and renewal in respect of such drains, sewers, electric cables, gas and water mains, and other pipes, cables and enclosed units;

(iv) a right of access for pedestrian and vehicular traffic (including construction traffic) over all roads, footpaths, parking spaces and lanes within the Development, including a right to form, construct, re-design and re-align the roads, footpaths, parking spaces and lanes

6.2.3 The rights conferred by this Condition 6.2 may be exercised in respect of any current or future development of the benefited property under this Condition 6.2

6.2.4 Except for the right granted by Condition 6.2.2(i), the rights conferred by Condition 6.2 are extinguished in respect of any part of the benefited property when that part ceases to be owned by the Developer

### 6.3 Building Servitudes

6.3.1 For the purposes of this Condition 6.3:

- (i) each Plot is a burdened property, and
- (ii) the benefited property is the Development

6.3.2 The following servitudes are imposed as servitudes on each Plot in favour of the Development:

- (i) a right of access (including a right to erect scaffolding) for the purpose of the erection of a building or other structure on any other Plot
- (ii) a right to move or remove any part or parts of any boundary wall or fence, and to re-position any boundary wall or fence to coincide with the title plans

6.3.3 The rights conferred by this clause are extinguished in respect of any part of the benefited property when that part ceases to be owned by the Developer.

### 6.4 Exercise of servitude rights

6.4.1 The parties exercising the rights and obligations contained in Conditions 6.1, 6.2 and 6.3 will:

- (i) except when exercising the rights contained in 6.1.2 (i) give reasonable prior written notice to the relevant Owners or the Developer;
- (ii) exercise the rights at reasonable times and in a reasonable manner;
- (iii) keep any disturbance and interference to a minimum; and
- (iv) make good all physical damage caused to the Development or the Plots to the reasonable satisfaction of the affected Owners or the Developer as soon as reasonably practicable.

6.4.2 The rights contained in Conditions 6.1, 6.2 and 6.3 may be exercised only where it is reasonably necessary for the purpose in question.

## 7 DISPUTES

Any questions, disputes or differences which may arise among any of the Owners shall, failing agreement, be referred to an arbiter jointly appointed by the parties or failing agreement by an arbiter to be appointed at the request of any party by the Chairman for the time being of the Scottish Branch of the Royal Institution of Chartered Surveyors in respect of practical matters relating to the Development, or by the President of the Law Society of Scotland in respect of

legal matters relating to the Development or this Deed of Conditions, and the decision of such arbiter shall be binding upon the parties who shall bear their own costs in respect of any such determination. The application of Section 3 of the Administration of Justice (Scotland) Act 1972 is expressly excluded.

## 8 STATUTORY UNDERTAKERS

There are reserved in favour of the local or public authorities and statutory undertakers and service utility companies and the like including, without prejudice to the foregoing generality, Shell Gas Limited and the Supplier for the LPG Equipment, all necessary rights of access for the installation, repair, maintenance, cleaning and renewal of all electric and telegraphic cables, water, gas and drainage pipes, sewers, soil, waste and water supply pipes and all other cables, pipes and transmitters and other services serving the Plots in the Development in, through and under any part of the Development provided that such rights may be exercised by any local or public authority or statutory undertaker or Supplier without any liability on the part of us or our successors, and none of the Owners will have any claim against the Developer.

Note: The effectiveness of the real burdens in the foregoing Deed of Conditions has been postponed until, in respect of a Plot, the date of registration in the Land Register of Scotland of a disposition of that Plot in which the conditions in this Deed of Conditions are expressly stated to apply.

### Burden 4

Explanatory Note:



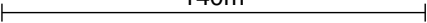
The descriptions of the burdened and benefited properties in any deed registered in terms of sections 4 and 75 of the Title Conditions (Scotland) Act 2003 in this Title Sheet are correct as at the stated date of registration of such deed. This is notwithstanding any additional information that may have been disclosed by the Keeper in respect of those properties.

This is a Copy which reflects the position at the date the Title Sheet was last updated.

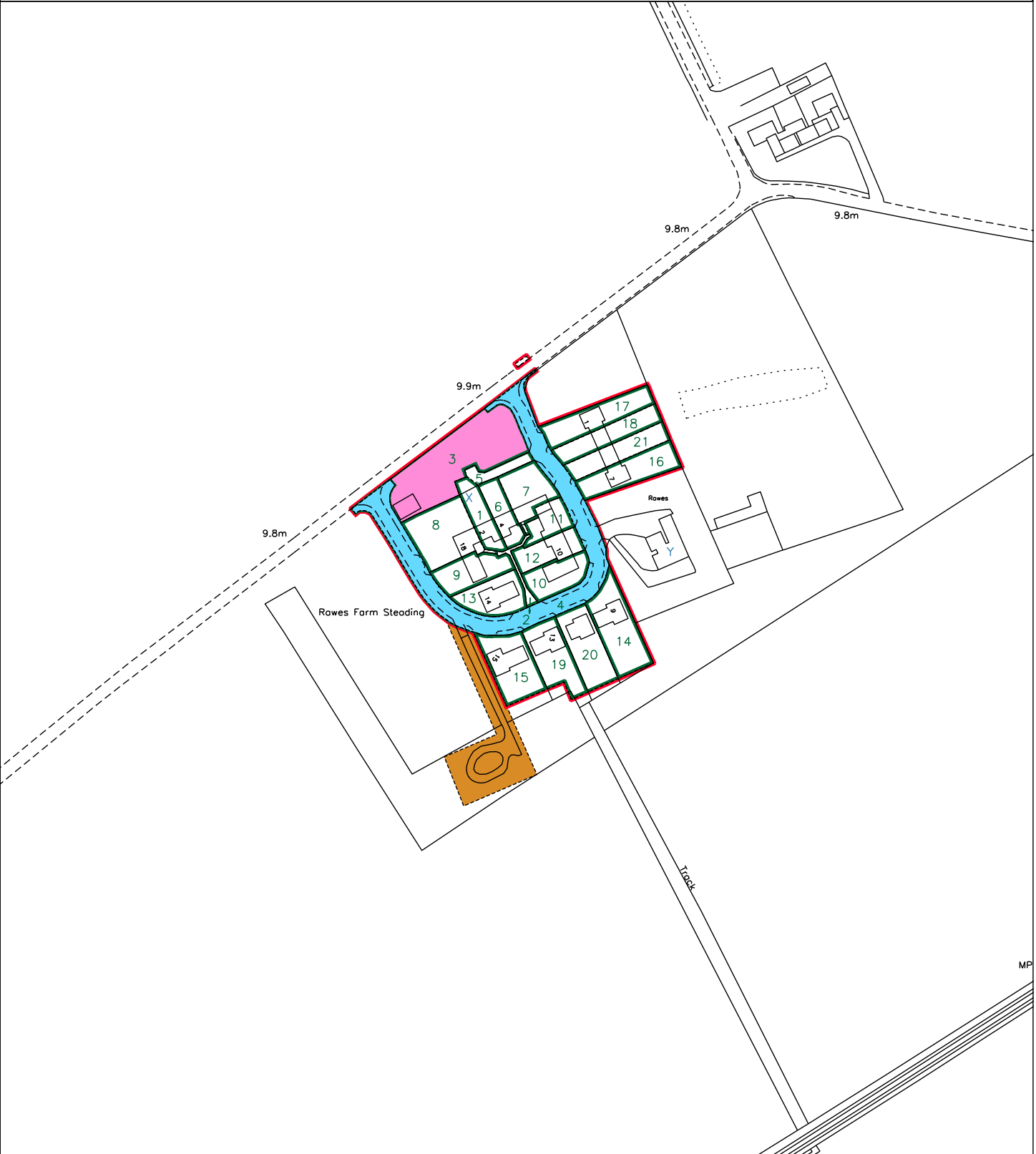
© Crown copyright 2019





 <b>LAND REGISTER OF SCOTLAND</b>	Officer's ID / Date	TITLE NUMBER
	3940 13/8/2019	<b>PTH32524</b>
	ORDNANCE SURVEY NATIONAL GRID REFERENCE	140m 
NO3027 NO3028 NO32NW		Survey Scale
		1/2500

CROWN COPYRIGHT © – This copy has been produced from the ROS Digital Mapping System on 14/08/2019 with the authority of Ordnance Survey under Section 47 of the Copyright, Designs and Patents Act 1988. Unless there is a relevant exception to copyright, the copy must not be copied without the prior permission of the copyright owner. OS Licence no 100041182.





and be in receipt of written agreement from their local FC Conservancy Office before erecting boundary fences.

### Maintaining the Woodland

19. If adequate establishment is not achieved within the time limits agreed with the FC and if remedial action is not taken to correct any problems, SEERAD may seek to recover all FWPS payments and the applicant's WGS may also be at risk. Once accepted into the FWPS, the woodland must be maintained in accordance with good forestry practice and the land planted with trees must not be returned to agriculture for at least:

- 30 years after planting in the case of woodland receiving payments for 15 years;
- 20 years in the case of woodland receiving payments for 10 years.

If all or part of the woodland area is removed by any means during the above periods the participants will be liable to repay with interest FWPS payments received.

es,

fa.

m

d

fer





Business Name: Rawes Farms

Business Reference Number: 128377

Main Location Code: 89/702/0009

### Permanent Land

Land Parcel Information						Land Use Details							Less Favoured Area	Ecological Focus Area		Agri-Environment Climate Scheme		Forestry Grant Scheme		Rural Priorities		Status
Location Code	Land Parcel Identifier	Payment Region	Gross field area	Excl	BPS Eligible Area	Payment Region	Land use (use code list)	Land use Area	BPS Area being claimed	LFASS	Land Let Out	Land activity	Organic status	LFA Indicator	Activity	Option	Unit	Option	Unit	Option	Unit	Status
89/702/0009	NO/30559/28021	1	0.60	0.02	0.58	1	TGRS 5 EXCL	0.58 0.02	0.00		N	NA	No	N								Status
89/702/0009	NO/30635/28155	1	0.16	0.00	0.16	1	PGRS	0.16	0.00		N	NA	No	N								Validation Passed
89/702/0009	NO/30710/28142	1	1.09	0.02	1.07	1	PGRS EXCL	1.07 0.02	1.07		N	PA	No	N								Validation Passed
89/702/0009	NO/30789/28145		2.40	2.39	0.01		EXCL	0.01			N	NA	No	N								Excluded
89/702/0009	NO/31449/28052	1	2.52	0.03	2.49	1	PGRS EXCL	2.49 0.03	2.49		N	PA	No	N								Validation Passed
89/702/0009	NO/31480/27959	1	2.12	0.11	2.01	1	PGRS EXCL	2.01 0.11	2.01		N	PA	No	N								Validation Passed



<p><b>TCP/11/16(624)</b> <b>19/01120/FLL – Erection of 4 dwellinghouses, land 60 metres west of 14 Rawes Farm Steading, Longforgan</b></p>
--

## **FURTHER INFORMATION**

- Further information from planning, as requested by the LRB on 3 March 2020
- Further information from the agent, dated 28 July 2020, as requested by the LRB on 3 March 2020





Directorate for Planning and Environmental Appeals

Telephone: 01324 696400 F: 01324 696444  
E: dpea@scotland.gsi.gov.uk

John Culbert  
The Director of Planning & Development  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

RECEIVED  
- 8 JUL 2009



Your ref: 08/01767/FUL

Our ref: P\PPA\340\768

7 July 2009

Dear Sir

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
PLANNING APPEAL: RAWES FARM STEADING, LONGFORGAN, DD2 5HQ**

I enclose for your information a copy of the decision letter on this appeal.

