

TCP/11/16(347)**Planning Application 14/01804/IPL – Erection of a dwellinghouse (in principle), land 70 metres north east of Bennathie Cottage, Bendochy**

INDEX

- (a) Papers submitted by the Applicant (***Pages 3-36***)
- (b) Decision Notice (***Page 35***)
 - Report of Handling (***Page 39-47***)
 - Reference Documents (***Page 33***)
- (c) Representations (***Pages 49-56***)

TCP/11/16(347)

Planning Application 14/01804/IPL – Erection of a dwellinghouse (in principle), land 70 metres north east of Bennathie Cottage, Bendochy

**PAPERS SUBMITTED
BY THE
APPLICANT**

13 MAR 2015

Notice of Review

RECEIVED

NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)Name MS CAROLYN A. BELLAddress THURNFIELD
MAIN ROAD
ARNCROACHPostcode KY10 2RHContact Telephone 1 Contact Telephone 2 Fax No E-mail* **Agent (if any)**Name JOHN CULBERTAddress TAN FM. HSE
MEIKLEDOR
PERTHPostcode PH2 6EEContact Telephone 1 07534521765Contact Telephone 2 01250 883353Fax No E-mail*

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

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

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

14/61804/1PL

Site address

LAND 70 METERS NORTHEAST OF BENNATHIE
COTTAGE, BENNATHIE COOPAR ANGLIS PH39HUDescription of proposed
developmentERECTION OF A DWELLINGHOUSE
(IN PRINCIPLE)

Date of application

15.10.14

Date of decision (if any)

23.12.14

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

Nature of application

1. Application for planning permission (including householder application) ☐
2. Application for planning permission in principle ☒
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

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

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

1. Further written submissions ☒
2. One or more hearing sessions ☐
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

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

APPELLANT RESERVES THE RIGHT TO RESPOND TO FURTHER INFORMATION OR MATERIAL IN COUNCIL'S RESPONSE TO THIS APPEAL

Site inspection

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

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

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

Statement

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

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

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

PLEASE SEE THE ATTACHED 'PLANNING APPEAL STATEMENT' WHICH ACCOMPANIES THIS NOTICE.

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.

EXAMPLES OF PRECEDENTS WHERE CONSENT GRANTED TO EXTEND BUILDING GROUPS WHERE LANDSCAPE CONDITIONS WERE USED TO SECURE DEFINED BOUNDARIES. THIS IS MATERIAL PLANNING INFORMATION WHICH THE LRB SHOULD BE AWARE OF IN MAKING ITS DECISION.

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.

PLANNING APPLICATIONS FORMS
SUPPORTING PLANNING STATEMENT
CASE OFFICER'S DELEGATED REPORT
DECISION NOTICE.
SITE PLAN

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the ~~applicant~~/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

10.3.15

Planning Appeal Statement

Erection of a dwellinghouse (in principle) 14/01804/IPL

at

Land 70 Metres North East of Bennathie Cottage, Bendochy, by
Coupar Angus



March 2015
John Culbert
Chartered Town Planner

Introduction

This appeal is submitted on behalf of Ms Carolyn Ann Bell in respect of Perth and Kinross Council's refusal of planning application 14/01804/IPL for the erection of a dwellinghouse on land 70m north of Bennathie Cottage, Bendochy, Coupar Angus.

The application was refused under delegated powers on the 23rd December 2014. The reason given for refusal was:

'As the site does not have a good landscape framework which is capable of absorbing the proposal, the proposal is contrary to the Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Local Development Plan 2014, both of which seek to ensure that new proposals which extend existing building groups do so into definable sites that are formed by existing topography and / or well established landscape features which would provide a suitable setting for the new housing.'

and the justification as follows :

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

This statement will set out Ms Carolyn Ann Bell's grounds for appealing by addressing the above reason in the light of the development plan policy and relevant material considerations.

Background

The application was received by Perth and Kinross Council on 15th October 2014. The application was supported by a planning statement, setting out the planning policy justification for the proposal together with site plans and location plans to illustrate indicatively how the development might look.

A previous application under 10/01878/IPL had been refused for the following reasons:

1. *'The proposal is contrary to Policy 49 of the Eastern Area Local Plan 1998 where it relates to new housing in the countryside as it does not meet any of the criteria relating to [a] development zones [b] building groups [c] renovation of abandoned houses [d] replacement houses [e] conversion of non-domestic buildings [f] operational need.'*
2. *The proposal is contrary to the Council's Policy on Housing in the Countryside (2009) in that the proposal does not meet any of the categories (1) Building Group (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 Site. In addition, the proposal fails to meet with this policy's required siting criterion which is applicable to all proposals for new houses within the countryside.

- 3 As the site does not have an existing landscape framework, the proposal is contrary to Policy 2, criteria (a) of the Eastern Area Local Plan 1998 which seeks to ensure that all new sites within the landward area have a good landscape framework within which the development can be set and, if necessary, screened completely.'

and the justification was as follows:

'The proposal is contrary to the Development Plan and there are no material reasons which justify the approval of the application.'

However, following the replacement of the Eastern Area Local Plan 1998 and subsequent revisions to the 'Housing in the Countryside Policy' and the approval of similar developments in the locality, the appellant was encouraged to make this fresh application. The application was developed to take account of the site history and address the concerns raised previously.

The site was significantly enlarged to include the full extent of the wooded area and the site of a permanent residential caravan.

The Appellant

The appellant's parents originally lived at Bennathie House where they operated a fruit farm for many years on the two fields which the appellant still owns. The appellant grew up at Bennathie, and it has many special memories for her. It is very much for these sentimental reasons that she wishes to move back to her roots.

Site Description

The site extends to about 0.65ha of rough level ground contained within a copse of woodland adjacent to a small building group known collectively as Bennathie. The site is bordered by open fields on each side which are in the ownership of the appellant and are currently leased to a local farmer. A residential caravan has been occupied over a period of some 14 years and lies within the site close to the trees.



An existing access from the A923 Blairgowrie to Coupar Angus Road serves the proposed site and Bennathie Cottage nearby.

