

**TCP/11/16(454)**  
**Planning Application – 16/01789/IPL – Erection of a dwellinghouse (in principle) on Land 30 metres East of Gairneybridge Farm, Gairneybridge, Kinross, KY13 9JZ**

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**TCP/11/16(454)**

**Planning Application – 16/01789/IPL – Erection of a dwellinghouse (in principle) on Land 30 metres East of Gairneybridge Farm, Gairneybridge, Kinross, KY13 9JZ**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**



# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County 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 2013

**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.**

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="Mr."/>	Ref No.	<input type="text" value="EP514"/>
Forename	<input type="text" value="Aidan"/>	Forename	<input type="text" value="Derek"/>
Surname	<input type="text" value="King"/>	Surname	<input type="text" value="Scott"/>
Company Name	<input type="text"/>	Company Name	<input type="text" value="Derek Scott Planning"/>
Building No./Name	<input type="text" value="Gairneybridge Farmhouse"/>	Building No./Name	<input type="text" value="Unit 9"/>
Address Line 1	<input type="text" value="Gairneybridge"/>	Address Line 1	<input type="text" value="Dunfermline Business Centre"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text" value="Izatt Avenue"/>
Town/City	<input type="text" value="Kinross"/>	Town/City	<input type="text" value="Dunfermline"/>
Postcode	<input type="text" value="KY13 9JZ"/>	Postcode	<input type="text" value="KY11 3BZ"/>
Telephone	<input type="text"/>	Telephone	<input type="text" value="01383 620 300"/>
Mobile	<input type="text"/>	Mobile	<input type="text" value="07802 431 970"/>
Fax	<input type="text"/>	Fax	<input type="text" value="01383 844 999"/>
Email	<input type="text"/>	Email	<input type="text" value="enquiries@derekscottplanning.com"/>

3. Application Details	
Planning authority	<input type="text" value="Perth &amp; Kinross Council"/>
Planning authority's application reference number	<input type="text" value="16/01789/IPL"/>
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;">                     Gairneybridge Farmhouse                      Gairneybridge                      Kinross                      KY13 9JZ                 </div>
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 50px;">                     Erection of Dwelling House (Planning Permission in Principle)                 </div>

Date of application	17.10.16	Date of decision (if any)	06.12.16
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**Note.** This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

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**4. Nature of Application**

Application for planning permission (including householder application)	<input type="checkbox"/>
Application for planning permission in principle	<input checked="" type="checkbox"/>
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"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

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**5. Reasons for seeking review**

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

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**6. 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.

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

If you have marked either of the first 2 options, 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 necessary.

We reserve the right to repond to any further submissions made by the Appointed Officer or third parties in connection with this appeal.

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**7. Site inspection**

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

Can the site be viewed entirely from public land?	<input type="checkbox"/>
Is it possible for the site to be accessed safely, and without barriers to entry?	<input checked="" 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:

An accompanied site inspection would be desirable in this instance in order to properly assess the relationship between the appeal property and the Listed Monument.

## 8. 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 statement.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

N/A

## 9. 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

Please refer to attached statement.

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

## 10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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.

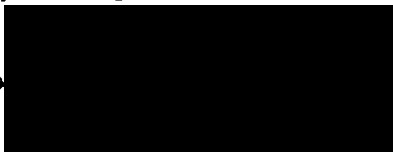


**Note.** Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number,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

## DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature



Name:

Derek Scott Planning

Date:

22/12/16

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.



# REVIEW STATEMENT

**16/01789/IPL – PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLING  
HOUSE**

At

**Gairneybridge Farmhouse  
Gairneybridge  
Kinross  
KY13 9JZ**

Prepared by

**Derek Scott Planning  
Planning and Development Consultants**



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Tel No: 01383 620300  
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E-Mail: [enquiries@derekscottplanning.com](mailto:enquiries@derekscottplanning.com)**

On behalf of

**Mr. Aidan King**

# Executive Summary

## 16/01789/IPL – PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLING HOUSE AT GAIRNEYBRIDGE FARMHOUSE, GAIRNEYBRIDGE, KINROSS KY13 9JZ

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- The application site which measures 600 sq. metres is located in the south east corner of an existing group of dwellings lying on the western side of the B966 Kinross to Kelty Road. The group comprises Gairneybridge Farmhouse which is located to the west of the application site along with a residential steading development immediately to the north (The Steadings) and further residential development beyond that. To the south of the site lies Fruix Road which provides access to a chalet development to the west of the farm house. On the southern side of Fruix Road directly to the south and opposite the application site there exists the Category ‘B’ Listed Secession Church Monument served by a small car park to the south and west of it.
- The application site currently serves as garden ground for Gairneybridge Farmhouse to the west. The site is bound on the south and east side by a stone wall; to the north by a timber fence beyond which exists the farm steading development; and to the east by the B966 Kinross to Kelty Road with agricultural land beyond that. There are a number of trees within the site.
- The application submitted to and refused by the Appointed Officer, sought planning permission in principle for the erection of a dwelling house on the site. Although the application was accompanied by a site plan, elevations and floor plans, it is important to note that these were indicative in nature, produced solely for the purposes of demonstrating that the site is sufficiently large to accommodate a dwelling house. The actual design of any dwelling house could, in the event of planning permission in principle being granted, be controlled through the imposition of an appropriately worded condition.
- The Planning Officer having assessed the application was of the view that it contravened only one policy in the Perth and Kinross Local Plan and refused it on this basis. The reason for refusal stated the following:

*‘The proposal is contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014 as the development of the site is considered to disrupt the visual relationship between the neighbouring farmhouse and the category B listed Secession Church Monument. As such the proposal is considered to detrimentally impact upon the setting of the listed monument.’*
- We disagree with the Planning Officer’s reason for refusing the application and cite the following considerations in support of this position:
  - A traditionally designed dwelling house located on the eastern part of the application site would appear as a logical addition to the existing group of houses formed by the farm house and the converted steadings.

- Such a dwelling house would not disrupt the line of sight or relationship between the Listed Monument and the Farm House. The Farm House will be capable of being seen from the Monument and the Monument from the Farmhouse following the erection of the proposed dwelling thus ensuring that both the visual and historical relationship between the two will be retained and their settings respected.
- Based on our consideration of the development plan and all other material considerations it is our strongly held view that that the application should not have been refused and as such it is respectfully requested that planning permission in principle be granted for the dwelling house applied for.

# REVIEW STATEMENT

**16/01789/IPL – PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLING HOUSE  
AT GAIRNEYBRIDGE FARMHOUSE, GAIRNEYBRIDGE, KINROSS KY13 9JZ**

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<b>Document 1</b>	Copy of Planning Application and associated documents as submitted to Perth & Kinross Council
<b>Document 2</b>	Decision Notice
<b>Document 3</b>	Report of Handling
<b>Document 4</b>	Copies of Third Party Representations
<b>Document 5</b>	Copies of Consultation Responses