The Reporter's decision is final, subject to the right of any aggrieved person to apply to the Court of Session within six weeks from the date of the decision conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997; on any such application, the Court may quash the decision if satisfied that it is not within the powers of the Act or that the applicant's interests have been substantially prejudiced by a failure to comply with any requirement of the Act, or of the Tribunals and Inquiries Act 1992, or of any orders, regulations or rules made under these Acts.

Yours faithfully

Angela Reid

## Appeal Decision Notice

T: 01324 696 400  
F: 01324 696 444  
E: [dpea@scotland.gsi.gov.uk](mailto:dpea@scotland.gsi.gov.uk)



---

Decision by Karen Heywood, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/340/768
- Site address: land to the west of Rawes Farm Steading, nr Longforgan, DD2 5HQ
- Appeal by Mr and Mrs N Walker against the decision by Perth and Kinross Council
- Application for planning permission reference 08/01767/FUL dated 25 August 2008 refused by notice dated 15 January 2009
- The development proposed: erection of four dwellings with associated garages
- Date of site visit by Reporter: 22 June 2009

Date of appeal decision: 7 July 2009

---

### Decision

I dismiss the appeal and refuse planning permission.

### Preliminary matter

The appellants refer to policy 46 of the Perth Area/Central Area Draft Local Plan (December 2004) *but have indicated that this plan is no longer being progressed*. The planning authority has made no reference to this plan and in the appeal questionnaire has confirmed that there are no draft plans relevant to this appeal. Accordingly, I have afforded no weight to this policy.

### Reasoning

1. The determining issues in this appeal are whether residential development is acceptable in this rural location, having regard to policies 1 and 32 of the local plan; and whether there are any material considerations, including the council's non-statutory Housing in the Countryside Policy, which justify approval or refusal.

2. The proposed development conflicts with the first part of local plan policy 1, as it does not fall under any of the specified uses. Although there has been some recent tree planting in the area to the west and south of the site, this does not provide a good landscape framework at present, as required under the first criterion of the policy. Much of the tree planting along the southern boundary of the site has been removed to provide the

treatment pond and all of it did not appear to have been maintained, casting doubt on its continued establishment.

3. The tree planting area is outwith the appeal site and no information has been provided on its ownership or control, precluding the imposition of a condition. Furthermore, there has been no tree planting to the north and the appeal site is visible for some considerable distance from this direction. There also appears to be some doubt about the ability of the local primary school to accommodate pupils likely to be generated by the proposed development, another policy criterion. I conclude that the proposed development conflicts with policy 1.

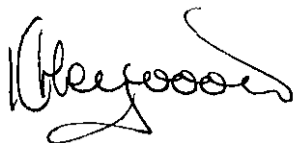
4. Local plan policy 32 applies the council's non-statutory Housing in the Countryside Policy, the latest version of which is dated 2005. The policy is supportive of groups of new houses in the countryside which comply with the policy criteria. The appeal site lies outwith the building group at Rawes Farm, separated from the group by the western access road. The immature tree planting to the south and west site boundaries appears to be a relatively recent introduction, which does not provide a sense of containment or a suitable setting for the proposed development. Although the proposed development would be screened to the east by the former steading, to the west of the site the landscape is flat and open and the development would be readily apparent from a considerable distance, as it would be from the north.

5. In these circumstances, the proposal would appear as an incongruous incursion of residential development into the open countryside to the detriment of its open rural character. I do not consider that any benefits secured by visually 'balancing' the adjacent development, as the appellants claim, would outweigh this harm. Criterion 5 of the policy is not applicable, as the agricultural building which previously occupied part of the site was removed and the site has been cleared and used as a site compound.

6. Photographic evidence in the appellants' statement, not disputed by the planning authority, confirms that some of the appeal site was formerly occupied by a substantial agricultural building. The appellants assert that the original hard standing and footings for that building remain and that there is the potential for contamination from previous uses. Nevertheless, I am not convinced that the site of that building is significantly degraded. Furthermore, there is no evidence before me to suggest that the land to the south and west of that former building (where units 3 and 4 and the rear gardens for all of the houses are proposed), has ever previously been developed. At most therefore, only a portion of the appeal site could reasonably be described as brownfield land.

7. In any event, for the reasons I have already identified, I do not consider that the construction of the appeal proposal would result in a net environmental improvement or a satisfactory landscape fit. The current appearance of the appeal site is a result of its temporary use in connection with the adjacent development. Once that is complete, it is reasonable to conclude that the appearance of the site will improve. I conclude that the proposed development also conflicts with local plan policy 32 and with the non-statutory Housing in the Countryside Policy.

8. I have considered all of the other matters raised by the parties, but I do not consider that any of them is of sufficient weight to overturn my decision that the appeal should be dismissed.



Karen Heywood  
Principal Reporter



# PERTH AND KINROSS COUNCIL

Mr And Mrs N Walker  
c/o Bell Ingram Design  
Durn  
Isla Road  
Perth  
PH2 7HF

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 15th January 2009

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **08/01767/FUL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 29th August 2008 for permission for **Erection of 4 dwellings with associated garages Rawes Farm Steading Longforan** for the reasons undernoted. One set of the relative plans, duly docquetted with reference to this refusal, is returned herewith.

Development Quality Manager

### Reasons for Refusal

- 1 The proposals are contrary to general policy 1 of the Perth Area Local Plan 1995 as the site does not have a good landscape framework and development would be visually obtrusive over wide areas of open flat fields and would not fit the existing pattern of building and appearing isolated and incongruous.
- 2 The proposals are contrary to Policy 32 relating to new housing in the countryside in the Perth Area Local Plan 1995 as they do not meet the criteria listed under: [a] development zones [b] building groups [c] replacement houses [d] restoration of abandoned houses [e] conversion of non domestic buildings and [f] operational need.
- 3 The proposal does not fit any of the criteria in the Council's policy on Housing in the Countryside (2005) and in particular regarding the category of 'brownfield' sites, it fails the tests of a net environmental improvement and landscape fit. In addition, the general locational criteria discourages development on sites with no natural containment where development would not blend sympathetically within the landscape.

## Notes

- 1 The site lies out with the publicly sewerred areas and consequently drainage investigations have not been fully undertaken.

## DELEGATED REPORT

Ref No	08/01767/FUL
Ward No	N1

**PROPOSAL:** Erection of 4 dwellings with associated garages

**LOCATION:** Rawes Farm Steading Longforgan

**APPLICANT:** Mr and Mrs N Walker

**RECOMMENDATION:** Refuse the application

**SITE INSPECTION:** 26 September 2008

### OFFICERS REPORT:

The application is in full and seeks consent for an additional four houses on land lying adjacent to a former steading complex which is currently being developed for a total of 14 residential units excluding the existing farmhouse at Rawes Farm to the south of Longforgan. The surrounding countryside is flat and open with little in the way of tree cover and the existing buildings are visible over a wide area. The current proposal involves the erection of a row of four detached two storey houses of two varying housetypes on open ground to the west of the present newly formed access road to the steading group itself. The northernmost two of the proposed houses occupy the footprint of a former tin shed total evidence of which has since been removed, but the area was never included as part of any earlier layout. The site is now simply open ground beyond present development limits.



The site lies within the landward area as defined in the Perth Area Local Plan 1995 where Policy 1 requires that development sites should have a good landscape framework within which development can be set and screened naturally. However, in this case, there is no physical containment to the site and it simply extends into wide open flat featureless fields where development would be visually prominent over wide areas of Carse countryside. In addition, the proposals are not operational and the further expansion of development breaches the present building pattern and would appear incongruous in relation to the otherwise compact steading complex again contrary to Policy 1.



Policy 32 relating to Housing in the Countryside does facilitate steading conversions to houses and provides for gap site opportunities, but does not allow for new build housing beyond recognised development limits. The proposal does not fit any other listed policy criteria. The Council's more recent December 2005 policy on Housing in the Countryside introduces a new category of 'brownfield site' where the principle tests are whether the proposals would result in a net environmental benefit and fit satisfactorily within the landscape. In this case, the site is partly cleared ground where it would be difficult to argue an environmental benefit and where new build would be isolated in an otherwise open landscape, all contrary to policy. In terms of general siting criteria, the policy specifically discourages development involving the sub division of ground artificially for development with post and wire fencing. A previous appeal (ref: P/PPA/340/391) at Rawes Farm involving new build beyond the steading group on the north side was dismissed on appeal. The Reporter concluded that the scale of development was excessive (involving a total of 18 houses at that time) and contrary to the objectives of directing non-essential development to existing settlements and discouraging isolated development in open countryside.

## **DEVELOPMENT PLAN**

### **Policy1 General policy in the Perth Area Local Plan 1995:**

Developments in the landward area, as shown in Proposals Map A on land which is not identified for a specific policy, proposal or opportunity will generally be restricted to agriculture, forestry or recreational and tourism projects and operational developments



including telecommunications development for which a countryside location is essential. Developments will also be judged against the following criteria:-

? The site should have a good landscape framework within which the development can be set and, if necessary, screened completely.

? In the case of built development the scale, form, colour and design of development should accord with the existing pattern of building.

? The development should be compatible with its surroundings in land use terms and should not cause unacceptable environmental impact.

? The local road network should be capable of absorbing the development and a satisfactory access onto that network provided.

? Where applicable, there should be sufficient spare capacity in local services to cater for the new development.

? The site should be large enough to accommodate the development satisfactorily in site planning terms.

The need to accommodate development as part of the ongoing requirements of existing commercial land uses in the countryside

### **Policy 32 Housing in the Countryside in the Perth Area Local Plan 1995:**

The District Council's District wide policy on Housing in the Countryside will apply within most of the Landward Area. Within Areas of Great Landscape Value, the National Scenic Area and the Historic Gardens and Designed Landscapes there will be a presumption against new houses except on the basis of operational need, but encouragement will be given to the restoration and conversion of buildings to form new houses.

### **OTHER POLICIES**

**The Council's December 2005 policy on Housing in the Countryside** is relevant particularly where it relates to 'brownfield sites'.

### **SITE HISTORY**

Planning consent was previously refused for a 15 house development under 04/01458/FUL and a subsequent appeal was dismissed. A further application for a conversion of a steading building to nine houses was approved under 04/02408/FUL and other additional applications for single infills and replacement houses involving a further five residential units have been approved. Development to implement these approvals is now well underway.

### **CONSULTATIONS/COMMENTS**

Education And Children's Services	Education advise inclusion of standard footnote.
Transport Planning	Conditional approval.
Head Of Environmental And Consumer Services	Standard contamination condition recommended.
Scottish Water	No objections.

**TARGET DATE:** 24 October 2008

**OBJECTIONS RECEIVED:**

The Parent Council for Longforgan Primary School have objected on the grounds that the local primary school at Longforgan is currently at capacity. Education and Children's Services have responded advising the standard footnote that no guarantee can be given that children arising due to the development can be accommodated at the local school.