The site is located roughly equidistant between Blairgowrie and Coupar Angus and about two miles from Coupar Angus, which would be the nearest town.

Grounds of appeal

A justification for the proposed development is set out in the supporting planning statement that accompanied the planning application. It is not the intention of this appeal statement to replicate the earlier statement, which is included in the appeal papers. There is some overlap, however, in response to the reason for refusal, which is unavoidable.

Sections 25 and 37 of the Town and Country Planning (Scotland) Act, as amended, requires that determinations made under the Act, such as a planning application or an appeal, shall be made in accordance of the provisions of the development plan, unless material considerations indicate otherwise. In summary as follows:

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

In terms of the Local Development Plan, the site lies within the landward area of the plan where the following policies are directly applicable,

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 PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or

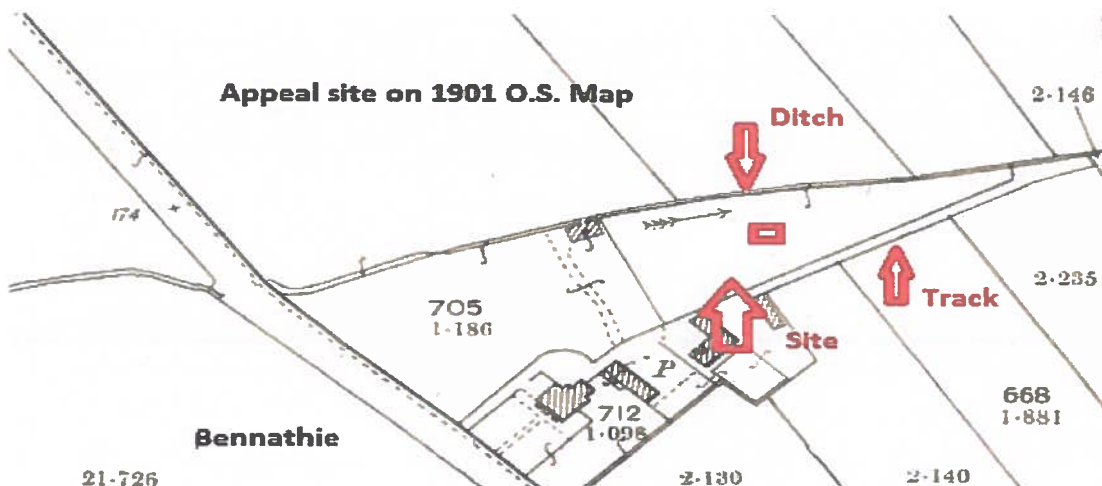
generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD3 - Housing in the Countryside

Clearly, the principal policy is the Council's '**Housing in the Countryside Policy November 2012**' and in particular, where it relates to extensions to small building groups into definable sites formed by existing topography or well established landscape features. It is accepted in the officer's delegated report that 'Bennathie' does qualify as a 'building group' in terms of the policy criteria. The policy encourages new development, where it extends the group into a definable site. I would suggest that the site is an integral part of the group and is naturally defined, which is clearly evident in the aerial photograph below:



It is very clear from the above aerial photo that the site is very much integral within the landscape framework and setting to the group, as distinct from the surrounding open fields to the north and south. It must be remembered that the main thrust of the 'Housing in the Countryside Policy' is to prevent sporadic or isolated development particularly, where it involves development encroaching into open fields where boundaries would be artificial and where further encroachment would be difficult to control. However, this is not the case with the proposed site, as the physical boundaries of the site are long established over many years. The physical limits of the site are demonstrated as very evident in the extract from an 1901 O.S. Map below.

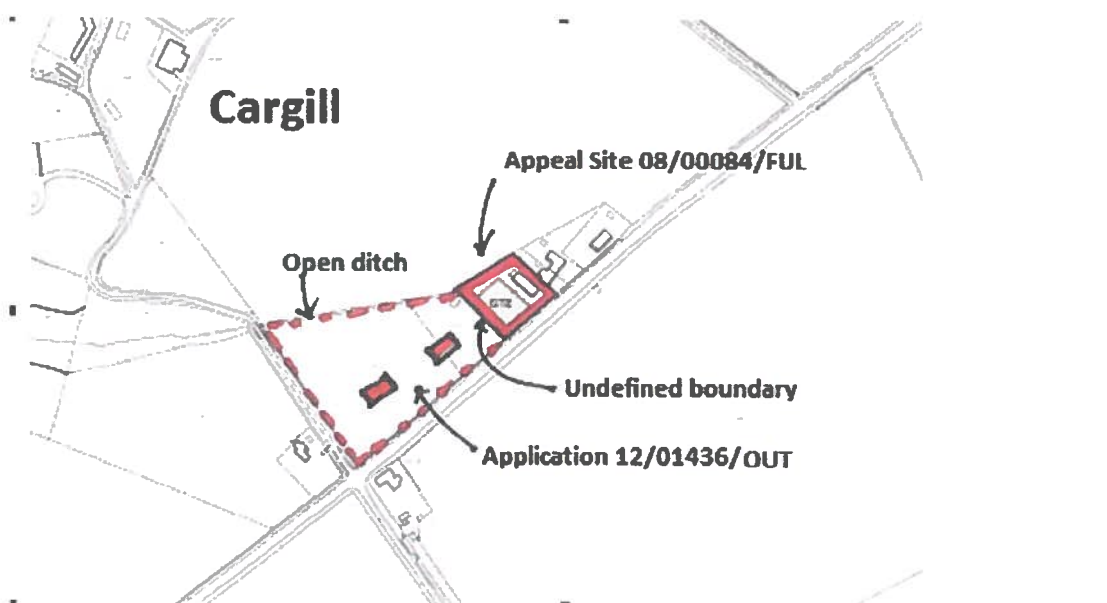


It is quite apparent from the above extract that the site is contained by a ditch to the north which is presently tree lined and to the south by an access track which currently serves the existing residential caravan. The boundary to the west is contained by the building group and east is contained by existing woodland. It is quite clear, contrary to the reason listed for refusal, that this is a well established and well defined site very much distinct from an isolated or sporadic site in an open field and is fully in line with policy requirements where they relate to extensions to building groups. The policy specifically states that *'consent will be granted for houses which extend the group into definable sites formed by existing topography or well established landscape features which will provide a suitable setting'* In this case, the ditch to the north and the access track to the south are features which have been in evidence for over a hundred years.