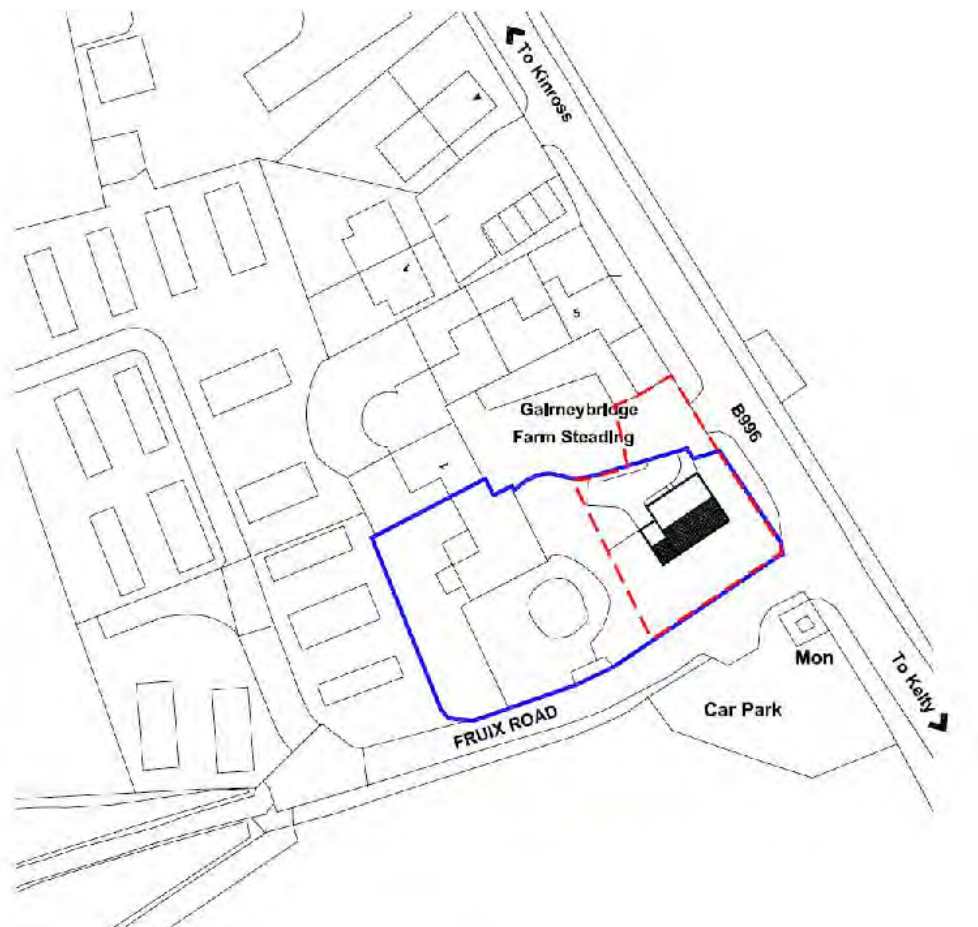
# REVIEW STATEMENT

**16/01789/IPL – PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLING HOUSE  
AT GAIRNEYBRIDGE FARMHOUSE, GAIRNEYBRIDGE, KINROSS KY13 9JZ**

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## 1. INTRODUCTION

- 1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants on behalf of our client, Mr. Aidan King. We dispute, on behalf of Mr King, the appointed Planning Officer's reasons for refusing the above-mentioned application, which sought planning permission in principle for the erection of a dwelling house within the grounds of Gairneybridge Farmhouse, Gairneybridge, Kinross KY13 9JZ. A copy of the planning application and supporting information submitted to and refused by the Appointed Officer is attached as **Document 1**.



*Location Plan (Application Site Outlined in Red – Other land owned by applicant outlined in blue)*

## 2. LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site which measures 600 sq. metres is located in the south east corner of an existing group of dwellings lying on the western side of the B966 Kinross to Kelty Road. The group comprises Gairneybridge Farmhouse which is located to the west of the application site along with a residential steading development immediately to the north and further residential development beyond that. To the south of the site lies Fruix Road which provides access to a chalet type development (Leven Park) to the west of the farm house. On the southern side of Fruix Road directly to the south and opposite the application site there exists the Category 'B' Listed Secession Church Monument which is served by a small car park to the south and west of it. The monument which is a plain stone obelisk faces the B966 and is bounded by a dwarf wall with railings to the north and east. It is described in Historic Environment Scotland's Statutory List as

*'An obelisk erected in 1883 which commemorates the forming of the first Presbytery of Secession Church in public-house on site occupied by Gairneybridge Farm steading.'*

- 2.2 The application site currently serves as garden ground for Gairneybridge Farmhouse to the west. The site is bound on the south and east side by a stone wall; to the north by a timber fence beyond which exists the farm steading development; and to the east by the B966 Kinross to Kelty Road beyond which exists agricultural land. There are a number of trees within the site.



*Views of Application Site*

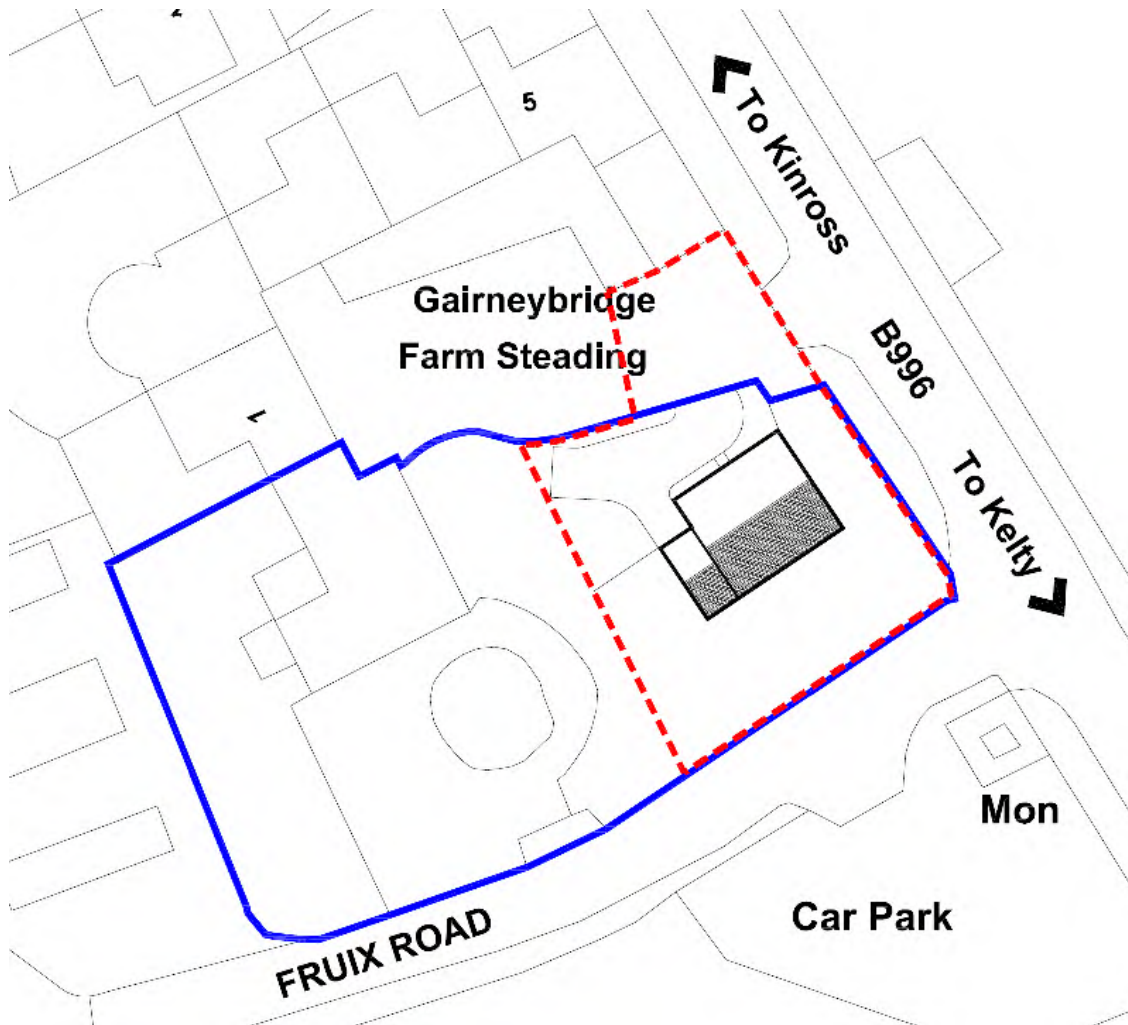




*Category 'B' Listed Secession Church Monument*

### 3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application submitted to and refused by the Appointed Officer, sought planning permission in principle for the erection of a dwelling house on the site. Although the application was accompanied by a site plan, elevations and floor plans, it is important to note that these were indicative in nature, produced solely for the purposes of demonstrating that the site is sufficiently large to accommodate a dwelling house. The actual design of any dwelling house could, in the event of planning permission in principle being granted for it, be controlled through the imposition of an appropriately worded condition.



*Indicative Site Layout*



## 4. PLANNING POLICY

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

*‘where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.’*

4.2 In the context of the above it is worth making reference to the House of Lord’s Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- identify any provisions of the development plan which are relevant to the decision;
- interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
- consider whether or not the proposal accords with the development plan;
- identify and consider relevant material considerations, for and against the proposal; and
- assess whether these considerations warrant a departure from the development plan.

4.3 The relevant development plan for the area comprises the Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) and the adopted Perth and Kinross Development Plan 2014. Other key material considerations in the determination of the application include Scottish Planning Policy, Third Party Representations and Consultation Responses.



### Tay Plan

4.4 The Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) was approved by Scottish Ministers in June 2012 and sets out proposals for the development of the region in the period between 2012 and 2032. This plan provides the strategic framework for the determination of planning applications and the preparation of local plans. However it contains no specific policies or proposals of direct relevance to either the site or the proposed development and as such merits no further comment in the context of the application proposals.