**Reasons:-**

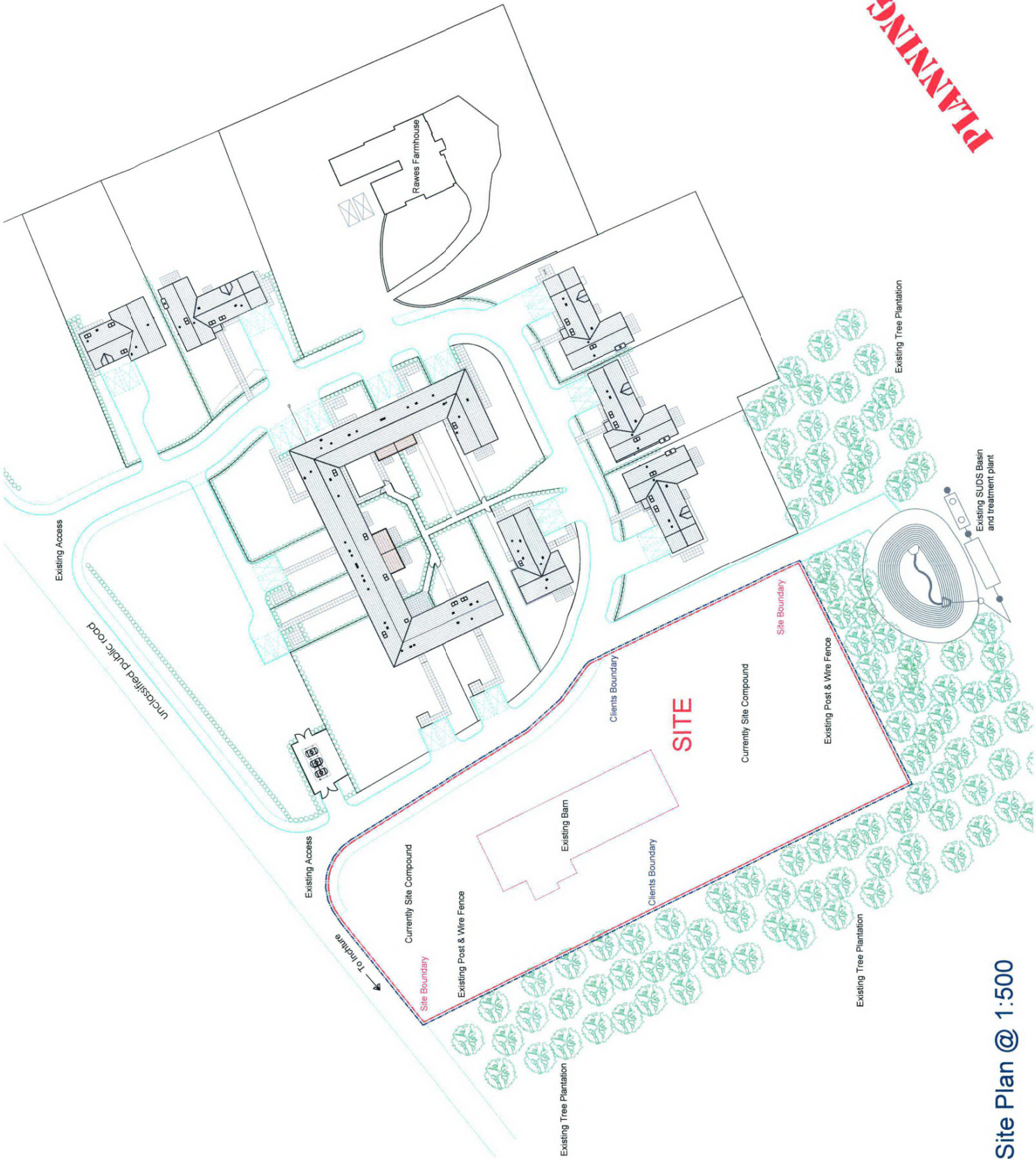
- 1 The proposals are contrary to general policy 1 in the Perth Area Local Plan 1995 as the site does not have an identifiable landscape framework and development would be visually obtrusive over wide areas of open flat fields and would not fit the existing compact pattern of building and would appear isolated and incongruous.
- 2 The proposals are contrary to Policy 32 in the relating to new housing in the countryside in the Perth Area Local Plan 1995 as they do not meet the criteria listed under: [a] development zones [b] building groups [c] replacement houses [d] restoration of abandoned houses [e] conversion of non domestic buildings and [f] operational need.
- 3 The proposal does not fit any of the criteria in the Council's December 2005 policy on Housing in the Countryside and in particular in regard to the 'brownfield' category it fails the tests of a net environmental improvement and landscape fit. In addition, the general locational criteria discourage development on sites with no natural containment where development would not blend sympathetically within the landscape.

**Notes**

- 1 The site lies outwith the publicly sewered areas and consequently drainage investigations have not been fully undertaken.

ADDED VALUE:	no – delegated approval within statutory period
DEVL'T PLAN DEPARTURE:	no
REFER TO SE/HS:	no
DRAINAGE:	no

Client	Neil Walker
Project	Reves Farm New Build Houses
Title	Existing Site Plan
Branch	Perth
Drawn	10/10/08
Check	10/10/08
Job No.	000008
Drawn	10/10/08
Check	10/10/08
Rev	1.0002



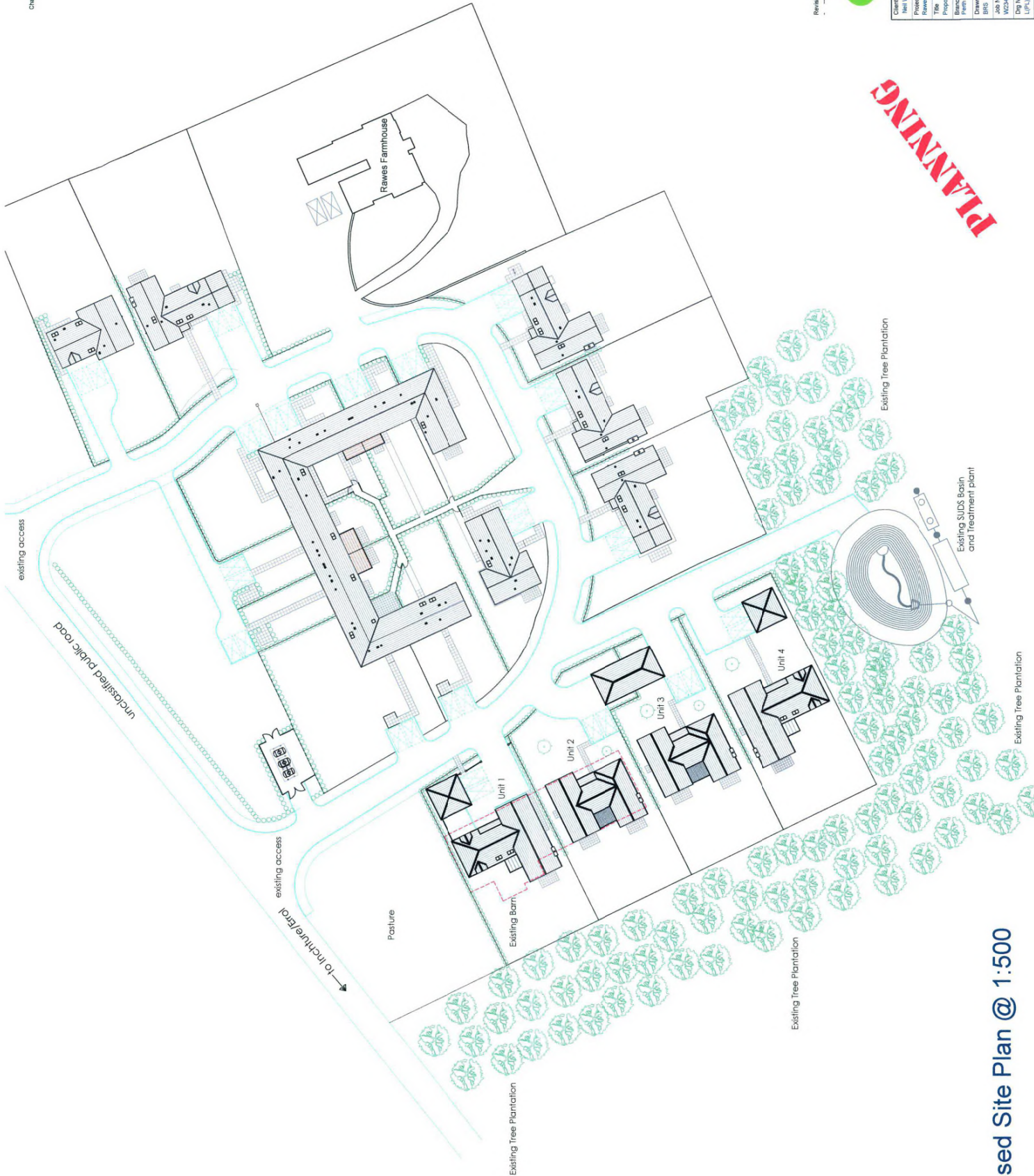
**PLANNING**

Site Plan @ 1:500





Client	John Walker
Project	Proposed Farm New Build Houses
Type	Proposed Site Plan
Branch	Perth
Drawn	20/06/08
Checkd	AZ
Job No	W0241
Dwg No	UP1-001
Rev	



Proposed Site Plan @ 1:500



# PERTH AND KINROSS COUNCIL

Hadden Construction Ltd  
c/o Bell Ingram Design  
Bruce Stephens  
Durn  
Isla Road  
Perth  
PH2 7HF

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 15 December 2015

Town and Country Planning (Scotland) Acts.

Application Number **15/01390/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to grant your application registered on 13th August 2015 for planning permission for **Erection of 8 dwellinghouses** at Rawes Farm Steading Longforgan subject to the undernoted conditions.

Development Quality Manager

Conditions referred to above

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent

Reason - To ensure that the development is carried out in accordance with the plans approved

- 2 Prior to the commencement of any works on site, a detailed landscaping and boundary treatment plan shall be submitted for the approval in writing by the Council as Planning Authority. That plan must clearly show all existing trees which are located within the site and along its boundaries. The approved plan shall be implemented in full as the development progresses, all to the satisfaction of the Council as Planning Authority.

Reason - In the interest of proper site management and to ensure that the visual amenity of the area is protected.

- 3 All existing trees within the sites boundaries, as identified through condition 2 shall be retained and adequately protected during the course of construction. Prior to any works commencing, details of the proposed protection measures must be

submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.

Reason - In the interest of proper site management and to safeguard the trees which are to be retained.

- 4 Prior to the commencement of any works on site, full details of all external wall and roof finishes shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented as part of the development, to the satisfaction of the Council as Planning Authority.

Reason - In order to protect existing visual amenity.

- 5 Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) must be submitted for consideration by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation must be undertaken to identify;
  - I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed measures to deal with contamination during construction works
  - III. condition of the site on completion of decontamination measures.

Prior to the occupation of any dwelling, the agreed measures to decontaminate the site shall be fully implemented, as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority prior to the occupation of any dwelling.

Reason - In order to ensure that any land contaminates are adequately dealt.

#### Justification

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

#### Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement

would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 The site lies outwith the publicly sewerred areas and consequently drainage investigations have not been fully undertaken.
- 5 No work shall be commenced until an application for building warrant has been submitted and approved.