Even, if it were to be suggested that the access track is a less defined feature which is implied in reason for refusal, I would refer to various precedents which have been established over recent years, whereby if one boundary is undefined, then it has been accepted practice that additional landscaping along the offending boundary can be agreed as an appropriate way forward. I would wish to highlight the following random selection of relevant cases which highlight this more flexible and reasonable interpretation and practice in the application of the HITCP, where it specifically relates to acceptable extensions to building groups:

08/00084/FUL Planning consent for a new house at Cargill was refused primarily because the site had one undefined boundary with an open field and was subsequently, the subject of an appeal. The reporter who decided to allow the appeal concluded in regard to the undefined boundary as follows:

'the land beyond the appeal site is owned by the appellant and it would be possible, through the imposition of an appropriate planning condition, to ensure that a definable boundary was provided with landscaping'



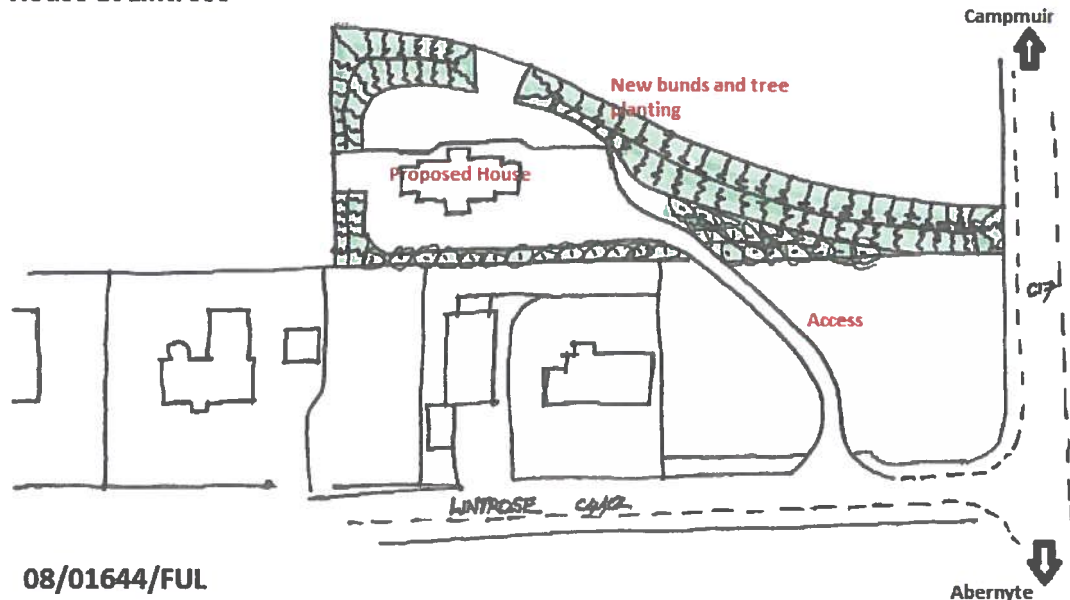
This particular appeal decision was used as a precedent in regard to the subsequent application for two further houses under 12/01436/OUT on the adjoining land, where again an undefined boundary was again involved together with an open ditch and was resolved by the imposition of landscape conditions.

08/01644/FUL Planning consent for a new house at Lintrose near Coupar Angus was refused as contrary to the 'Housing in the Countryside Policy' in the context of a building group, as having an inadequate landscape framework. However, on appeal the reporter concluded as follows:

'no existing landscape framework, and indeed one has to be created through the provision of a bund and extensive planting'

The sketch below indicates the extent of landscaping required by the planning conditions.

House at Lintrose



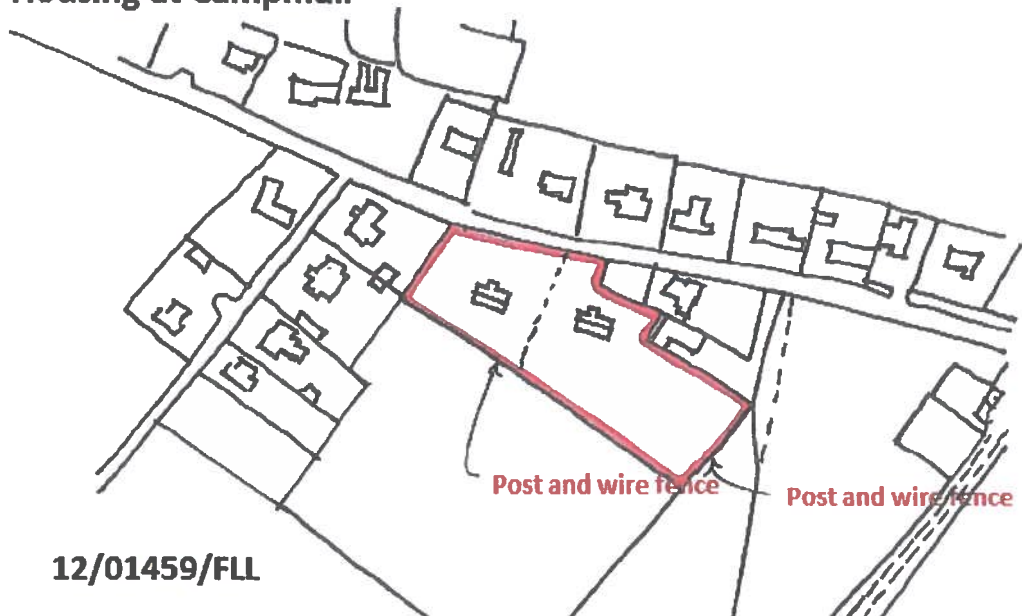
08/01644/FUL

12/01459/FLL Planning consent was granted for a two house development adjacent to the hamlet of Campmuir where the boundary with the open fields was defined simply by post and wire fencing as depicted in the extract below.