#### **Perth and Kinross Local Development Plan**

- 4.5 The Perth and Kinross Local Development Plan was adopted by Perth and Kinross Council in February 2014. The application site lies within an area designated as ‘*Countryside*’ where Policy RD3 on ‘*Housing in the Countryside*’ applies. This states the following:

*‘The Council will support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories:*

- (a) Building Groups.*
- (b) Infill sites.*
- (c) New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance.*
- (d) Renovation or replacement of houses.*
- (e) Conversion or replacement of redundant non-domestic buildings.*
- (f) Development on rural brownfield land.*

*This policy does not apply in the Green Belt and its application is limited within the Lunan Valley Catchment Area to economic need, conversions or replacement buildings.*

*Development proposals should not result in adverse effects, either individually or in combination, on the integrity of the Firth of Tay and Eden Estuary, Loch Leven, South Tayside Goose Roosts and Forest of Clunie SPAs and Dunkeld-Blairgowrie Loch and the River Tay SACs.*

*Note: For development to be acceptable under the terms of this policy it must comply with the requirements of all relevant Supplementary Guidance, in particular the Housing in the Countryside Guide.’*

- 4.6 The Council’s ‘*Housing in the Countryside Guide*’ sets out the circumstances under which and the criteria against which applications for the erection of dwelling houses in countryside locations will be considered and assessed. As far as the current application is concerned the Guide states the following in relation to ‘*Building Groups*’

*‘Consent will be granted for houses within building groups provided they do not detract from both the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites formed by existing topography and or well established landscape features which will provide a suitable setting. All proposals must respect the character, layout and building pattern of the group and demonstrate that a high standard of residential amenity can be achieved for the existing and proposed house(s).*

*Note: An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. Small ancillary premises such as domestic garages and outbuildings will not be classed as buildings for the purposes of this policy.*

*Proposals which contribute towards ribbon development will not be supported.’*

- 4.7 The existing farm house and converted buildings combine to form a clearly identifiable group comprising six dwelling houses. The application site has a clearly identifiable relationship with

that existing group located as it is to the west of the farm house and south of the converted steading buildings. The southern and eastern sides of the site are contained by Fruix Road and the B966 respectively which adds to the cohesiveness of the group. In light of these considerations the site is considered to form part of an established building group and therefore complies with the terms of Policy RD3.

- 4.8 Other key policies against which the proposed development should be assessed include the following:

Policy PM1A – Placemaking  
Policy PM1B – Placemaking  
Policy PM3 – Infrastructure Contributions  
Policy HE2 – Listed Buildings

- 4.9 Policy PM1A on ‘Placemaking’ states the following:

*‘Development must contribute positively, to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation.’*

*The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.’*

- 4.10 The indicative proposals submitted in association with the application conclusively demonstrate that the site is capable of accommodating a dwelling house that will contribute positively to the character and appearance of the area. The site is similar in size to others in the immediate and wider area and is entirely in keeping with the established spatial character and density of the area.

- 4.11 Policy PM1B on ‘Placemaking’ states the following:

*‘All proposals should meet all the following placemaking criteria:*

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

- (g) Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.
- (h) Incorporate green infrastructure into new developments and make connections where possible to green networks.'

4.12 It is considered that the site is capable of accommodating an appropriately designed dwelling house in compliance with the eight placemaking criteria outlined above in Policy PM1B.

4.13 Policy PM3 on 'Developer Contributions' states the following:

*'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. In calculating the impact of new developments the Council will look at the cumulative long-term effect of new development. Contributions will be sought for:*

- (a) *the provision of on-site facilities necessary in the interests of comprehensive planning; and/or*
- (b) *the provision, or improvement of, off-site facilities and infrastructure where existing facilities or infrastructure will be placed under additional pressure.*

*Wherever possible, the requirements of this policy will be secured by planning condition. Where a legal agreement is required, the possibility of using an agreement under other legislation such as the Local Government (Scotland) Act 1973 will be considered. Only where successors in title need to be bound will a planning obligation be required.*

*In all cases, the Council will consider the economic viability of proposals alongside options of phasing or staging payments.'*

4.14 Our clients have no difficulty with the principle of making contributions towards infrastructure requirements which arise as a result of the direct impacts of their proposal and provided any such requests are entirely compliant with the terms of Scottish Government Circular 3/2012 on 'Planning Obligations and Good Neighbour Agreements.'

### **Planning Obligations and Good Neighbour Agreements**

**Circular 3/2012**



4.15 Policy HE2 on 'Listed Buildings' states the following:

*'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, and any proposed alterations or adaptations to help sustain or enhance a building's beneficial use should not adversely affect its special interest.*

*Encouragement will be given to proposals to improve the energy efficiency of listed buildings within Perth and Kinross, providing such improvements do not impact detrimentally on the special interest of the building.*

*Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building. 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.'*

- 4.16 As noted previously the Category 'B' Listed Secession Church Monument is located to the south of the application site on the opposite side of Fruix Road. The immediate setting of the monument is defined by the small car park to the south of it and the wider setting by Gairneybridge Farmhouse with which there is a historical relationship. The erection of a dwelling house within the application site on the eastern side of the existing farm house will not result in an adverse effect on the relationship which exists between the monument, the car parking area serving it and the farm house. An appropriately designed single or 1.5 storey house finished in a traditional style with appropriate materials (slate roof/stone walls) will not disrupt or visually interfere with the views towards the farm house from the monument or the car park serving it. As a consequence of this the dwelling will not have an adverse impact on the setting of the listed monument.



*Visual and historical relationship between farm house and monument will be retained following erection of dwelling house*

### Other material considerations

- 4.17 As noted previously, in addition to the development plan, due cognisance must also be given in the determination of planning applications to other material considerations. These are addressed below and include, in this particular instance, Scottish Planning Policy, third party representations and consultations responses.

## Scottish Planning Policy



### Scottish Planning Policy

- 4.18 Scottish Planning Policy (SPP) was published by the Scottish Government in June 2014 with the purpose of setting out national planning policies which reflect Scottish Minister's priorities for the operation of the planning system and for the development and use of land. The SPP introduces a presumption in favour of development that contributes to sustainable development and advises that policies and decisions should be guided by the following principles:

- *giving due weight to net economic benefit;*
- *responding to economic issues, challenges and opportunities, as outlined in local economic strategies;*
- *supporting good design and the six qualities of successful places;*
- *making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;*
- *supporting delivery of accessible housing, business, retailing and leisure development;*
- *supporting delivery of infrastructure, for example transport, education, energy, digital and water;*
- *supporting climate change mitigation and adaptation including taking account of flood risk;*
- *improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;*
- *having regard to the principles for sustainable land use set out in the Land Use Strategy;*
- *protecting, enhancing and promoting access to cultural heritage, including the historic environment;*
- *protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;*
- *reducing waste, facilitating its management and promoting resource recovery; and*
- *avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.'*

- 4.19 Paragraph 75 of SPP advises that the Planning System should:

- *in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;*
- *encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and*
- *support an integrated approach to coastal planning.'*

4.20 Paragraph 81 of the SPP states the following:

*'In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:*

- *guide most new development to locations within or adjacent to settlements; and*
- *set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.*

4.21 Paragraph 83 of the SPP states the following:

*'In remote rural areas, where new development can often help to sustain fragile communities, plans and decision-making should generally:*

- *encourage sustainable development that will provide employment;*
- *support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;*
- *include provision for small-scale housing ( including clusters and groups; extensions to existing clusters and groups; replacement housing; plots for self-build; holiday homes; new build or conversion linked to rural business) and other development which supports sustainable economic growth in a range of locations, taking account of environmental protection policies and addressing issues of location, access, siting, design and environmental impact;*
- *where appropriate, allow the construction of single houses outwith settlements provided they are well sited and designed to fit with local landscape character, taking account of landscape protection and other plan policies;*
- *not impose occupancy restrictions on housing.'*

4.22 It is evidently clear from the above extracts that there is a strong level of support for appropriate development in rural areas advocated in Scottish Planning Policy with particular reference being made to extensions to existing clusters and groups. Our client's proposal is just that, an extension to an existing cluster of rural housing which exhibits a number of the sustainability principles outlined in Scottish Planning Policy.

4.23 Paragraph 137 of Scottish Planning Policy on *'The Historic Environment'* states the following:

*'The planning system should:*



- *promote the care and protection of the designated and non-designated historic environment (including individual assets, related [settings](#) and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; and*
- *enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use.*

*Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.'*

- 4.24 As demonstrated in Paragraph 4.16 above the development of a dwelling house on the application site will not result in an adverse impact on the setting of listed monument to the south of the application site.