**The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at [www.pkc.gov.uk](http://www.pkc.gov.uk) "Online Planning Applications" page**

**Plan and Document Reference**

15/01390/1

15/01390/2

15/01390/3

15/01390/4

15/01390/5

15/01390/6

15/01390/7

15/01390/8

15/01390/9

15/01390/10

15/01390/11

15/01390/12

15/01390/13

15/01390/14





Perth and Kinross Council  
Development Management Committee – 9 December 2015  
Report of Handling by Development Quality Manager

**Erection of 8 dwellings at Rawes Farm Steading, Longforgan, DD2 5HQ**

Ref. No: 15/01390/FLL  
Ward No: N1 - Carse

**Summary**

This report recommends approval of a detailed planning application for the erection of eight dwellings on land adjacent to the Rawes Farm Steading, Longforgan as the development is considered to comply with the Development Plan and there are no material reasons which justify refusing the application.

**BACKGROUND AND DESCRIPTION**

- 1 This planning application seeks to obtain detailed planning permission for the erection of eight dwellings on land adjacent to Rawes Farm Steading – a large steading, located outside the Carse settlement of Longforgan, which has been converted into a number of residential units. The southern and eastern areas surrounding the main steading has been subject to a number of individual, detailed planning applications over the years, resulting in detailed consents currently being in existence for five detached units – two to the east of the steading, and three to the south. A further detailed permission for one detached dwelling immediately to the south of the main steading has been built out, and is now occupied. This planning application essentially seeks approval for an amended layout, change of house types and an increase in the number of residential units on the land surrounding the main steading (south and east) from the consented five dwellings, to eight.
- 2 This application proposes four detached units to the south to replace the consented three, and a terrace block of four dwellings to replace the two detached dwellings to the east. The four detached units would be smaller in footprint than the ones already consented and will offer living accommodation largely over two full levels, with some accommodation contained within the roof spaces. The terrace block will also living accommodation over two full levels. The design of both the detached units and the terraced block are similar to that of the converted steading with external finishes being a mix of timber features, render and natural slates.
- 3 The applicant has indicated that the principal reason for the proposed change in house types (and the increase in numbers) is that the current housing market is not reactive to the larger dwellings which already have permission.

**NATIONAL POLICY AND GUIDANCE**

- 4 The Scottish Government expresses its planning policies through the National Planning Frameworks, the Scottish Planning Policy (SPP), National Roads Development Guide, and Planning Advice Notes (PAN). Of specific relevance to this planning application are,

## **Scottish Planning Policy 2014**

- 5 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- the preparation of development plans;
  - the design of development, from initial concept through to delivery; and
  - the determination of planning applications and appeals.
- 6 Of relevance to this application are:
- Paragraphs 74 - 83: Rural Development
  - Paragraphs 109 – 134: Enabling the delivery of New Homes
  - Paragraphs 135 – 151: Valuing the Historic Environment.

## **Scottish Historic Environment Policy**

- 7 This document, produced by Historic Scotland (now Historic Environment Scotland) provides guidance to Planning Authorities on how to deal with planning applications which affect Listed Buildings and their settings.

## **OTHER RELEVANT LEGISLATION**

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

- 8 *Section 59* of this Act requires the Council, when exercising its planning functions, to have special regard to the desirability of preserving the setting of Listed Buildings from inappropriate development.

## **DEVELOPMENT PLAN**

- 9 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**

- 10 Whilst there are no specific strategies which are directly relevant to this proposal the overall vision of the TAYplan 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.”*
- 11 **Policy 3 (Managing Tay Plan's Assets)** seeks to protect our cultural heritage assets from inappropriate new developments.

### **Perth and Kinross Local Development Plan 2014**

- 12 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. Within the Local Development Plan, the site lies within the landward area, where the following policies are directly applicable,

**Policy PM1A - Placemaking**

- 13 States that new development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

**Policy PM2 - Design Statements**

- 14 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

**Policy PM3 – Contributions**

- 15 Where the cumulative impact of new developments will exacerbate a current or generate a future need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

**Policy RD3 - Housing in the Countryside**

- 16 The development of single houses or groups of houses which fall within the six identified categories will be supported. One of those categories is new residential development adjacent to existing building groups.

**Policy RD4 - Affordable Housing**

- 17 Residential development consisting of 5 or more units should include provision of an affordable housing contribution amounting to 25% of the total number of units. Off-site provision or a commuted sum is acceptable as an alternative in appropriate circumstances.

## **OTHER COUNCIL POLICIES**

### **Affordable Housing Supplementary Guide 2014**

- 18 This supplementary guidance was produced by officers at Perth & Kinross Council to provide advice and information to all those with an interest in the delivery of affordable housing based on the experience of operating the affordable housing policy since it was approved in August 2005. The guidance should be read in conjunction with Local Development Plan Policy RD4 : Affordable Housing.

### **Developer Contributions 2014**

- 19 This supplementary guidance seeks to secure both A9 junction contributions and Primary Education contributions in certain circumstances. The guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions.

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

- 20 This supplementary guidance is about facilitating development and sets out the basis on which the Council will seek contributions from developments in and around Perth towards the cost of delivering the transport infrastructure improvements which are required for the release of all development sites and to support the growth of Perth and Kinross. The guidance should be read in conjunction with Local Development Plan Policy PM3: Infrastructure Contributions.

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

- 21 This supplementary guidance relates to new housing in the open countryside and is applicable across the entire landward area. The policy offers support for new housing, when certain criteria can be met and achieved. The guidance should be read in conjunction with Local Development Plan Policy RD3 : Housing in the Countryside.

## **SITE HISTORY**

- 22 The area of Rawes Farm Steading has had a protracted planning history, starting with the initial 2004 conversion of the main steading - which is now complete and occupied. That consent (04/02408/FUL) was approved under delegated powers. Since that initial approval, there have been subsequent approvals of a number of individual planning permissions for new housing surrounding the main steading. Included in these permissions, is the approval for five detached dwellings on the area covered by this planning application – three to the south and two to the east. The planning permissions relating to these dwellings were approved during 2006 and 2007 under delegated powers on the basis of compliance with the Housing in the Countryside Policy of the time. It is the view of the Council that the consents relating to these five dwellings have been commenced by a combination of advanced demolition, works commencing on the access and ground works commencing directly associated with the various permissions.

## **CONSULTATIONS**



## **External**

- 23 **Scottish Water** – No objections to the proposal.
- 24 **Dundee Airport** – No objections to the proposal in terms of aviation safety implications associated with Dundee Airport.

## **Internal**

- 25 **Transport Planning** – No objection to the proposal in terms of the proposed access and parking arrangements or the increase in vehicular movements.
- 26 **Environmental Health** – No objection to the proposal in terms of contaminated land issues, subject to a standard condition being attached to any consent.
- 27 **Flooding Team** – Initially raised an objection to the proposal in relation to the capacity of the SUDS pond and other potential flooding issues in the area. However, the applicant has submitted further technical information to the Council to demonstrate that the existing SUDS pond has the capacity to cope with eight new dwellings (as opposed to the previously approved five) and that the SUDS pond is protected against flood risk from a 1 in 200 year + climate change flood event. After reviewing this information, the flooding team have rescinded their objection.
- 28 **Education and Children Services** – No objection to the proposal, but have indicated that the local primary school is operating at over its 80% capacity.
- 29 **Development Negotiations Officer** – No objection to the proposal, but has requested that Developer Contributions in relation to Affordable Housing and Primary Education are required. The Developer Negotiators Officer has also confirmed that there is no requirement for Developer Contributions in relation to Transport Infrastructure.

## **REPRESENTATIONS**

- 30 Eleven letters of representations have been received, all of whom are objecting to the proposal. The main issues raised within the letters of representations are,
- Contrary to the Development Plan
  - Contrary to the Council's Housing in the Countryside Policies
  - Inappropriate house types
  - Impact on Visual Amenity
  - Impact on Residential amenity
  - Drainage Flooding Issues
  - Impact on Trees
  - Impact on Wildlife
  - General impact on road and pedestrian safety

These issues are addressed in the Appraisal section below.

## ADDITIONAL STATEMENTS

31

Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Additional technical information on the SUDs basin capacity and flooding issues submitted.

## APPRAISAL

- 32 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the application to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 33 The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted Perth and Kinross Local Development Plan 2014. In terms of other material considerations, this involves considerations of the Councils other approved policies, namely those which relate to Developer Contributions as well as due consideration of the previous planning history of the site.

## Policy Issues

- 34 The key land use policies are contained within the Local Development Plan 2014. Within that Plan, the site lies within the landward area where Policy RD3, Housing in the Countryside Policy and the associated supplementary 2012 guidance are both directly applicable. These policies offers support for new housing in the open countryside where the development proposed meets with the acceptable criteria listed within the policies.
- 35 In addition to these policies, Policy PM1A of the Local Development Plan seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas.
- 36 For reasons stated below, I consider the proposal to be consistent with the aforementioned land use policies.

### Land Use Acceptability

- 37 In terms of land use issues, the acceptability of this development in land use terms is ultimately an assessment against the Council's Housing in the Countryside Policies.

The previously approved consents for the five detached dwellings were approved on the basis of their compliance with the previous Housing in the Countryside Policy 2005 as the combination of the replacement of former cottages (now demolished) and various infill opportunities between those proposed replacements and the other buildings - such as the main steading and the original farm house aligned itself positively with the 2005 policy. Whilst the extant consents are significant material considerations, I nevertheless consider it reasonable to assess this current proposal against the terms of the current Housing in the Countryside Policy, particularly as there have been changes to the Council's Housing in the Countryside Policies since the previous consents were granted in 2006/7.

- 38 In relation to the terrace block of four dwellings, proposed to the east of the steading, this proposed block is located on the site of a former cottage (now removed) and on an area which is immediately adjacent to the existing steading and the existing farm house. Favourable support is offered within the current Housing in the Countryside Policies for extensions of existing 'building groups' into definable sites, providing that the development proposed does not adversely affect the character and /or amenity of the existing group. In this case, I consider the combination of the existing steading, the new detached dwelling to the south of the steading, the existing farmhouse and the various detailed permissions for new dwellings to the south (and east) of the steading to clearly constitute a 'building group' arrangement, which is typically defined by 3 or more buildings. I'm also of the view of that the creation of a tastefully designed terrace block of a similar style and design to the existing steading, would not have an adverse impact on the character or amenity of the 'existing group', and that the space in which the terrace block is proposed is a reasonably definable site which is capable of absorbing the development proposed.
- 39 In relation to the proposed four detached units to the south of the existing steading, these proposed dwellings would also fall to be considered against the 'building groups' section of the Housing in the Countryside Policy and again, their siting is considered to be within a definable site which, in turn would not have an impact on the character or amenity of the existing group.
- 40 Whilst the proposal accords with the requirements of the current Housing in the Countryside Policy in its own right, the significance of the extant consents is a significant material consideration which must be borne in mind when considering the acceptability of this application. As the extent of the area covered by the extant permissions is directly comparable to the area which is subject to this current application, it is the case that five of the proposed eight dwellings are essentially for a change of house type only, which only offers further support for the case for supporting this slightly higher density development within an area which already been accepted for built development. I therefore consider the proposal in land use terms to be acceptable, and that the proposed increase in density is acceptable and in line with the requirements with the Council's Housing in the Countryside Policy.