In the delegated report on the application, the case officer in relation to appropriate landscape framework in relation the building group, concluded as follows:

'In terms of the existing landscape framework, the site is relatively well contained with residential properties defining the eastern and western edges of the site and the public road defining the northern boundary. The rear boundary of a post and wire fence is perhaps not the most significant landscape feature, however in this case its similar to many of the rear boundaries of neighbouring plots. I therefore consider the proposal to be consistent with the aims of Policy 2 and 38 of the EALP, insofar as landscape setting is concerned.'

Housing at Campmuir



14/01175/IPL (TCP/11/16(319)) Planning consent was granted by the Local Review Body for the erection of a dwellinghouse, irrespective of the fact that the site was insufficiently identifiable within the landscape and conditions were attached to secure new hedgerow planting.

Whilst the issue of ‘precedence’ is considered a grey area in planning terms, Circular 6/1990 makes it quite clear that the planning authority must take account of ‘*relevant precedents of which the planning authority were aware.*’

By comparison with the various cases highlighted above and which do set precedents for establishing new landscape boundaries, the appeal site is well defined in the landscape with topographical features which have been in existence for over a century and as such should reasonably be seen as complying with policy.

However, the appellant is more than happy to agree to any additional landscaping conditions, if considered necessary.

In addition, the case officer has concluded in his delegated report that the development of the site for a dwellinghouse does not raise any residential or visual amenity issues. It is also recognised that ‘*the existing residential caravan on site is now tired looking and that there may be a small argument for its replacement with a small cottage which might result in an environmental (visual) benefit to the area.*’ The case officer confirms that he ‘*is confident that a suitable level of residential amenity can be achieved and that the residential amenity of existing properties protected, subject to a suitable design.*’ He is also confident according to the delegated report ‘*that subject to a suitable design, the visual amenity of the area will not be adversely affected*’

A key requirement of the HITCP where it relates to extensions to building groups is that: *'all proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house'* According to the terms of the delegated report none of these issues are in dispute, so one must ask why was this application refused.

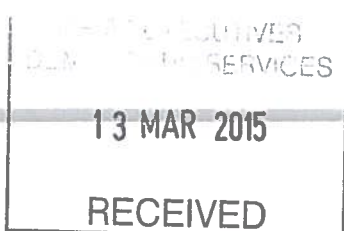
Transport Planning have no objections to the access arrangements and there are no other valid technical issues raised by the application.

No neighbours have raised any objection to the proposal.

Conclusion

In summary, this application was refused simply on the basis of a subjective interpretation of what constituted *'a definable site formed by existing topography and or well established landscape features'* and nothing else. Clearly, Bennathie is accepted as an established building group and no visual or residential amenity issues are raised. It is acknowledged that an environmental improvement could be achieved with the removal of a tired looking residential caravan, but such an opportunity to visually benefit the group is passed over. Irrespective of the fact that the physical features of the site have been in evidence for over one hundred years and remain largely unaltered over time, apart from the growth of screening trees. It is also ignored that precedents have been established within the local area where' in the case of undefined boundaries, Scottish Government reporters, the Planning Authority and indeed the Local Review Body, as evidenced above, have simply required additional landscaping through the imposition of planning conditions. In the light of the above assessment, it appears to be a very dogmatic and unreasonable decision, contrary to sound planning principles of positively seeking to improve the environment for the benefit of all.

The appellant therefore respectfully requests that this appeal be allowed.



RECEIVED

15 OCT 2014

14/01804/IPL

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Ms	Ref No.	
Forename	Carolyn Ann	Forename	John
Surname	Bell	Surname	Culbert
Company Name		Company Name	
Building No./Name	Thurnfield	Building No./Name	Tay Farmhouse
Address Line 1	Main Road	Address Line 1	
Address Line 2	Amcroach	Address Line 2	Meikleour
Town/City	Anstruther	Town/City	Perth
Postcode	KY10 2RH	Postcode	PH2 6EE
Telephone		Telephone	01250883353
Mobile		Mobile	07534521765
Fax		Fax	
Email		Email	

3. Postal Address or Location of Proposed Development (please include postcode)
Land 70 metres north east of Bennathie Cottage Bendochy Coupar Angus PH13 9HN

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Type of Application	
What is the application for? Please select one of the following:	
Planning Permission	<input type="checkbox"/>
Planning Permission in Principle	<input checked="" type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.

*Please provide a reference number of the previous application and date when permission was granted:

Reference No:	10/01878/IPL	Date:	28th June 2011
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****Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

5. Description of the Proposal

Please describe the proposal including any change of use:

Erection of dwellinghouse (in principle)

Is this a temporary permission?

Yes ☐ No ☒

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

Have the works already been started or completed?

Yes ☐ No ☒

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

Date started:

Date completed:

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

6. Pre-Application Discussion

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

Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

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

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

Name:

Date:

Ref No.:

7. Site Area

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

Hectares (ha):

0.65ha

Square Metre (sq.m.)

8. Existing Use

Please describe the current or most recent use:

Vacant ground.

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes ☐ No ☒

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes ☐ No ☒

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

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

Nil

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

Two

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

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes ☒ No ☐

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

Yes, connecting to a public drainage network ☐
No, proposing to make private drainage arrangements ☒
Not applicable – only arrangement for water supply required ☐

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

Discharge to land via soakaway ☒
Discharge to watercourse(s) (including partial soakaway) ☐
Discharge to coastal waters ☐

Please show more details on your plans and supporting information

What private arrangements are you proposing?

Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed) ☐
Other private drainage arrangement (such as a chemical toilets or composting toilets) ☐

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes ☒ No ☐

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

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

Yes ☒ No ☐

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

11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

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

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

12. Trees

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

Yes ☒ No ☐

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

13. Waste Storage and Collection

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

Yes ☒ No ☐

If yes, please provide details and illustrate on plans.