#### ***Third Party Representations***

- 4.25 It is understood that three letters of representation were submitted to the Council in opposition to the proposed dwelling house. The main points of objection raised and our responses to them are outlined below:

***Private Ground*** – It has been alleged by objectors to the planning application that our client does not have a right of access into the site from the existing access arrangements serving the steadings. Whilst this ground of objection is a private legal matter and not a material consideration in the determination of the planning application it is worth noting that this position is disputed by our client who is of the view that such a right does exist.

***Loss of Privacy*** - Any dwelling house erected on the application site will be located in excess of twenty-five metres from the properties at the steadings. Consequently existing residences will not suffer from a loss of privacy.

***Loss of Light*** – The proposed dwelling house will be sufficiently distant and of a scale which would not lead to any of the existing properties suffering from a loss of light.

***Loss of Trees*** – A number of small trees will require to be felled to facilitate the formation of access arrangements to the site. These trees are not of huge importance and their loss can be compensated for through additional landscaping, if required.

***Increased Traffic*** – The traffic associated with one additional dwelling house will not result in a traffic or safety hazard.

***Loss of View/Impact on Visual Amenity*** – The right to a view is not a material planning consideration. In any event the erection of an appropriately designed house will contribute to rather than detract from the character and appearance of the site.

***Sewage Capacity*** – Sewage from the proposed development will be discharged into the public sewerage system.

Copies of the objection letters are attached as **Document 4**.



- 4.26 It is more than significant to note that none of the parties who have objected to the application have raised concerns about the impact of the dwelling house proposed on the setting of the Category B Listed Secession Church Monument on the opposite side of Fruix Road.

***Consultation Responses***

- 4.27 The Planning Application has been the subject of consultation with Transport Planning, the Development Negotiations Officer and the Council's Conservation Officer. Their comments as summarised and our responses to them, where appropriate, are outlined below. Copies of the responses are attached as **Document 5**.

***Transport Planning*** – No objection to the proposed development subject to the imposition of a condition on any planning permission in principle granted requiring the submission of further details.

***Development Negotiations Officer*** – No objection in principle but contributions towards primary education may be required if capacity issue exists at Kinross Primary School when/if detailed approval given.

***Conservation Officer*** – The proposed development within the front curtilage of the farmhouse has the potential to disrupt both the historic and visual connection between the monument and the farmhouse and garden.

Insertion of a modern bungalow is likely to disrupt the farmhouse's visual relationship with the monument, detracting from the quality and historic character and setting of the listed building.

***Response*** – The Conservation Officer seems to be under the impression that our client is proposing to erect a modern bungalow on the site and that this is likely to disrupt the visual relationship between the farm house and the monument. Given that the plans submitted with the application showed a modern bungalow we understand why the Conservation Officer has taken this position. However due cognisance must be given in the determination of this review request to the fact the application seeks planning permission in principle only for the erection of a dwelling house on the site. Our client would quite happily accept the imposition of a condition on any decision to grant planning permission in principle which required the design of the house to be traditional in nature (form, design and materials). We are very firmly of the view that the erection of an appropriately designed house, as described, in the location identified in the site plan submitted with the application, would not disrupt the visual relationship between the monument and the existing farm house. This is quite apparent if the farm house is viewed from the monument and associated car park and vice-versa.

- 4.28 It is significant to note that none of the points raised by third party respondents are supported by those who have been consulted on the application by the Planning Authority.
- 4.29 Having considered the proposed development against the terms of the development plan and all other material considerations as required under the terms of the Planning Act we are firmly of the opinion that our client's application should be approved.

## 5. COMMENTS ON REASONS FOR REFUSAL

- 5.1 The application has been refused by the Appointed Planning Officer for one reason only. Copies of the Decision Notice and Report of Handling are attached as **Documents 2** and **3** respectively. The reason for refusal and our comments on it are outlined below:

1. *The proposal is contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014 as the development of the site is considered to disrupt the visual relationship between the neighbouring farmhouse and the category B listed Secession Church Monument. As such the proposal is considered to detrimentally impact upon the setting of the listed monument.*

**Response** – We have responded in detail to the terms of Policy HE2 at various points throughout Section 4 above. We are very firmly of the opinion that an appropriately designed dwelling house on the site employing traditional forms and materials represents a logical addition to the established group of dwelling houses. The farm house would, following the erection of an appropriately designed dwelling house, remain entirely visible from both the monument and car park serving it. Similarly the monument would remain visible from the farm house. As a consequence of these considerations the visual and historical relationship between the two structures would be maintained. We strongly disagree with the assertion made by the Planning Officer that the proposal would have an adverse impact on the character and setting of the listed monument. That would not be the case.

## 6. SUMMARY AND CONCLUSIONS

6.1 Our client's request to review the Planning Officer's decision is summarised in the following terms:

- The application site which measures 600 sq. metres is located in the south east corner of an existing group of dwellings lying on the western side of the B966 Kinross to Kelty Road. The group comprises Gairneybridge Farmhouse which is located to the west of the application site along with a residential steading development immediately to the north (The Steadings) and further residential development beyond that. To the south of the site lies Fruix Road which provides access to a chalet development to the west of the farm house. On the southern side of Fruix Road directly to the south and opposite the application site there exists the Category 'B' Listed Secession Church Monument served by a small car park to the south and west of it.
- The application site currently serves as garden ground for Gairneybridge Farmhouse to the west. The site is bound on the south and east side by a stone wall; to the north by a timber fence beyond which exists the farm steading development; and to the east by the B966 Kinross to Kelty Road beyond which exists agricultural land. There are a number of trees within the site.
- The application submitted to and refused by the Appointed Officer, sought planning permission in principle for the erection of a dwelling house on the site. Although the application was accompanied by a site plan, elevations and floor plans, it is important to note that these were indicative in nature, produced solely for the purposes of demonstrating that the site is sufficiently large to accommodate a dwelling house. The actual design of any dwelling house could, in the event of planning permission in principle being granted, be controlled through the imposition of an appropriately worded condition.
- The Planning Officer having assessed the application was of the view that it contravened only one policy in the Perth and Kinross Local Development Plan and refused it on this basis. The reason for refusal stated the following:

*'The proposal is contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014 as the development of the site is considered to disrupt the visual relationship between the neighbouring farmhouse and the category B listed Secession Church Monument. As such the proposal is considered to detrimentally impact upon the setting of the listed monument.'*
- We disagree with the Planning Officer's reason for refusing the application and cite the following considerations in support of this position:
  - A traditionally designed dwelling house located on the eastern part of the application site would appear as a logical addition to the existing group of houses formed by the farm house and the converted steadings.

- **Such a dwelling house would not disrupt the line of sight or relationship between the Listed Monument and the Farm House. The Farm House will be capable of being seen from the Monument and the Monument from the Farmhouse following the erection of the proposed dwelling house thus ensuring that both the visual and historical relationship between these two structures will be retained and their settings respected.**

6.2 In light of the considerations outlined above it is respectfully requested that this review request be upheld and that planning permission in principle be granted for the proposed dwelling house. We reserve the right to provide additional information in support of this review request in the event of further representations being made by the Appointed Planning Officer or by third parties prior to its determination by the Local Review Body.