### **Impact on Residential Amenity**

- 41 I note that within the letters of representations, some concerns have been raised regarding the potential impact that this proposal would have on the existing residential amenity which is enjoyed by the residents of the existing steading. Both the proposed terrace block and the four detached units are suitably separated from

the existing steading to ensure that direct overlooking or loss of privacy does not occur to an unacceptable level. I'm also conscious of the fact that the positions of the dwellings approved under the extant consents are comparable to the location of the dwellings which are now proposed. Likewise, the layout proposed would provide each dwelling with a suitable level of usable, private amenity space. To this end, I have no concerns in relation to residential amenity issues.

### **Visual Impact**

- 42 In terms of the impact on the visual amenity of the area, the area subject of this application has already been earmarked for built development by virtue of the extant consents for the five detached dwellings. To this end, I do not necessarily consider this proposal to have any more of an impact on the visual amenity of the local area and on the wider countryside than what already has planning permission. In any event, the design of both the detached units and the terrace block are of a good standard and are extremely similar to the design style to the already approved detached dwelling (in the case of the proposed detached units), and the existing steading (in the case of the proposed terrace block). In addition, I do not agree with the views of some of the objectors who consider the terrace block to be out of keeping with the main steading and the listed farmhouse, but to the contrary, I consider the terrace block to be a design improvement from the consented detached house types on the eastern side of the steading, and the terrace block would sit comfortably beside the existing steading and the listed farmhouse.

### **Impact on the Setting of Listed Building**

- 43 The existing farm house is listed, and both the proposed terraced block to the east of the main steading and the detached dwellings to the south would be within the setting of this building. However, bearing in mind what already has consent and the scale and design of what is now proposed, the setting of the listed building is not considered to be compromised by this development and this view is shared by the Council's Conservation Officer.

### **Contamination Land Issues**

- 44 Previous planning approvals in the area have sought the further submission of technical information relating to ground contamination, including verification that the proposed mitigation measures have been carried out. Whilst some information has been lodged to discharge the pre-commencement elements of previous planning conditions, verification information is still required in relation to the sites surrounding the main steading. To this end, it is recommended that the standard contaminated land condition which was attached to previous consents is repeated on this permission.

### **Impact on Wildlife**

- 45 There are no known protected species or local wildlife which are directly affected by this proposal. As the area subject of this application already has consents to allow it to be developed, it is unlikely that this proposal would have any additional impact on any local wildlife from that which already has consent.



## **Impact on Trees**

- 46 The site is largely unaffected by trees, however there are some trees to the north eastern corner of the site which could potentially be affected by the erection of the terrace block. However, these trees are located a reasonable distance away from the proposed footprint of the building, and I also note that the extant permissions located the proposed dwellings at a similar distance from the affected trees. Nevertheless, I consider it appropriate to ask the applicant for a detailed landscaping plan prior to starting any works on site which must show the existing trees, new planting, and clearly identify the proposed protection areas for the existing trees which are to be retained.

## **Road Related Issues**

- 47 I have no issues concerning parking provision or access arrangements, and this view is shared by the Transport Planner. All the proposed dwellings will use the existing access which is perfectly acceptable to accommodate number of dwellings proposed. In terms of the increase in traffic movement, the additional three dwellings will inevitable increase vehicle movements on the local road network and also along the existing private access from the public road to some degree. However, the additional volume that three dwellings would generate would be minimal and both the local road network and the private access are of a standard that can absorb any increases without comprising road and pedestrian safety.

## **Drainage**

- 48 Both the foul drainage and surface water are subject to a private system which is currently in operation. It is noted that within the letters of representations some concerns have been raised regarding the functionality of the existing system, and its ability to cope with the extra capacity of the additional units in terms of both foul and surface water. Regardless of whether or not this is correct, issues over drainage outwith sewered areas are ordinarily considered to be matters that are best addressed through Building Standards regulations and also through regulation through SEPA.

## **Archaeology Issues**

- 49 There is no known scheduled or local archaeology within the area.

## **Flooding Issues**

- 50 The Council's Local Flooding Team have been consulted on the proposal, and after an exchange of information between the applicant's engineers and the flooding team, the flooding team have no objection to the proposal, in terms of the flooding issues in general and those specifically relating to the SUDs basin.

## **DEVELOPER CONTRIBUTIONS**

### **Affordable Housing**

- 51 As this development is for more than 5 units (8) there is an affordable housing requirement. However, as the site has an extant consent for 5 units, the affordable housing provision is only applicable to the 3 extra units, which equates to 0.75 of a unit (25% of 3). In this location, it would be desirable for the applicant to pay a commuted sum of £19,875 (£26,500 x 0.75) in lieu of onsite provision.

### **Transport Infrastructure**

- 52 In terms of Transport infrastructure contributions, as the proposal would create less than 5 units from extant consents, there is no requirement for any Transport Infrastructure Contributions.

### **Primary Education**

- 53 In terms of Primary Education contributions, as the local primary school is operating at over 80% of its capacity there is a requirement of Developer Contributions as part of this proposal for the mainstream housing element, which equates to 2.25 units. To this end, Primary Education contributions of £14,388.75 (£6,395 x 2.25) are required from the applicant.

### **ECONOMIC IMPACT**

- 54 With the exception of works associated with the construction phase of the development, which may or may not be carried out by local tradesmen, the proposal will have little economic impact on the local area.

### **LEGAL AGREEMENTS**

- 55 The applicant has indicated that he wishes to pay the required Developer Contributions 'up front', which will negate the requirement for a legal agreement. However in the event that this was not done then a Section 75 Agreement would be required to secure the developer contributions.

### **DIRECTION BY SCOTTISH MINISTERS**

- 56 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 57 The principle of a residential development on this area has been established by the extant consents, and the small increase in the residential numbers and design/scale of the proposed dwellings aligns itself positively with the land use policies contained in the Local Development Plan 2014 and associated supplementary guidance. Whilst I note the concerns of local residents, it is my view that the development proposed is entirely compatible with the existing uses, and would not have an adverse impact on

the character or amenity (visual or residential) of the existing area or wider countryside, and as such it is considered to be acceptable subject to conditions.

## **RECOMMENDATION**

### **A Approve the application subject to the following conditions,**

- 1 The proposed development must be carried out in accordance with the approved plans, unless otherwise provided for by conditions imposed on the planning consent.

Reason - To ensure that the development is carried out in accordance with the plans approved

- 2 Prior to the commencement of any works on site, a detailed landscaping and boundary treatment plan shall be submitted for the approval in writing by the Council as Planning Authority. That plan must clearly show all existing trees which are located within the site and along its boundaries. The approved plan shall be implemented in full as the development progresses, all to the satisfaction of the Council as Planning Authority.

Reason – In the interest of proper site management and to ensure that the visual amenity of the area is protected.

- 3 All existing trees within the sites boundaries, as identified through condition 2 shall be retained and adequately protected during the course of construction. Prior to any works commencing, details of the proposed protection measures must be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented in full, to the satisfaction of the Council as Planning Authority.

Reason – In the interest of proper site management and to safeguard the trees which are to be retained.

- 4 Prior to the commencement of any works on site, full details of all external wall and roof finishes shall be submitted for the approval in writing by the Council as Planning Authority. The approved details shall be implemented as part of the development, to the satisfaction of the Council as Planning Authority.

Reason – In order to protect existing visual amenity.

- 5 Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) must be submitted for consideration by the Council as Planning Authority. If the preliminary risk assessment identifies the need for further assessment, an intrusive investigation must be undertaken to identify;

- I. the nature, extent and type(s) of contamination on the site
- II. measures to treat/remove contamination to ensure the site is fit for the use proposed measures to deal with contamination during construction works
- III. condition of the site on completion of decontamination measures.

Prior to the occupation of any dwelling, the agreed measures to decontaminate the site shall be fully implemented, as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority prior to the occupation of any dwelling.

Reason – In order to ensure that any land contaminates are adequately dealt.

## **B JUSTIFICATION**

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure there from.

## **C PROCEDURAL NOTES**

No formal planning consent shall be issued until such time as the following Developer Contributions have been secured,

<b>Contribution</b>	<b>Amount</b>
Affordable Housing	£19,875 (£26,500 x 0.75)
Primary Education	£14,388.75 (£6,395 x 2.25)
Total of Contributions	<u>£34,263.75</u>

The applicant has indicated that it is his intention to make the required payment 'upfront' to negate the need for any legal agreements to secure payment. This payment must be received within 28 days from the date of the committee; otherwise the application will be refused under delegated powers. However if the applicant opts to delay the payment then that legal agreement must be concluded within a 4 months' timescale from the date of this Committee, otherwise the planning application will be refused under delegated powers

## **D INFORMATIVES**

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. *(See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).*
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a



breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.

- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 An application for Building Warrant will be required.

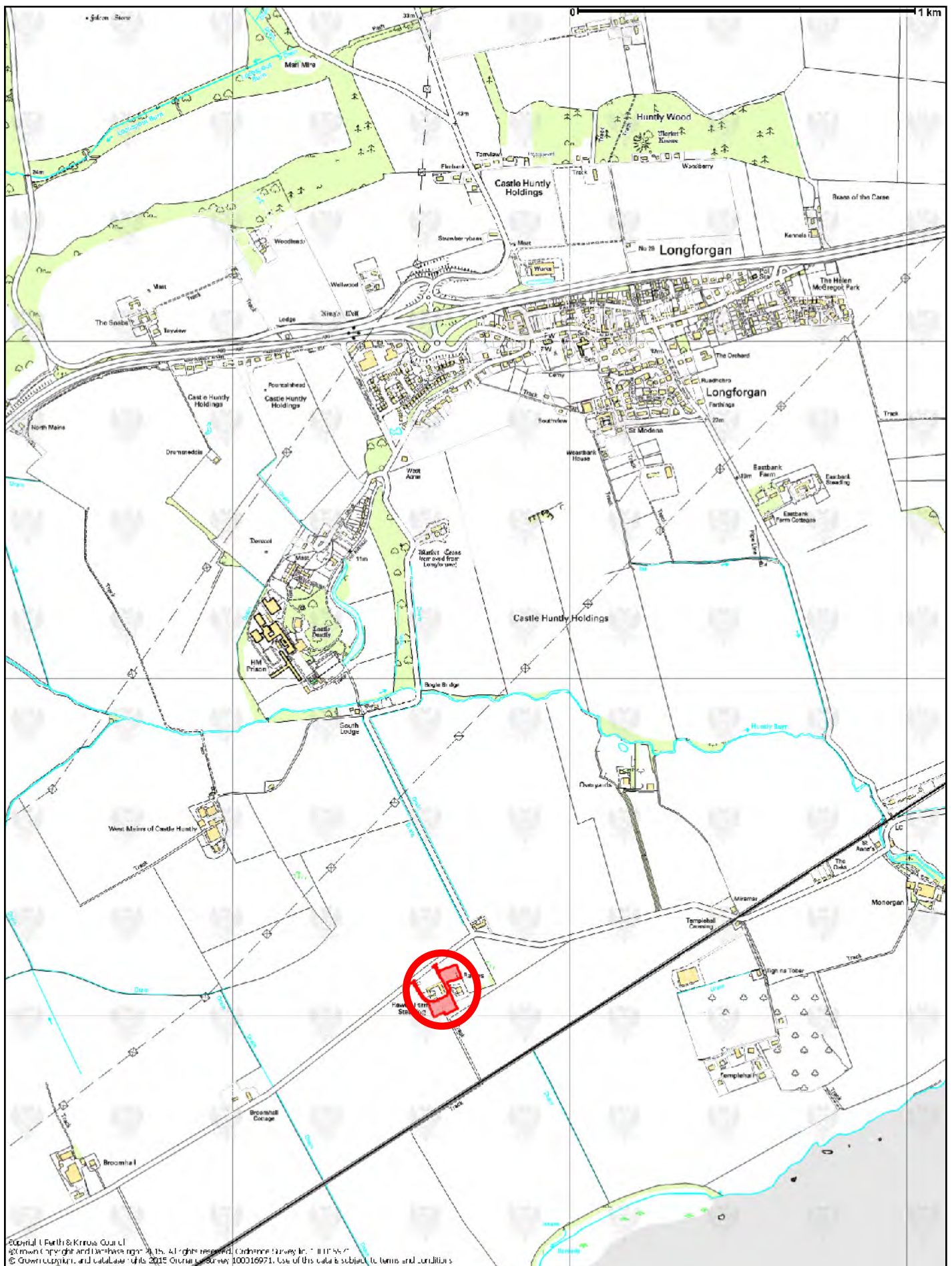
Background Papers: 11 letters of representation  
Contact Officer: Andy Baxter – Ext 5339  
Date: 23 November 2015

**Nick Brian**  
**Development Quality Manager**

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.
---

You can also send us a text message on 07824 498145.
--

All Council Services can offer a telephone translation facility.
--



© Crown copyright and database rights 2015. All rights reserved. Ordnance Survey is a registered trademark of the Ordnance Survey Corporation.  
 © Crown copyright and database rights 2015. Ordnance Survey 100016971. Use of this data is subject to terms and conditions.