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

14. Residential Units Including Conversion

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

Yes ☒ No ☐

If yes how many units do you propose in total?

One

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

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

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

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

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

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

Yes ☐ No ☒ Don't Know ☐

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

17. Planning Service Employee/Elected Member Interest

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

Yes ☐ No ☒

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

Yes ☐ No ☒

If you have answered yes please provide details:

DECLARATION

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

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

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

Yes ☐ No ☐ N/A ☒

Signature:

Name: John Culbert

Date: 6th October 2014

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

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant ☒ was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application. ☒
- (2) None of the land to which the application relates constitutes or forms part of agricultural land. ☒

Signed:

On behalf of:

Date:

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

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

or

- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have served notice on every person other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are: ☐

Supporting Planning Statement

for

Erection of a dwellinghouse (in principle) 70m north of Bennathie Cottage Bendochy Coupar Angus Ms Carolyn Ann Bell

Site and Location

The site extends to about 0.65ha of rough level ground contained within a copse of woodland adjacent to a small building group known collectively as Bennathie. The site is bordered by open fields on each side which are in the ownership of the applicant and currently leased to a local farmer. A residential caravan has been occupied over a period of some 14 years and lies within the site close to the trees. An existing access from the A923 Blairgowrie to Coupar Angus Road serves the proposed site and Bennathie Cottage nearby.



The site is located roughly equidistant between Blairgowrie and Coupar Angus and about two miles from Coupar Angus, which would be the nearest town.



Site History

Planning consent was previously refused under 10/01878/IPL for the erection of a dwellinghouse on part of the current site on the following grounds:

- *The proposal is contrary to Policy 49 of the Eastern Area Local Plan 1998 where it relates to new housing in the countryside as it does not meet any of the criteria relating to [a] development zones [b] building groups [c] renovation of abandoned houses [d] replacement houses [e] conversion of non-domestic buildings [f] operational need.*
- *The proposal is contrary to the Council's Policy on Housing in the Countryside (2009) in that the proposal does not meet any of the categories (1) Building Group (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 Site. In addition, the proposal fails to meet with this policy's required siting criterion which is applicable to all proposals for new houses within the countryside.*
- *As the site does not have an existing landscape framework, the proposal is contrary to Policy 2, criteria (a) of the Eastern Area Local Plan 1998 which seeks to ensure that all new sites within the landward area have a good landscape framework within which the development can be set and, if necessary, screened completely.*

The applicant unsuccessfully appealed the decision to the Local Review Body.

The latest application addresses the above issues and would now be considered against the new Local Development Plan (LDP) adopted in March 2014 and which now incorporates the HITC policy 2012, all replacing the documents referred to in the previous reasons for refusal.

The Proposal

The application is in outline and seeks to build a single storey house of simple rural proportions set in a natural clearing within an existing copse of mature trees which are intended to be retained. The external finishes would comprise a combination of wet dash wall render and natural slate as the roofing material. An existing private access already serves the residential caravan and would be improved to access the new house.

The latest application encompasses a larger area to include the site of the residential caravan which would be removed on the grant of consent. Although the caravan has no formal planning consent; it has been occupied over a period well in excess of ten years and can now be regarded as an established use in planning terms.

National policy and Guidance

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

Development Plan

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

PM1A Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

PM1B Placemaking

All proposals should meet all eight of the placemaking criteria as follows:

- (a) Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.*
- (b) Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.*
- (c) The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.*
- (d) Respect an existing building line where appropriate, or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space.*
- (e) All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.*
- (f) Buildings and spaces should be designed with future adaptability in mind wherever possible.*

(g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.

(h) Incorporate green infrastructure into new developments and make connections where possible to green networks.

RD3: Housing in the Countryside

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

Policy Appraisal

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

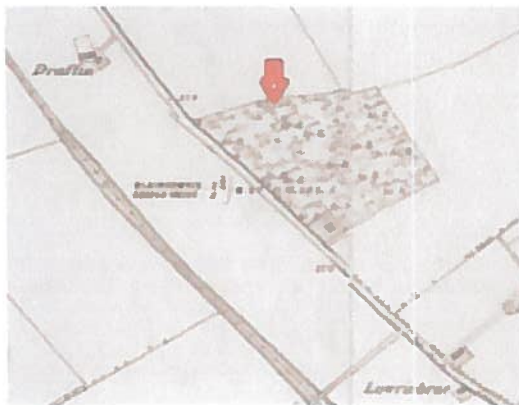
Although, planning consent was previously refused some four years ago under the former Eastern Area Local Plan 1998 and the 2009 version of the Housing in the Countryside, also superseded; it is now felt that there are sufficient new material considerations to warrant reconsideration.

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

Examining the previous reasons for the refusal, clearly reason 1 above which referred to the Eastern Area Local Plan 1998 and its version of the 'Housing in the Countryside' policy is now outdated and can be dispensed with.

In relation to reason 2 which refers to the 2009 version of the 'Housing in the Countryside' policy, although replaced by the current 2012 version, the content is largely similar in its application. The most relevant consideration related to category 1 'building groups' and whether or not the site at that time represented an appropriate extension to a building group into a definable site formed by established landscape features. Reason 3 above again refers to a policy in the former EALP which had general application and required that all new rural sites should have a good landscape framework. The delegated report relating to 10/01878/IPL accepts that Bennathie does qualify as a building group, but questions the adequacy of the site boundaries as being fully definable. In summary, the only area of concern at the time appeared to have hinged on the actual boundary definition of the site itself. In particular, it was felt that one boundary was considered to be 'undefined' even though it was contained by the existing access track to the residential caravan and also defined by a change in ground level. No technical issues were raised by the previous application and the Roads and Transportation Services had no objections to the proposed access arrangements.