Signed



Derek Scott

Date

21<sup>st</sup> December 2016



# Document 1

*Derek Scott Planning*





Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100028329-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☐ Application for planning permission (including changes of use and surface mineral working).
- ☒ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Application for erection of single storey dwelling within the curtilage of Gairneybridge farmhouse grounds

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Keltec Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stephen	Building Name:	Tearloch House
Last Name: *	Kelso	Building Number:	
Telephone Number: *		Address 1 (Street): *	Blairadam
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Kinross
Fax Number:		Country: *	Perth & Kinross
		Postcode: *	KY4 0HX
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Garineybridge Farmhouse
First Name: *	Aiden	Building Number:	
Last Name: *	King	Address 1 (Street): *	Garineybridge
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	Kinross
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY13 9JZ
Fax Number:			
Email Address: *			



## Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Gairneybank Farmhouse

Address 2:

Gairney Bank

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Kinross

Post Code:

KY13 9JZ

Please identify/describe the location of the site or sites

Northing

698782

Easting

312819

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

600.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Private Garden Ground

## Access and Parking

Are you proposing a new sited vehicle access to or from a public road? \*

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting 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 change to public paths, public rights of way or affecting any public right of access? \* ☐ Yes ☒ No

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

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \* ☒ Yes ☐ No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- ☒ Yes – connecting to public drainage network  
☐ No – proposing to make private drainage arrangements  
☐ Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \* ☐ Yes ☒ No  
(e.g. SUDS arrangements) \*

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

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

- ☒ Yes  
☐ No, using a private water supply  
☐ No connection required

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

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \* ☐ Yes ☒ No ☐ Don't Know

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

## Trees

Are there any trees on or adjacent to the application site? \* ☒ Yes ☐ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \* ☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☒ Yes ☐ No

Do you have any agricultural tenants? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: \*

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: Stephen Kelso

On behalf of: Mr Aiden King

Date: 17/10/2016

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Stephen Kelso

Declaration Date: 17/10/2016

## Payment Details

Online payment: 012013

Payment date: 17/10/2016 09:12:00

Created: 17/10/2016 09:12



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: [onlineapps@pkc.gov.uk](mailto:onlineapps@pkc.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100028329-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Gairneybank Farmhouse

Address 2:

Gairney Bank

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Kinross

Post Code:

KY13 9JZ

Please identify/describe the location of the site or sites

Northing

698782

Easting

312819

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Keltec Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stephen	Building Name:	Tearloch House
Last Name: *	Kelso	Building Number:	
Telephone Number: *		Address 1 (Street): *	Blairadam
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Kinross
Fax Number:		Country: *	Perth & Kinross
		Postcode: *	KY4 0HX
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Gairneybridge Farmhouse
First Name: *	Aiden	Building Number:	
Last Name: *	King	Address 1 (Street): *	Gairneybridge
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	Kinross
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY13 9JZ
Fax Number:			
Email Address: *			



## Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? \*

☒ Yes ☐ No

## Application Details

Please select which application(s) the new documentation is related to.

Application: \* 100028329-001, application for Planning Permission, submitted on 17/10/2016

## Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: \* (Max 500 characters)

Response to invalidity letter asking for additional information in regards location plans, request to alter redline boundary and updated scale bars.

## Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. \*

☒ Yes ☐ No

## Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Stephen Kelso

Declaration Date: 31/10/2016

# 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 myself 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 the applicant 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
Owner/Occupier	1 The Steadings, Gaimeybridge, KY13 9JZ	26th October 2016
Owner/Occupier	2 The Steadings, Gaimeybridge, KY13 9JZ	26th October 2016
Owner/Occupier	3 The Steadings, Gaimeybridge, KY13 9JZ	26th October 2016
Owner/Occupier	4 The Steadings, Gaimeybridge, KY13 9JZ	26th October 2016
Owner/Occupier	5 The Steadings, Gaimeybridge, KY13 9JZ	26th October 2016

- (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: ☐

Nama	Address	Date of Service of Notice

Signed: [REDACTED]

On behalf of: Aidan King

Date: 25th October 2016

### CERTIFICATE C

Certificate C 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 it has not been possible to identify ALL or ANY owners/agricultural tenants.

(1) I have been unable to serve 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. ☐

or

(2) I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates. ☐

(3) None of the land to which the application relates constitutes or forms part of an agricultural holding.

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. ☐

or

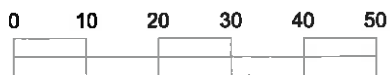
(5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant.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

Name	Address	Date of Service of Notice





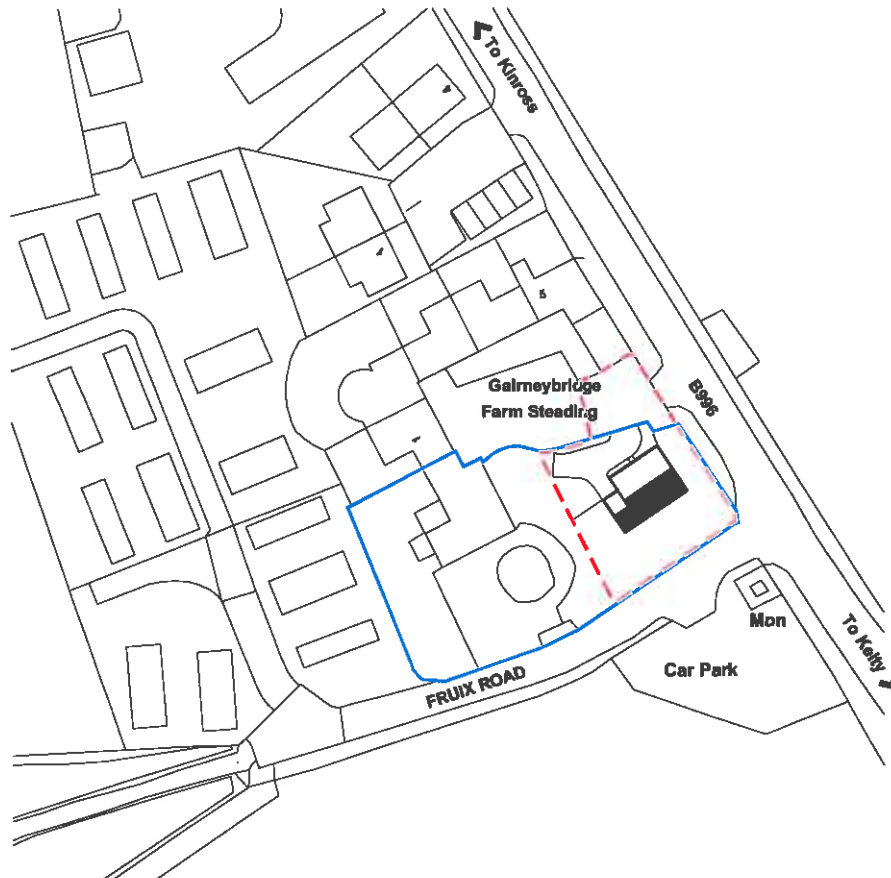
Ordnance Survey © Crown Copyright 2015. All rights reserved. Licence number 100048957



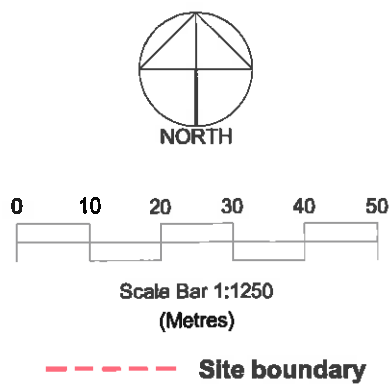
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(Metres)