**Development Management  
 Committee**

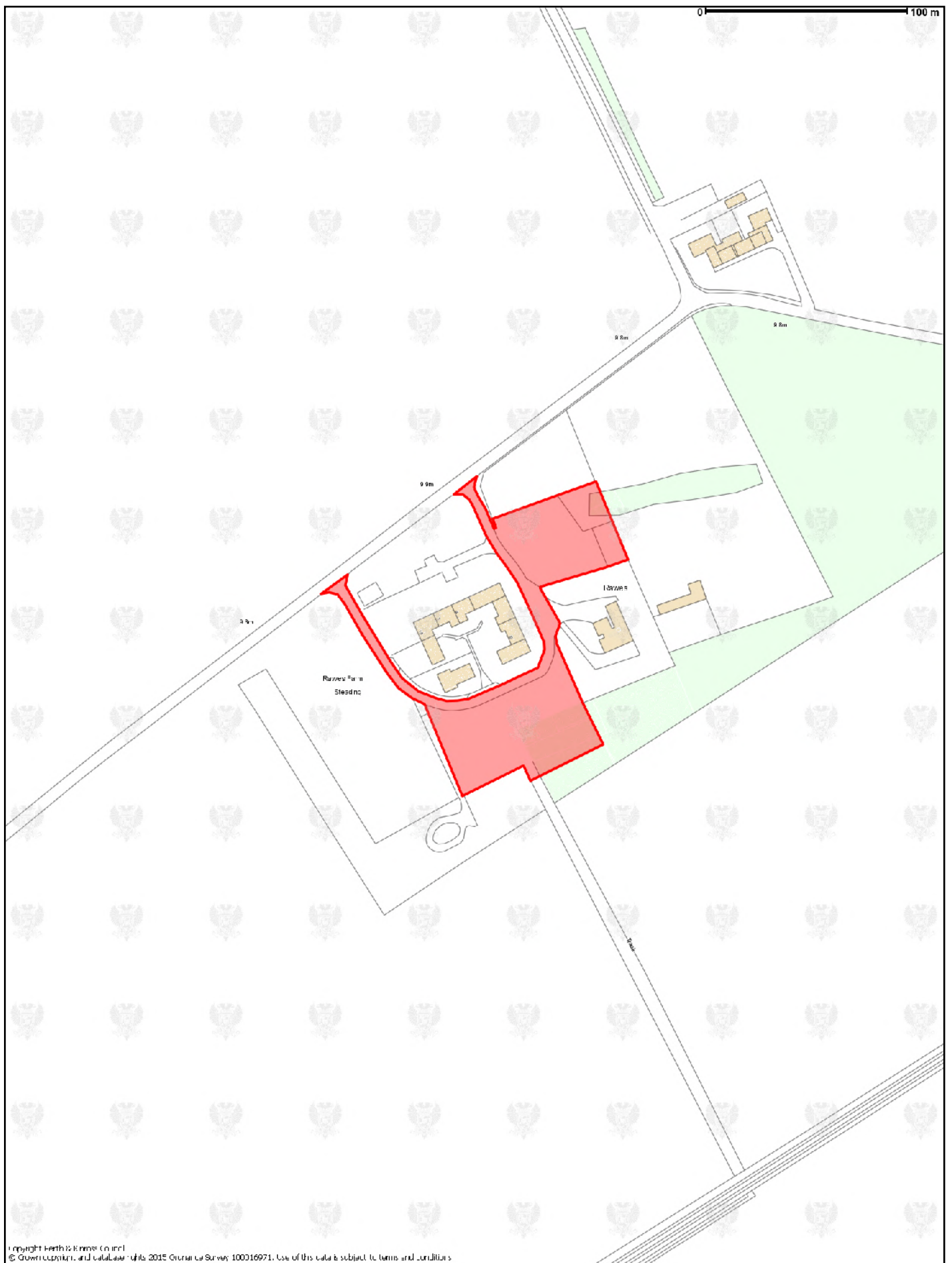


Scale 1:15000

**15/01390/FLL**

**Erection of 8 dwellinghouses at Raws Farm  
 Steading, Longforgan**





Copyright Perth & Kinross Council  
 © Crown copyright and database rights 2015 Ordnance Survey 100016971. Use of this data is subject to terms and conditions

© Crown copyright and database rights 2015 Ordnance Survey 100016971. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

**Development Management  
 Committee**



Scale 1:2500

**15/01390/FLL**

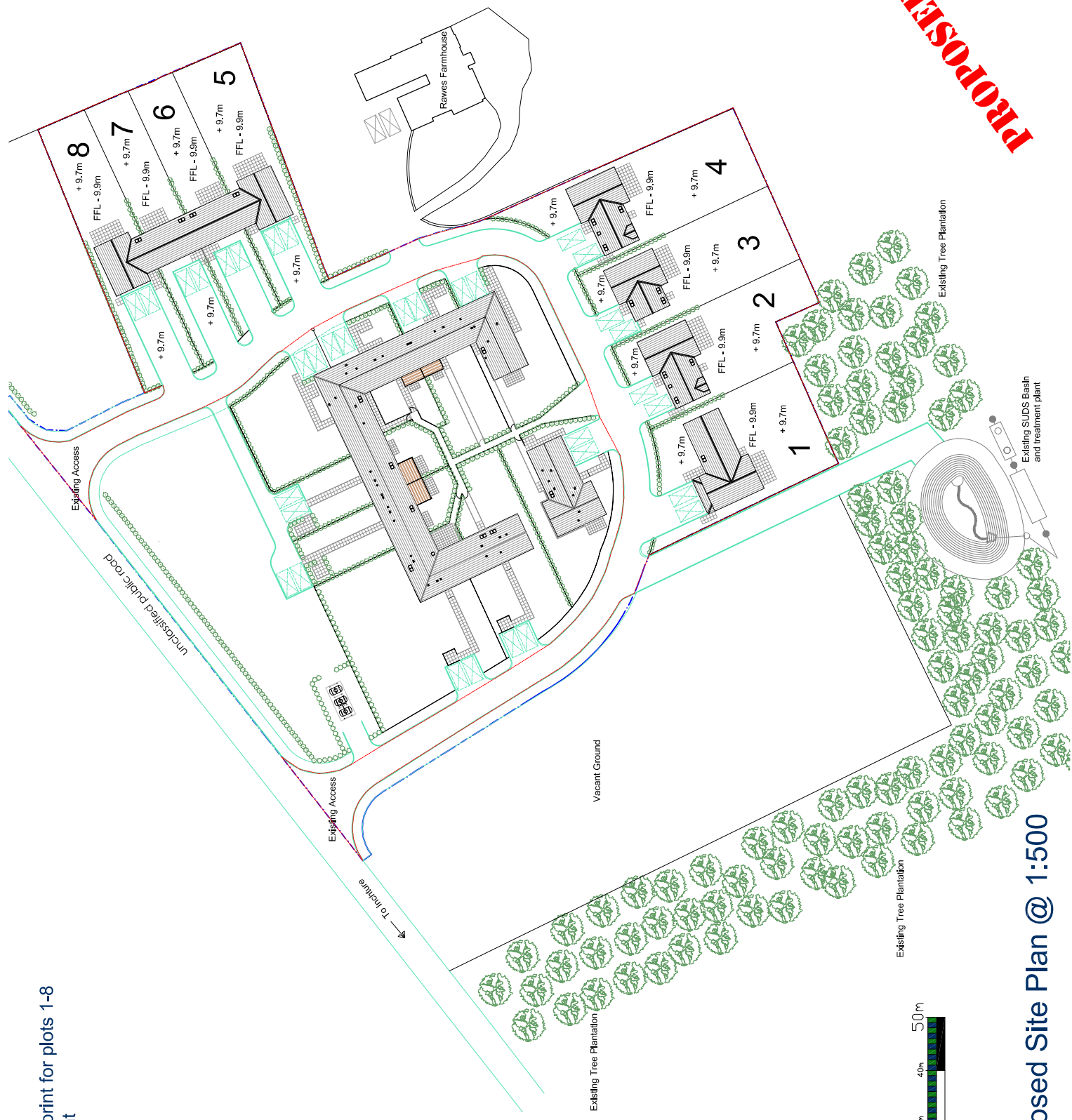
**Erection of 8 dwellinghouses at Rawes Farm  
 Steading, Longforgan**







777m<sup>2</sup> Build footprint for plots 1-8  
28 bed equivalent



Revision  
A - Rawes Farm boundary amended  
and spot levels added

Date  
15-08-15



Client	Hadden Construction Ltd
Project	Rawes Farm Steading
Title	Proposed Site Plan
Drawn	Perth
Date	13/08/15
Drawn	BRS
Job No.	HT-13
Scale	1:500
Rev	A
Drawn	LPH/001
Checked	A



Proposed Site Plan @ 1:500



## **REVIEW DECISION NOTICE**

---

Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: Lane 60 metres west of 14 Rawes Farm Steading, Longforgan

Application for Review by Mr N Walker against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 12/01089/IPL

Application Drawings: 12/01089/1 12/01089/2 12/01089/3 12/01089/4

**Date of Review Decision Notice – 10 January 2013**

---

### **Decision**

The PKLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

#### **1 Introduction**

- 1.1 The above application for review was considered by the PKLRB at a meeting held on 11 December 2012. The Review Body comprised Councillor M Lyle, Councillor I Campbell and Councillor A Gaunt.
- 1.2 The following persons were also present at the meeting:  
G Fogg, Legal Adviser, D Harrison, Planning Adviser and Y Oliver, Committee Officer.

Also attending:

J Williamson and C Brien (both The Environment Service); Members of the public, including applicants/agents.