The site has now been enlarged in this latest application to include the full extent of the wooded copse which also includes the site of the existing residential caravan; this area of deciduous woodland is a long established feature in the landscape. An O.S. map of 1890 copied below, shows that the present field to the south east of the proposed site was originally a block of woodland, but all that remains today is largely the linear pocket of trees within the proposed site as indicated in the corresponding aerial photograph. In terms of the HITC 2012 policy it does qualify as *'a well established landscape feature'* and does provide natural containment and an appropriate setting to the proposed development.



The site does have good boundary definition with mature trees on three sides and the access track to the residential caravan containing the remaining boundary. In any case, numerous exceptions have been made in the past by this Planning Authority and by Scottish Office Reporters, where only one boundary has been undefined, simply by applying a planning condition requiring new boundary planting. The applicant is happy to carry out additional planning, if required. The proposed house would be positioned within a natural and obvious clearing within the copse as indicated in the photo below, where the house would relate well with other buildings in the group in terms of character, layout and pattern. The siting of the proposed house would not



detract from the residential or visual amenity of the group and the subsequent removal of the residential caravan, which over time has become an established use, would represent a positive improvement in amenity terms. It has already been accepted previously that Bennathie does qualify as a small building group and the latest amended proposal does comply with all the necessary policy criteria relating to building groups under category 1.



Key to compliance with policies PM1A and PM1B is a requirement for high design standards and compatibility with existing uses, in this case residential and agriculture, and the general compatibility of the proposed development within the context of the surrounding landscape. As the proposal will repeat the high standard of design evident in adjacent recent development, all intended to reflect the characteristics of other buildings within the group and all accepted by the Planning Authority, the quality of design should not be an issue. In terms of compatibility with other adjacent land uses, I am satisfied that the plot ratio and separation distances are generous and there is no conflict with neighbouring houses and no conflict with adjacent arable farming activities. In landscape terms, the site is well contained by established woodland which provides a well defined setting for the proposed house, all consistent with the aims of the policy in protecting landscape character and the criteria relating to boundary definition. The proposal sits comfortably with the relevant criteria relating to both PM1A and PM1B.

Developer Contributions

In terms of the approved Developer Contributions 2012 document, financial contributions are presently being sought for new housing within the school catchment of areas operating at over 80% capacity. The site lies within the catchment area of the Coupar Angus primary school and an education contribution would depend on the current school roll and whether or not at the time of the application it triggers the policy or otherwise.

In terms of the Supplementary Guidance relating to 'Transport Infrastructure' approved in April 2014, the site lies within a 'PTF Reduced Contribution Area'.

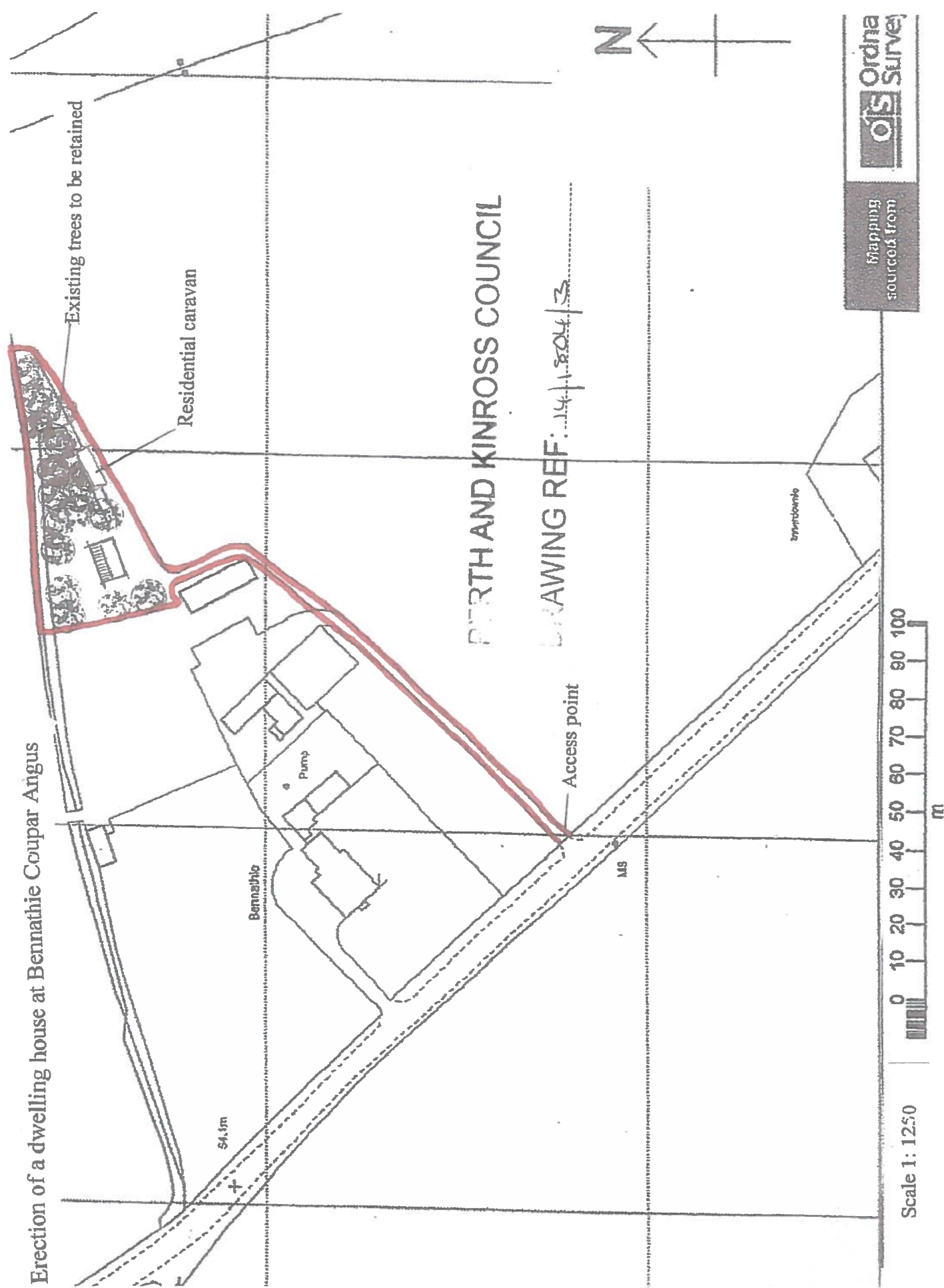
However, as this is an outline application, it is normal practice to apply a planning condition to address developer contributions, where they are applicable.