 **Site boundary**

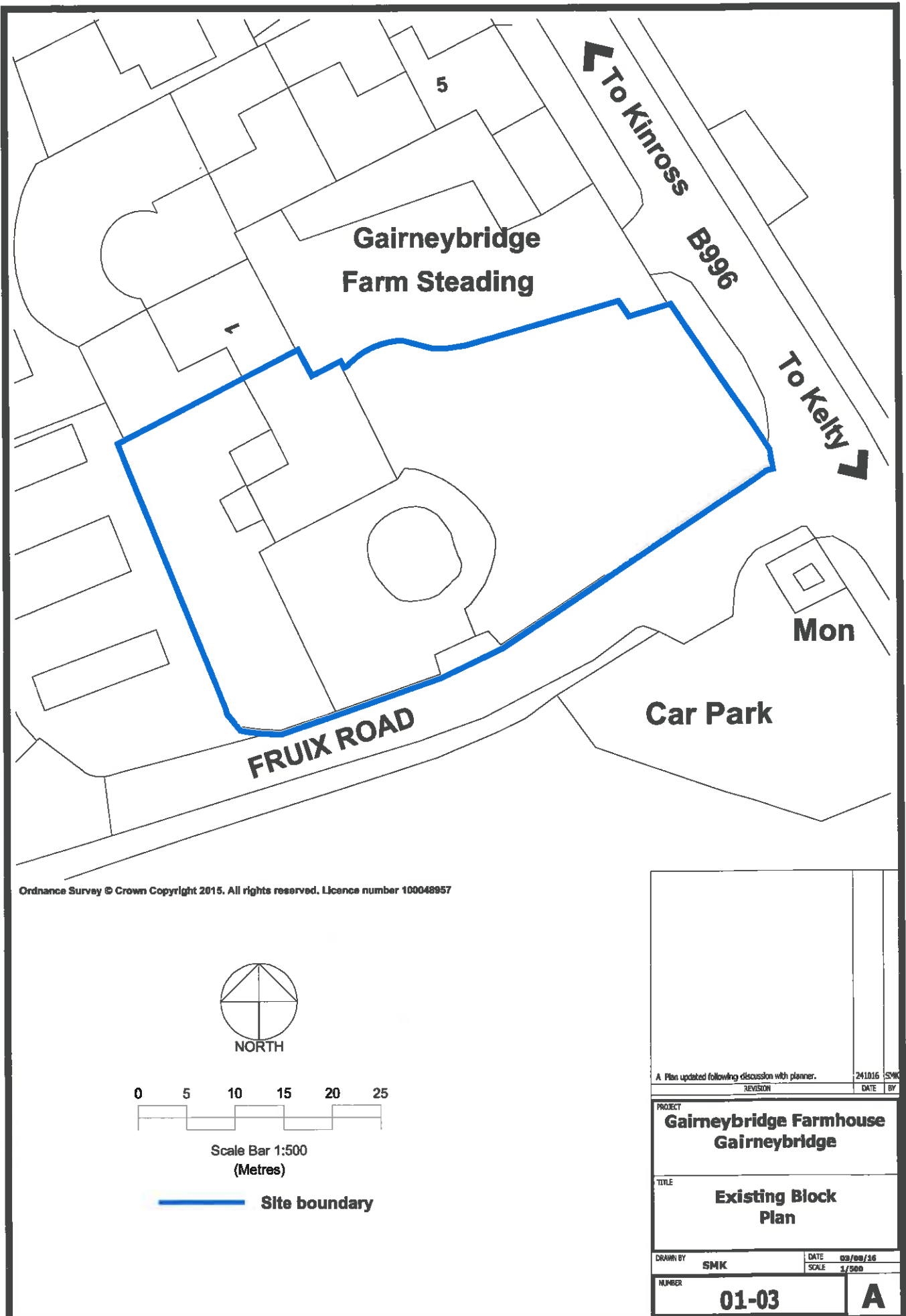
A Plan updated following discussion with planner.		241016	SMK
REVISION		DATE	BY
PROJECT			
<b>Gairneybridge Farmhouse Gairneybridge</b>			
TITLE			
<b>Existing Location Plan</b>			
DRAWN BY	SMK	DATE	09/08/16
SCALE		1:1250	
NUMBER	<b>01-01</b>	<b>A</b>	

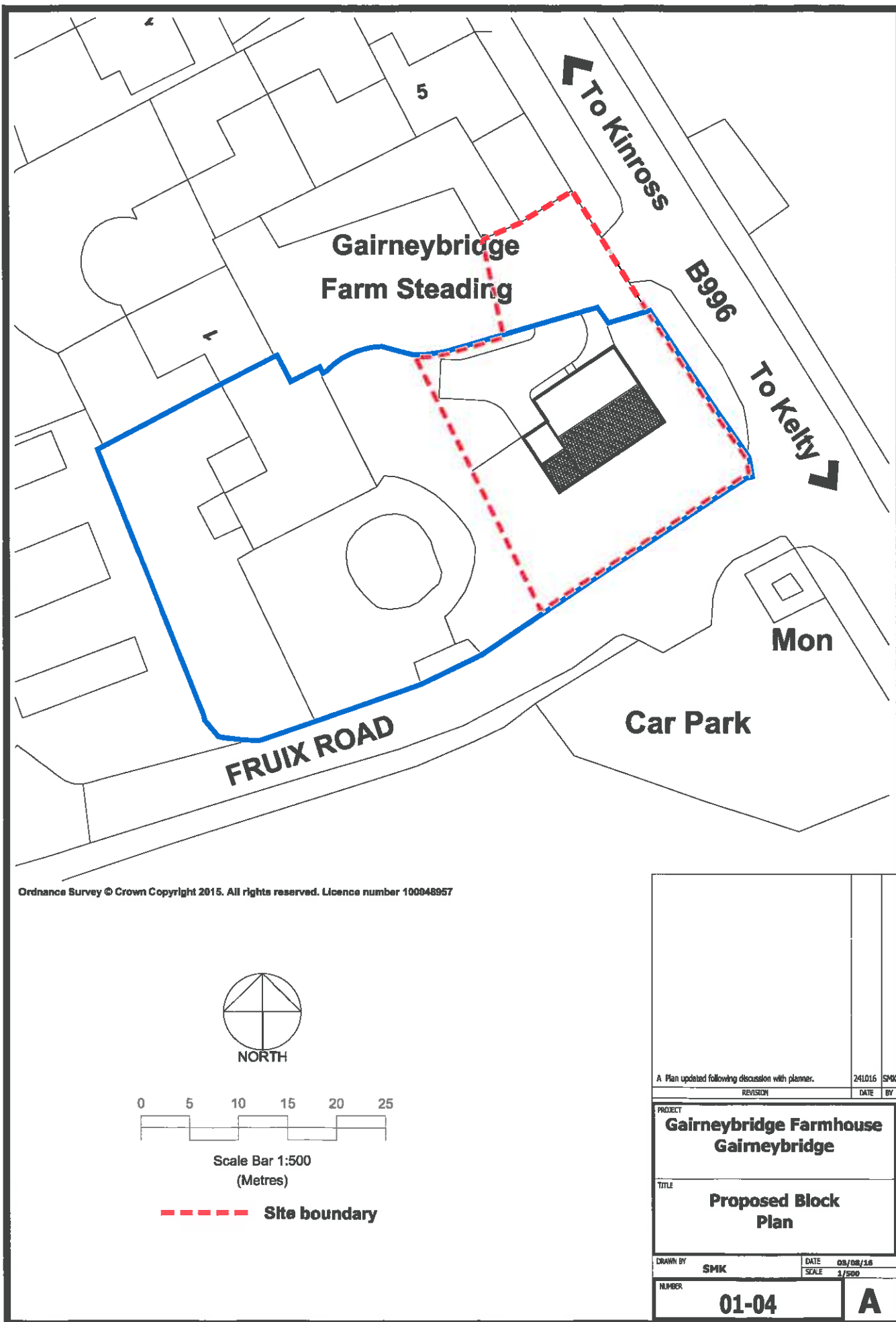


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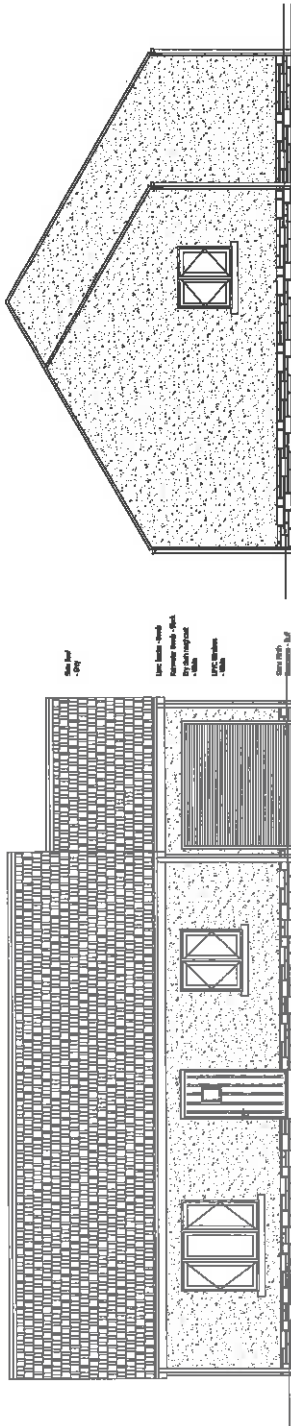


A Plan updated following discussion with planner.		241016	SMK
REVISION		DATE	BY
PROJECT			
<b>Gairneybridge Farmhouse Gairneybridge</b>			
TITLE			
<b>Proposed Location Plan</b>			
DRAWN BY		DATE	03/08/16
SMK		SCALE	1/1250
NUMBER		A	
<b>01-02</b>			