#### **2 Proposal**

- 2.1 The proposal is for a residential development (in principle) on land 60 metres west of 14 Rawes Farm Steading, Longforgan. The application was refused consent in terms of a decision letter dated 21 September 2012.

#### **3 Preliminaries**

- 3.1 The PKLRB was provided with copies of the following documents:
- (i) the drawings specified above;
  - (ii) the Appointed Officer's Report of Handling;
  - (iii) the refusal notice dated 21 September 2012;
  - (iv) the Notice of Review and supporting documents.

- 3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, and the grounds for the Notice of Review.
- 3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.
- 3.4 Having regard to the material before them, the PKLRB resolved that the review of the decision to refuse could be determined without further procedure.

#### **4 Findings and Conclusions**

- 4.1 Having regard to the whole circumstances, the PKLRB concluded, by majority decision, that the application had been correctly refused by the Appointed Officer for the reasons given in the Refusal Notice dated 21 September 2012, namely:
  - (1) As the proposal does not have an established landscaping framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000), which seeks to ensure that all new sites within the landward area of the Local Plan have a good existing landscape framework in which the development proposed can be set.
  - (2) As the proposal constitutes an extension of an existing building group into a site which does not have a good existing landscape framework, the proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
  - (3) As the proposal constitutes an extension of an existing building group into a site which does not have a good existing landscape framework or will result in significant environmental benefit to the area, the proposal is contrary to the Council's policy on Housing in the Countryside (2009) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.
- 4.2 Councillor I Campbell considered that the proposal was not contrary to Policies 1 and 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No 1, Housing Land 2000) as, in his opinion, it does have an established landscape framework by virtue of the existing buildings which serve to augment the tree planting and it constituted the completion, rather than an extension, of an existing building group. For these reasons he would have upheld the review application.



**Our Ref: TCP/11/16(216)**

4.3 The Review Application was accordingly dismissed.

**Gillian Taylor  
Clerk to the Local Review Body**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)**

**Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.**

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland ) Act 1997.

**PERTH AND KINROSS COUNCIL  
RESIDENTIAL DEVELOPMENT (IN PRINCIPLE) AT LAND 60 METRES WEST OF 14 RAWES  
FARM STEADING, LONGFORGAN**

**DELEGATED REPORT OF HANDLING**

Ref No	12/01089/IPL	Case Officer	Team Leader	Decision to be Issued?	
Ward	N1 – Carse				
Target	20 August 2012			Yes	No
<b>RECOMMENDATION</b>					
Refuse the planning application on the grounds that the proposal is contrary to both the Development Plan and the 2009 HITCP, and that there is no material reason(s) which justify approval of the application.					

**BACKGROUND & DESCRIPTION**

The application site relates to a rectangular shaped area of unkempt waste ground which is located to the west of Rawes Farm, a relatively new residential development located in the Carse of Gowrie SE of Inchtute and SW of Longforgan. The site measures approx 114m in its length (north to south) and 48m in its width (west to east) and appears to have been formerly used as a set down area associated with the adjacent steading development. The site is bounded to the west and south by relatively new tree planted areas with the existing steading development located to the east. Further east of the existing steading is Rawes Farmhouse which is a category B listed building – however as there is limited inter-visibility between the site and the farmhouse, there are no issues concerning the impact that the proposal will have on the setting of the Listed Building.

This planning application seeks to obtain a planning in principle consent for a small residential development, with an indicative number of 4 units proposed.

**APPRAISAL**

Sections 25 and 37(2) of the TCP (S) Act 1997 (as amended by the 2006 act) requires the determination of the planning application to be made in accordance with the provisions of the Development Plan, unless other material considerations indicate otherwise. The Development Plan for the area comprises the recently approved Tay Plan 2012, and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000).

In terms of the Development Plan, although there are general policies of relevance contained in the Tay Plan, the principal policies of specific relevance to this proposal are contained in the Local Plan. Within the Local Plan, the site lies within the landward area of the Plan where Policies 1 and 32 are directly applicable. Policy 32 refers to new Housing in the Countryside, whilst Policy 1 relates to all new developments within the landward area and seeks (amongst other things) to ensure that all new sites are compatible with existing land uses and that all new sites have a suitable landscape framework which is capable of absorbing the development which is proposed.

In terms of other material considerations, National Planning Guidance, the Councils other approved policies and the contents of the proposed LDP are all material considerations.

Based on the above, I ultimately consider the key test(s) of the acceptability of this planning application to be:-

a) whether or not the site is compatible with its surrounding land uses

- b) whether or not the site has a good existing landscape framework and *(collectively an assessment against Policy 1 of the PALP)*
- c) whether or not the proposal is acceptable in land use terms *(i.e. compliance with the HITCP's)*.

I shall address these issues in turn.

In terms of compatibility with existing land uses, the principal neighbouring land uses of note are agriculture and residential (to the east). In my opinion, a small scale residential development of up to four units on this site will have no adverse impact on either existing land use.

In terms of the existing landscape framework, I accept that the site is clearly physically separated from the neighbouring agricultural fields to the west and south by new tree planting; however this planting is somewhat new and is not yet fully established. I appreciate the applicant's offer within his submissions that he intends (and has the ability) to reinforce the existing planting, however it is not the level of planting which is the issue, but whether or not the tree belts can be reasonably considered to be established landscape features. My personal view is that the existing tree belts are not mature enough to be classed as an established landscape feature (albeit this may change in years to come), and to this end, I ultimately I do not consider the landscape characteristics of this site to be sufficient to merit it being classed as an acceptable housing site.

Turning to the acceptability of the land use (for residential), as the site lies within the landward area of the PALP, the proposal falls to be assessed against the Housing in the Countryside Policies (HITCP) as contained firstly within the Local Plan (Policy 32), and secondly, the revised HITCP of 2009. Both these policies allow for extensions of existing building groups into definable sites, providing that the proposal does not detract from the character of the existing group. Although there are listed buildings within the group, it is unlikely that this development would detract from the character of the existing group nor have a direct impact on the amenity of the existing neighbours. However, both the Local Plan and the 2009 version of the HITCP seek to ensure that extensions of building groups occurs within sites that have a good existing landscape framework in place. As stated previously, although the site is visually separated from the surrounding land, the fact that the tree planting along the western and southern boundaries is of some concern and would not ordinarily be considered to constitute a good landscape framework.

In addition to development within a building group, the 2009 HITCP also offers some scope for new housing to occur on Brownfield land which was formerly occupied by buildings in instances where it would remove dereliction or result in a significant environmental improvement, and where it can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site. Although I agree with the applicants that the site has had a previous use and was formerly occupied by agricultural buildings in the past, I am not convinced that the visual characteristics of the site merit a new residential development on the basis of it removing dereliction. The site is clearly unused and unkempt; however it does not in my opinion constitute a derelict site where significant environmental improvements are potentially possible via re-development for housing. I therefore find it difficult to offer support for the proposal under the Councils HITCPs.

In terms of other material contributions, this includes consideration of the PGN on Education, the approved Affordable Housing Policy and consideration of the LDP. In terms of the PGN on Education and the Affordable Housing Policy as the proposal is for planning consent in principle, in the event that an appeal to the LRB were to be successful, an appropriately worded condition should be attached to the consent seeking compliance with both documents.

Within the proposed LDP, the site lies within the landward area of the plan where the SPG on Housing in the Countryside Policy is applicable.



ased on the above, I recommend the planning application for a refusal.

## **NATIONAL PLANNING GUIDANCE / POLICIES**

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.

### The Scottish Planning Policy 2010

This SPP is a statement of Scottish Government policy on land use planning and contains:

- the Scottish Government's view of the purpose of planning,
- the core principles for the operation of the system and the objectives for key parts of the system,
- statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
- concise subject planning policies, including the implications for development planning and development management, and
- the Scottish Government's expectations of the intended outcomes of the planning system.

Of relevance to this application is paragraphs 92-97 which relates to rural development

### Planning Advice Note 73 – Housing in the Countryside

*Designing Places*, published in November 2001, sets out the then Scottish Executive's expectations of the planning system to deliver high standards of design in development for rural and urban areas. The design based Planning Advice Note (PAN) series is an additional means by which we can maintain the profile of design and identify best practice in planning for high quality development. This PAN supersedes and reinforces many of the key themes set out in *PAN 36 Siting and Design of New Housing in the Countryside* (published in 1991) and brings the advice up to date with the new emphasis on design and quality. The advice in this PAN sets out key design principles which need to be taken into account: by applicants when planning a new development and by planning authorities, when preparing development plans and supporting guidance, and determining applications. The purpose is to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. The advice should not, however, be seen as a constraint on architects and designers wishing to pursue innovative and carefully considered contemporary designs.

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the approved Tay Plan 2012 and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000). Within the Tay Plan there are no specific policies of specific relevance relevant to this proposal.

Within the Local Plan, the site lies within the landward area, where the following policies are directly relevant.

*Policies 1(General Development)* states that all developments within the Plan area will be judged against the following criteria (amongst others)

- The site should have a landscape framework capable of absorbing, and if necessary, screening the development, and where appropriate opportunities for landscape enhancement will be sought.

- The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community.

*Policy 32 (Housing in the Countryside Policy)* is the local plan version of the Council in the Housing in the Countryside Policy which offers support for new housing providing that certain criteria can be met.

## **OTHER COUNCIL POLICIES**

### Proposed LDP 2012

The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. Currently undergoing a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. It is therefore a material consideration in the determination of this application.

Within the proposal LDP, the site lies within the landward area where the SPG on Housing in the Countryside is applicable.

### Housing in the Countryside Policy 2009

This policy is the most recent expression of Council policy towards new housing in the open countryside, and is applicable across the entire landward area of Perth & Kinross. This policy offers a more up to date expression of Council Policy towards housing in the countryside to that contained the Local Plans and recognises that most new housing will continue to be in or adjacent to existing settlements, and states that the Council will support proposals for the erection of single houses in the countryside which fall into certain specified categories.

### Planning Guidance Note – Developer Contributions May 2009

Across Scotland local authorities are having difficulty maintaining and developing infrastructure in order to keep up with the pressures of new development. Additional funding sources beyond that of the local authority are required to ensure that infrastructure constraints do not inhibit sustainable economic growth.

### Planning Guidance Note–Primary Education & New Housing Development May 2009

This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

### Affordable Housing Policy 2005

This policy seeks to secure 25% affordable housing provision on new housing sites comprising five or more residential units.

## **SITE HISTORY**

A similar planning application seeking detailed planning consent for four units (08/01767/FUL) was refused planning consent in 2008. A subsequent appeal to the Scottish Government was dismissed.

## PKC CONSULTATIONS

Transport Planning have commented on the planning application and have raised no concerns.

ECS has commented on the planning application and confirmed that the local primary school is operating presently operating at over its 80% capacity.

The Environmental Health Manager has commented on the planning application and raised no objection to the proposal subject to an appropriately worded condition regarding contaminated land.

The Community Waste Advisor has commented on the planning application and raised no objection subject details regarding waste collection being finalised at the detailed planning application stage.

The Conservation Section have commented on the planning application and raised no objection in terms of the impact on the listed farmhouse.

## EXTERNAL CONSULTATIONS

Scottish Water have been consulted on the planning application and raised no comment.

## REPRESENTATIONS RECEIVED

Four letters of representations have been received from individuals, objecting to the proposal. The principal concerns raised by the objectors are that the proposal is contrary to the Development Plan and the HITCP 2009.