Conclusion

The latest application extends the site boundaries to include the copse of trees and the site of the residential caravan which over time has become an established use of a site and its replacement with a well designed house would enhance both the visual and residential amenity of the building group. The wooded characteristics of the site represent a long established landscape feature and the natural opening within it an obvious site and an appropriately contained setting for the proposed house. All compliant with character, layout, building pattern and the residential amenity of the group and all fully in line with all the terms and conditions of category 1 relating to '*building groups*'. In addition, the proposal does not present any conflict with PM1A and PM1B in regard to 'Placemaking' as it is compatible with both the existing built environment and the landscape character of the surroundings.

The applicant is a local person who grew up in the Bendochy area and her family lived at Bennathie House for many years and she still owns the two fields on either side of the site. The HITC 2012 policy offers general support in favour of 'local people' being able to build a house within their local community where their family and friends live.

Erection of a dwelling house at Bennathie Coupur Angus



PERTH AND KINROSS COUNCIL

Ms Carolyn Ann Bell
c/o John Culbert
Tay Farmhouse
Meikleour
Perth
PH2 6EE

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 23rd December 2014

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **14/01804/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 15th October 2014 for permission for **Erection of a dwellinghouse (in principle) Land 70 Metres North East Of Bennathie Cottage Bendochy** for the reasons undernoted.

Development Quality Manager

Reasons for Refusal

1. As the site does not have a good landscape framework which is capable of absorbing the proposal, the proposal is contrary to the Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Local Development Plan 2014, both of which seek to ensure that new proposals which extend existing building groups do so into definable sites that are formed by existing topography and / or well established landscape features which would provide a suitable setting for the new housing.

Justification

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

TCP/11/16(347)
Planning Application 14/01804/IPL – Erection of a dwellinghouse (in principle), land 70 metres north east of Bennathie Cottage, Bendochy

PLANNING DECISION NOTICE *(included in applicant's submission, see page 35)*

REPORT OF HANDLING

REFERENCE DOCUMENT *(included in applicant's submission, see page 33)*

REPORT OF HANDLING

DELEGATED REPORT

Ref No	14/01804/IPL	
Ward No	N3- Blairgowrie And Glens	
Due Determination Date	14.12.2014	
Case Officer	Andy Baxter	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Erection of a dwellinghouse (in principle)

LOCATION: Land 70 Metres North East Of Bennathie Cottage,
Bendochy

SUMMARY:

This report recommends **refusal** of a planning in principle application for the erection of a single dwelling at Bendochy 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: 29 November 2014

SITE PHOTOGRAPHS



*Left, long view of the site
Right, view of the existing static on the site*

BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain a planning in principle consent for the erection of a dwelling on a partly wooded site at Bendochy between Coupar Angus and Blairgowrie. The site essentially comprises a small clearing in a sporadic area of woodland and on the site at present is a static caravan, which although it still looks (marginally) useable doesn't appear to have been used anytime recently.

Vehicular access to the site is via a private access track which joins the A923 (Blairgowrie - Coupar Angus) public road.

SITE HISTORY

A similar application for the erection of a dwellinghouse in principle was refused in 2010 (10/01878/IPL), however that application did not include the static caravan within the application site.

PRE-APPLICATION CONSULTATION

General discussion concerning a re-submission took place between the applicant and the Council.

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.

Of relevance to this planning application is,

The Scottish Planning Policy 2014

The Scottish Planning Policy (SPP) was published on June 23 2014. It 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.

Of relevance to this application are Paragraphs 74 - 83, which relate to Promoting Rural Development and also Paragraphs 109-134, which relates to enabling delivery of new homes.

DEVELOPMENT PLAN

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

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

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

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

In terms of the Local Development Plan, the site lies within the landward area of the plan where the following policies are directly applicable,

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 PM3 - Infrastructure Contributions

Where new developments (either alone or cumulatively) exacerbate a current or generate a need for additional infrastructure provision or community facilities, planning permission will only be granted where contributions which are reasonably related to the scale and nature of the proposed development are secured.

Policy RD3 - Housing in the Countryside

The development of single houses or groups of houses which fall within the six identified categories will be supported. This policy does not apply in the Green Belt and is limited within the Lunan Valley Catchment Area.

OTHER COUNCIL POLICIES

Housing in the Countryside Guide 2012

This supplementary guidance is the most recent guidance on Housing in the Countryside and should be read in conjunction with Policy RD3 of the Local Development Plan 2014.

Developer Contributions 2014

This supplementary guidance seeks to secure financial contributions for both A9 junction improvements and for primary education in certain circumstances. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

Developer Contributions, Transport Infrastructure 2014

This supplementary guidance is about facilitating development. It 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. This Supplementary Guidance should be read in conjunction with Local Development Plan *Policy PM3: Infrastructure Contributions and Developer Contributions Supplementary Guidance*.

CONSULTATION RESPONSES

Scottish Water have commented on the planning application and raised no concerns.

INTERNAL CONSULTATION RESPONSES

Environmental Health have commented on the planning application in terms of private water supplies and raised no objection.

Transport Planning have made no specific comment.

Education And Children's Services have indicated that the Developer Contributions 2014 document should be applied to the proposal.

Contributions Officer has indicated that the Developer Contributions policies should be applied to the proposal.

REPRESENTATIONS

None undertaken.

ADDITIONAL STATEMENTS RECEIVED

Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

In terms of other material considerations consideration of the Councils approved Supplementary Guidance on Housing in the Countryside and Developer Contributions are applicable to this proposal.

Policy Appraisal

The principal Development Plan land use policies directly relevant to this proposal are largely contained in the adopted Local Development Plan. Within that Plan, the site lies within the landward area where *Policies PM1A (general development) and RD3 (HITCP)* are directly applicable.