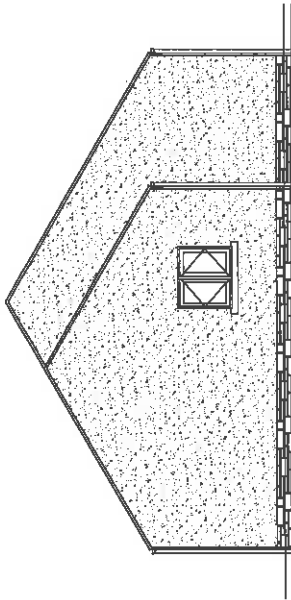




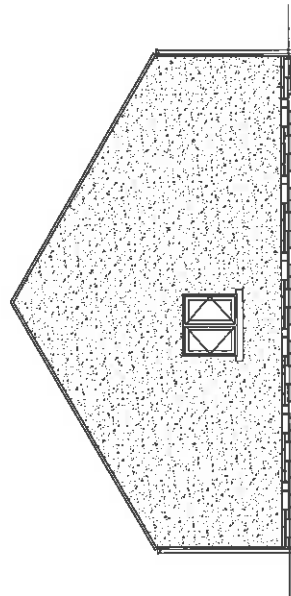




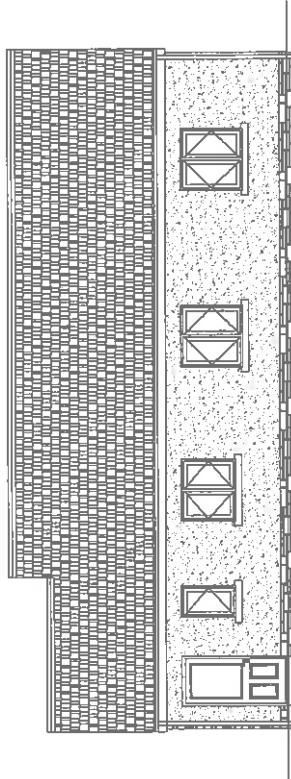
Front Elevation (North Facing)



Side Elevation (East Facing)



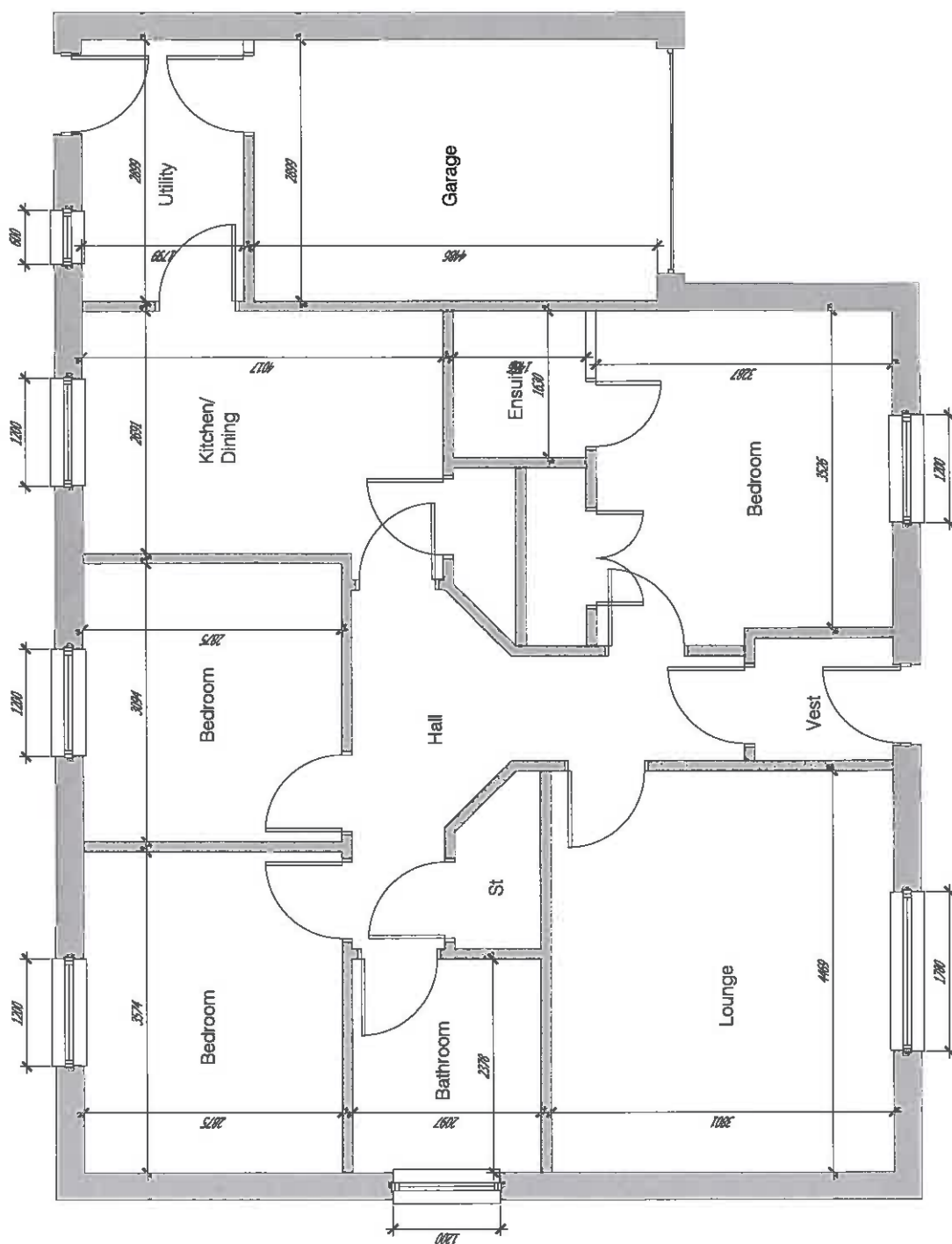
Side Elevation (West Facing)



Rear Elevation (South Facing)

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Gairneybridge Farmhouse Gairneybridge	
Proposed Elevations	
DATE	03/10/18
SCALE	1/100
DESIGNER	SNK
PROJECT	03-01



Ground Floor Plan - Proposed

PROJECT		DATE	BY
Galmeybridge Farmhouse			
Galmeybridge			
TITLE		Proposed Floorplan	
DESIGNED BY	SPMK	DATE	05/05/2018
DRAWN BY	SCALE	1:100	
CHECKED			
02-01			



# Document 2

*Derek Scott Planning*



# PERTH AND KINROSS COUNCIL

Mr Aiden King  
c/o Keltec Design  
Stephen Kelso  
Tearloch House  
Blairadam  
Kinross  
Perth & Kinross  
KY4 0HX

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 06.12.2016

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/01789/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 1st November 2016 for permission for **Erection of a dwellinghouse (in principle) Land 30 Metres East Of Gairney Bridge Farm Gairneybridge** for the reasons undernoted.

Interim Head of Planning

### Reasons for Refusal

1. The proposal is contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014 as the development of the site is considered to disrupt the visual relationship between the neighbouring farmhouse and the category B listed Secession Church Monument. As such the proposal is considered to detrimentally impact upon the setting of the listed monument.

### Justification

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

## **Notes**

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

### **Plan Reference**

**16/01789/1**

**16/01789/2**

**16/01789/3**

**16/01789/4**



# Document 3

*Derek Scott Planning*





# REPORT OF HANDLING

## DELEGATED REPORT

<b>Ref No</b>	<b>16/01789/IPL</b>	
<b>Ward No</b>	<b>N8- Kinross-shire</b>	
<b>Due Determination Date</b>	<b>31.12.2016</b>	
<b>Case Officer</b>	<b>John Williamson</b>	
<b>Report Issued by</b>		<b>Date</b>
<b>Countersigned by</b>		<b>Date</b>

**PROPOSAL:**                      Erection of a dwellinghouse (in principle)

**LOCATION:**                      Land 30 Metres East Of Gairney Bridge Farm  
Gairneybridge

**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:** 10 November 2016

**SITE PHOTOGRAPHS**





## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

Planning permission in principle is sought for the erection of a dwellinghouse within the front garden ground of an existing stone built farmhouse at Gairneybridge Farm to the south of Kinross. The application site sits in the south east corner of an existing building group which lies to the west of the B966 Kinross to Kelty public road. The existing building group is made up of the farmhouse referred to above, which is located to the west of the site, together with a residential steading development to the north and further dwellings which form part of the small hamlet of Gairneybridge. To the south of the site is Fruix Road with the category B listed Secession Church Monument on the opposite side of the road. The application site currently serves as the established landscaped garden for the farmhouse to the west. The site is bound on the south and east side by a stone wall, to the west is the boundary is open to the farmhouse and to the north is a timber fence with the parking area for the steading development beyond. There are also some trees on the site which help to provide containment to the group and screening from the public road.

## **SITE HISTORY**

None

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: None

## **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 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 is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are, in summary:

#### **Policy PM1A - Placemaking**

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

#### **Policy PM1B - Placemaking**

All proposals should meet all eight of the placemaking criteria.