## ADDITIONAL STATEMENTS

Environment Statement	Not required
Screening Opinion	Not required.
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Not required
Report on Impact or Potential Impact	None

## PUBLICITY UNDERTAKEN

The application was advertised in the local press on the 29 June 2012 and the required site notice posted.

## LEGAL AGREEMENTS REQUIRED

None required.

## DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

## RECOMMENDED REASONS FOR REFUSAL

- 1 As the proposal does not have an established landscaping framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1,

Housing Land 2000), which seeks to ensure that all new sites within the landward area of the Local Plan have a good existing landscape framework in which the development proposed can be set.

- 2 As the proposal constitutes an extension of an existing building group into a site which does not have a good existing landscape framework, the proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
- 3 As the proposal constitutes an extension of an existing building group into a site which does not have a good existing landscape framework or will result in significant environmental benefit to the area, the proposal is contrary to the Council's Policy on Housing in the Countryside (2009) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.

## **JUSTIFICATION**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify an approval of the application.

## **INFORMATIVES**

None

## **PROCEDURAL NOTES**

None

## **REFUSED PLANS**

12/01089/1 - 12/01089/4



# PERTH AND KINROSS COUNCIL

Mr Neil Walker  
c/o Bell Ingram Design  
FAO Bruce Stephens  
Durn  
Isla Road  
Perth  
PH2 7HF

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 21 September 2012

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **12/01089/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 20th June 2012 for permission for **Residential Development (in principle) Land 60 Metres West Of 14 Rawes Farm Steading Longforgan** for the reasons undernoted.

Development Quality Manager

### Reasons for Refusal

1. As the proposal does not have an established landscaping framework, the proposal is contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which seeks to ensure that all new sites within the landward area of the Local Plan have a good existing landscape framework in which the development proposed can be set.
2. As the proposal constitutes an extension of an existing building group into a site which does not have a good existing landscape framework, the proposal is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) as the proposal does not accord with any of the acceptable categories of development i.e. (a) development zones (b) building groups (c) renovation of abandoned houses (d) replacement houses (e) conversion of non-domestic buildings (f) operational need.
3. As the proposal constitutes an extension of an existing building group into a site which does not have a good existing landscape framework or will result in significant environmental benefit to the area, the proposal is contrary to the Council's Policy on Housing in the Countryside (2009) as the proposal does not accord with any of the acceptable categories of development i.e. (1) Building Groups (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement (5) Conversion or Replacement of Redundant Non-Domestic buildings or (6) Rural Brownfield Land.

### **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify an approval of the application.

### **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](http://www.pkc.gov.uk) "Online Planning Applications" page

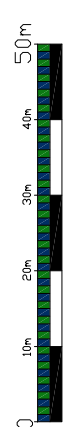
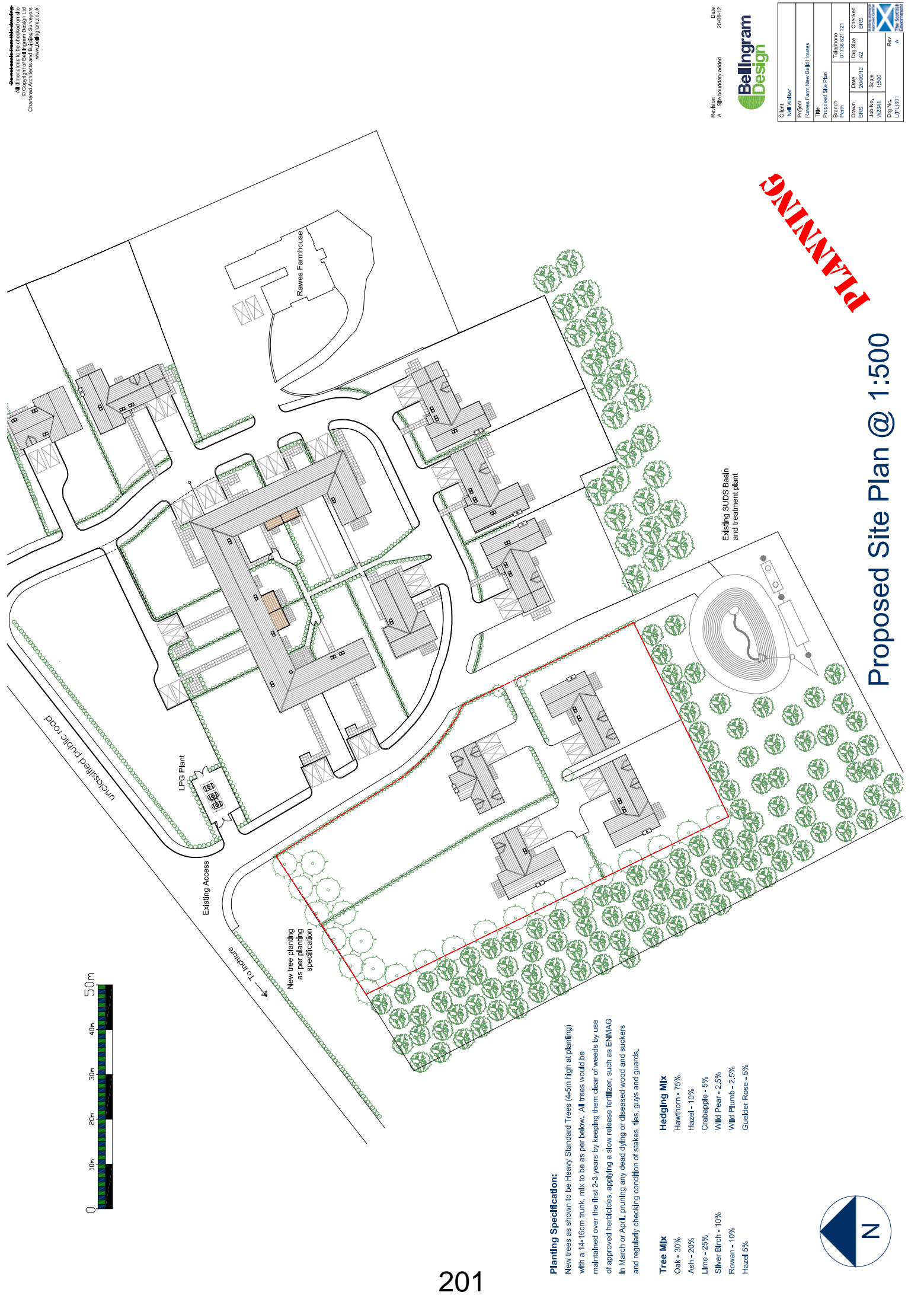
### **Plan Reference**

12/01089/1

12/01089/2

12/01089/3

12/01089/4



PLANNING

Proposed Site Plan @ 1:500

**Planting Specification:**  
New trees as shown to be Heavy Standard Trees (4-5m high at planting) with a 14-16cm trunk, m.b. to be as per below. All trees would be maintained over the first 2-3 years by keeping them clear of weeds by use of approved herbicides, applying a slow release fertilizer, such as ENMAG in March or April, pruning any dead dying or diseased wood and suckers and regularly checking condition of stakes, ties, guys and guards.

- Tree Mix**  
Oak - 30%  
Ash - 20%  
Lime - 25%  
Silver Birch - 10%  
Rowan - 10%  
Hazel 5%
- Hedging Mix**  
Hawthorn - 75%  
Hazel - 10%  
Crabapple - 5%  
Wild Pear - 2.5%  
Wild Plum - 2.5%  
Guelder Rose - 5%

Client	Nat Walker
Project	Rawes Farm New Build Houses
Title	Proposed Site Plan
Branch	Perth
Drawn	BRS
Date	20/06/12
Checked	BRS
Job No.	W2341
Scale	1:500
Rev	A
Drawn by	LFP/301
Checked by	







28<sup>th</sup> July 2020

**Rawes Farm, Longforgan**  
**Application for Erection of four dwellinghouses.**  
**Location – Rawes Farm, Longforgan.**

**Local Review Body – Requested information.**  
**19/01120/FLL**  
**TCP/11/1 (624)**

Further to the LRB meeting held on the 3<sup>rd</sup> March 2020 please find attached a letter from the engineer for the original development clarifying the current foul and surface water drainage system and the relatively straightforward arrangements and amendments that can be made for the proposed applications drainage to function.

As confirmed in our previous submissions the applicant retains full legal access to the SUDS and drainage systems and we highlight that no objections for the application were received from statutory bodies or departments consulted. Foul and Surface Water Drainage should therefore not be a reason for refusing the application.

In summary we strongly believe the proposals are consistent with planning policy and are appropriate to the site and the local and wider landscape framework and the reasons given for refusal in the Delegated Report in our view:

- Wrongly dismiss planning policy the proposals are subject to.
- Appear more subjective and coloured by previous planning decisions than based on the actual proposals compared to planning policy.
- Underplay the existing landscape framework on site and the proposed additional landscape buffering to the proposals which would also boost biodiversity.
- Contain reasons for refusal that do not apply to the proposals. E.g. the designation of the land as prime agricultural land when it is not.
- Are inconsistent with similar sized developments and proposals where planning was granted.
- Are not recognising the bulk of the sites long history as rural brownfield land which sets a potentially hazardous planning precedent where landowners could leave old barns/buildings in place rather than deal with them sensibly, as was done here, for fear that the its designation as brownfield will be ignored in a few years simply due to some vegetation.

We therefore respectfully request that this local review be allowed and grant Planning Permission for these proposals.





CS/DB

16 July 2020

Opfer Logan Architects  
130 Cubie Street  
Glasgow  
G40 2AF

For the attention of David Wilson

Dear Sirs,

**RAWES FARM, LONGFORGAN**

Further to our recent discussions we have reviewed our archive records for the above historical project, where we were appointed civil and structural engineers, adjacent to your proposed development site and comment as follows.

Having reviewed the latest drainage layout for the historical project the principals of the drainage were:

- Foul drainage remained private and discharged, via a Conder balancing tank and wastewater treatment plan, to the existing 375mm diameter field drain that was located to the west of the development site. The plant does not appear as though it was sized for any additional units over and above the development.
- Surface water received treatment and attenuation via the detention basin which also discharged to the existing 375mm diameter field drain. Again, it was not designed for any additional units.

Therefore, in relation to the proposed 4No. units, currently under consideration by yourselves, their own drainage infrastructure will be required. That said however, there does not appear to be any reason, in our opinion, why the same strategy would not be appropriate for the proposal. The use of wastewater treatment plant is still accepted practice and if appropriately designed / detailed we would still expect SEPA consent to be granted for such a solution. It would be prudent to have 1 unit that accommodates all 4 plots as opposed to individual units.

Likewise for surface water attenuation and treatment a number of options are available for dealing with the plots (noted there is no new road intended, only driveways) and this could either be individually (per plot) or one feature covering the 4 units. If legal permissions were in place it is also possible that the existing SUDS basin could be extended to accommodate the extra 4No. units, albeit this would need agreed with SEPA, etc.

We trust you find the above in order, however, should you require any further information, please do not hesitate to contact us.

Yours faithfully,

Craig Stevenson  
Managing Director

**BAYNE STEVENSON ASSOCIATES LTD**Managing Director: **C Stevenson** CEng MStructERegistered Office: No. 19 South Castle Drive, Carnegie Campus, Dunfermline, KY11 8PD  
Company Number: SC298946