Policy PM1A seeks to ensure that all new developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the existing area, whilst *Policy RD3* relates to new Housing in the Countryside and states that the supplementary guidance will be applicable to new proposals in the landward area. The most recent SPG on housing in the countryside is the 2012 version.

For reasons stated below, I consider the proposal to be contrary to the Council's Housing in the Countryside Guide 2012 and the Local Development Plan 2014.

Land Use Acceptability

The acceptability of the proposal in land use terms is ultimately an assessment of the proposal against the Housing in the Countryside Guide 2012 which is the most recent expression of Council policy towards new housing in the open countryside.

The Housing in the Countryside Guide 2012 offers support in principle for new housing adjacent to existing building groups, providing that the new site would extend the group into a clearly definable site that is formed by existing topography and or well established landscape features which will provide a suitable setting for a new dwelling(s). In addition, a building group is typically defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature.

As I consider it reasonable to class the existing group of buildings as an existing building group, the key test of the acceptability of the proposal against the HITCG is whether or not the proposal would constitute a natural extension of that group, into a definable site. The site does have some degree of landscape framework by virtue of the existing mature trees, however the scattered arrangement of the trees is not normally an arrangement which would constitute a definable site. I therefore consider the proposal to be contrary to the HITCG by virtue of the site not having a suitable landscape framework which is capable of absorbing the proposed development.

It should also be noted that the HITCG offers scope for the replacement of existing dwellings, with new dwellings. In this resubmission, the applicant has amended their site boundaries (from that of the previously refused submission) to include the existing static caravan. Whilst I do not know the exact history of the caravan, or whether or not consent was sought for it prior to its siting, the HITCG does not seek to offer support for the replacement of static caravans in the same way as it does existing dwellings. The existing caravan is tired looking and there may be a small argument that its removal and replacement with a small cottage might result in an environmental (visual) benefit to the area, however this alone does not (in my opinion) make it compliant with the HITCG.

To this end, I consider the proposal to be contrary to the HITCG.

Design and Layout

As this is a planning in principle application, design and layout matters are not issues at this stage.

Residential Amenity

As this is a planning in principle application, the impact on residential amenity is not an issue at this stage. Nevertheless, I'm confident that a suitable level of residential amenity can be achieved and that the residential amenity of existing properties protected, subject to a suitable design.

Visual Amenity

As this is a planning in principle application, the impact on visual amenity is not an issue at this stage. Nevertheless, I'm confident that subject to a suitable design, the visual amenity of the area will not be adversely affected.

Roads and Access

The proposal raises no issues regarding road related matters.

Drainage and Flooding

The proposal raises no issues relating to drainage or flooding matters.

Developer Contributions

Primary Education

As this is a planning in principle application, a suitability worded condition will be attached to any consent ensuring compliance with the Developer Contributions 2014 document.

Transport Infrastructure

The site is located outwith the catchment area for contributions, as defined in the Developer Contributions, Transport Infrastructure 2014.

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 Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan

and as there are no material considerations which would justify overriding the Development Plan, the application is recommended for refusal.

APPLICATION PROCESSING TIME

The recommendation for this application has not been made within the statutory determination period.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Refuse the application based on the following reason,

As the site does not have a good landscape framework which is capable of absorbing the proposal, the proposal is contrary to the Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Local Development Plan 2014, both of which seek to ensure that new proposals which extend existing building groups do so into definable sites that are formed by existing topography and / or well established landscape features which would provide a suitable setting for the new housing.

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

14/01804/1 - 14/01804/5 (*inclusive*)

Date of Report 22.12.2014

TCP/11/16(347)
Planning Application 14/01804/IPL – Erection of a dwellinghouse (in principle), land 70 metres north east of Bennathie Cottage, Bendochy

REPRESENTATIONS

- Representation from Education and Children's Services, dated 27 October 2014
- Representation from Development Negotiations Officer, dated 31 October 2014
- Representation from Regulatory Service Manager, dated 3 November 2014

Memorandum

To	Nick Brian Development Quality Manager	From	Maureen Watt Assistant Asset Management Officer
Your ref	14/01804/IPL	Our ref	
Date	27 October 2014	Tel No	(4) 76308

Education & Children's Services

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Planning Application Ref No 14/01804/IPL

This development falls within the Coupar Angus Primary School catchment area.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

INTERNAL CONSULTATION ON PLANNING APPLICATION



To: Development Management
From: Euan McLaughlin
Date: 31 October 2014
Planning Reference: 14/01804/IPL

Description of Proposal: Erection of a dwellinghouse (in principle) Land 70 Metres North East Of Bennathie Cottage Bendochy for Ms Carolyn Ann Bell

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.

Primary Education

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

This proposal is within the catchment of Coupar Angus Primary School.

As this application is only "in principle" it is not possible to provide a definitive answer at this stage however it should be noted that the Developer Contributions Policy would apply to all new residential units with the exception of those outlined in the policy. The determination of appropriate contribution, if required, will be based on the status of the school when the full application is received.

Contacts

The main point of contact for enquiries relating to the interpretation of developer contributions will be the Development Negotiations Officer:

Euan McLaughlin
Tel: 01738 475381
Email: emclaughlin@pkc.gov.uk

If your query specifically relates to the provision of affordable housing please contact the Council's Affordable Housing Enabler:

Stuart McLaren
Tel: 01738 476405
Email: sjmclaren@pkc.gov.uk

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 14/01804/IPL

Our ref MA

Date 3 Nov 2014

Tel No 01738 476476

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

RE: Erection of a dwellinghouse (in principle) Land 70 Metres North East Of Bennathie Cottage Bendochy for Ms Carolyn Ann Bell

I refer to your letter dated 28 October 2014 in connection with the above application and have the following comments to make.

Water (assessment date – 3/11/14)

The application relates to a house in a rural area with no private water supplies serving the adjacent properties. The applicant has stated that Public Mains water will be used. It is our understanding that no existing private water supplies will be affected by the proposed activities so we have no comment at this time.