#### **Policy PM3 - Infrastructure Contributions**

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

#### **Policy 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 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 CF2 - Public Access**

Developments will not be allowed if they have an adverse impact on any core path, disused railway line, asserted right of way or other well used route, unless impacts are addressed and suitable alternative provision is made.

**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 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 EP7A - Drainage within the Loch Leven Catchment**

Total phosphorus from development must not exceed the current level permitted by the discharge consents for Kinross and Milnathort waste water treatment works together with the current contribution from built development within the rural area of the catchment.

**Policy EP7B - Drainage within the Loch Leven Catchment**

Developments within the Loch Leven Catchment Area will be required to connect to a publicly maintained drainage system incorporating phosphorus reduction measures. Exceptions will only be permitted where they are in accordance with criteria set out.

**Policy EP7C - Drainage within the Loch Leven Catchment**

Where EP7A and EP7B cannot be satisfied, proposals will be refused unless they are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment.

**OTHER POLICIES**

## CONSULTATION RESPONSES

### INTERNAL

Transport Planning – no objection subject to conditions

Contributions Officer – condition required

### EXTERNAL

Scottish Water – no response within statutory period

## REPRESENTATIONS

A total of three letters of representation from individual households have been received. All of the letters received object to the application. The letters raised the following issues:

- Impact on residential amenity
- Various private civil matters (not a material planning consideration)
- Impact on visual amenity
- Access and traffic
- Sewage capacity
- Impact on trees
- Loss of view

The above issues are addressed within the appraisal section of this report.

## ADDITIONAL STATEMENTS RECEIVED:

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



## **APPRAISAL**

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

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

### **Principle**

Policy RD3 is relevant in this instance and refers to Housing in the Countryside where Supplementary Guidance applies. The Housing in the Countryside Guide includes a number of categories under which residential development in the countryside will be assessed. The only category which is considered relevant to this application is category 1 which relates to building groups. This states that consent will be granted for houses within building groups provided they do not detract from the residential and visual amenity of the group. Consent will also be granted for houses which extend the group into definable sites. In this instance I consider the application site to form part of the established small hamlet grouping at Gairneybridge. I also consider the size of the site to be similar to others in the area and therefore respects the density and character of the group. The site is contained on two sides by the B966 and Fruix Road which help to delineate the site. As such the site is considered to form part of the existing building group and as such the proposal is considered to comply with Policy RD3 in terms of the principle of development. The Housing in the Countryside Guide, does, however, require development to comply with any other relevant policies.

### **Setting of Listed Monument**

The site of the proposed dwellinghouse is within the front curtilage of Gairney Bridge Farmhouse. A category B listed monument (LB 5282) is located to the south, across a minor road. As such the impact on the setting of the listed monument has been discussed with the Conservation Officer.

The monument is a plain stone obelisk with a stepped base, erected in 1883 to commemorate the forming of the first Presbytery of Secession Church on the adjacent site (now containing Gairney Bridge farm steading) in 1733.

The monument faces the B996, and is bounded by a dwarf wall with railings to the north and east. Its visual impact is reduced by the proximity of mature trees, but it is clearly viewed from the small parking area to the rear, with its setting formed by the open views from the west towards Loch Leven, and from the south-east towards the farmhouse.

The proposed development within the front curtilage of the farmhouse has the potential to disrupt both the historic and visual connection between the monument and the farmhouse and garden. Though unlisted, the farmhouse is a striking building, enhanced by its large front garden and semi-circular coped rubble boundary wall and contributes significantly to the visual amenity of the area, together with the monument. The monument itself appears unexpectedly formal within the broader rural landscape context, and the architectural quality of the stone farmhouse and its garden make a significant visual contribution to its setting.

The erection of new development on the application site would disrupt the important visual relationship between the farmhouse and the monument, detracting from the quality and historic character and setting of the listed monument. Policy HE2 of the LDP requires new development not to detract from the special interest of listed buildings and the erection of a dwelling on this site is considered to do this. As such the proposal is considered contrary to Policy HE2.

### **Residential Amenity**

The impact on residential amenity can be fully considered as part of any detailed application and given the presence of properties to the north and west the position of windows will be important to protect amenity. Given the size of the site I believe it is capable of accommodating a small dwelling without compromising residential amenity in terms of either overlooking or overshadowing. If consented any windows should be focussed on the east elevation, facing towards the public road. The concerns relating to the impact on the setting of the listed monument are not overcome, however.

### **Access and Traffic**

A number of letters of representation have raised concern regarding the use of the access to the north which also provides access to the adjacent residential steading development. The concerns relate to the applicants legal right of access and whether they have the legal ability to utilise it for vehicular traffic. As has been discussed with some of the neighbours this matter is considered a civil matter between the applicant and any other owners/users of the access. The Planning Authority cannot become involved in private civil matters. The access is considered to have an appropriate bellmouth and visibility splays to cater for an additional dwellinghouse and as such in planning and road safety terms the access is considered to be acceptable and therefore in accordance with Policy TA1B of the LDP. Furthermore, Transport Planning have offered no objection to the application subject to conditions. Neighbours should be aware that the granting of planning consent does not overwrite any legal matters which may exist.

### **Design**



The detailed design of the house will require to relate to the scale and proportions of the other houses in the local area. This can be secured by a planning condition and assessed in more detail during the detailed stage should any approval be given.

## **Developer Contributions**

### Primary Education

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.

### Transportation

The site is located outwith the area where contributions towards transportation infrastructure are required.

## **Drainage**

It is proposed to discharge effluent to a public drainage system which is considered acceptable in this location and in accordance with policies EP3B and C of the LDP. The detailed design of any system is secured through a building warrant. Some objectors raise concern relating to the installation of a further septic tank in this location. Whilst the application form indicates a connection to the public system, if that was not possible a private system including a septic tank would be in accordance with LDP policy. However this would be subject to conditions relating to the control of phosphorus mitigation given the sites location within the Loch Level Catchment Area as required by policy EP7 of the LDP.

## **Loss of View**

The loss of a view is not a material planning consideration and therefore the alteration of a view from the adjacent steading development is not relevant to the determination of this application.

## **Trees**

As described above there are trees on the application site which help to provide containment to the grouping. As this application is in outline there is no detail on whether these trees could be retained. Given the small scale of the site I would suggest that the trees would require to be removed which in my view would have a detrimental impact on the visual amenity of the group together with exacerbating the impact on the setting of the adjacent listed monument.

## **Private Legal Matters**

A number of private legal matters are raised in letters of representation including repair and maintenance and the use of the existing private access. Other issues raised include tidying, care and use of the adjacent courtyard area. As explained elsewhere in this report these are all private civil matters between the applicant and neighbours, are not material considerations and therefore have no bearing on the assessment and outcome of this application.

### **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 considered to be contrary to 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**

### **Reason for Refusal**

The proposal is contrary to Policy HE2 of the Perth and Kinross Local Development Plan 2014 as the development of the site is considered to disrupt the visual relationship between the neighbouring farmhouse and the category B listed Secession Church Monument. As such the proposal is considered to detrimentally impact upon the setting of the listed monument.

**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**

16/01789/1

16/01789/2

16/01789/3

16/01789/4

**Date of Report 05.12.2016**





# Document 4

*Derek Scott Planning*



SW

**Claire Fletcher**

---

**From:** John SM Ferrier [REDACTED]  
**Sent:** 20 November 2016 15:38  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Objection Ref. 16/01789/IPL Gairneybridge Farm KY13 9JZ

[REDACTED]

**From:-** John & Stella Ferrier,  
[REDACTED]

**Planning Application Reference -16/01789IPL**

We would like to register our objections to planning permission being given for the above application, on the following grounds.

- 1 The area on the North boundary of the site plan, shown in red, is private ground owned by the five proprietors of the steadings. We, on our part, would not consent to access through the courtyard to any new development.
- 2 A dwelling house being situated in the garden of the farmhouse would be neither be ascetically enhancing to the farmhouse or to our courtyard. It would also compromise the privacy we enjoy in the courtyard at present.
- 3 The original planning for The Steadings was a conversion of the old farm buildings into houses. This was subsequently changed to allow for demolition and re-build. Severe restrictions were placed on the new design to maintain the style and architecture of the area. Sympathetic planning, as it turned out, as the completed development was nominated for a design award.
- 4 A new structure would further reduce our natural light, which is already less than normal due to the small window sizes stipulated in the plans for The Steading
- 5 There are several mature trees and a small orchard which would possibly require removal, which could be considered environmentally undesirable.

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2 NOV 2016





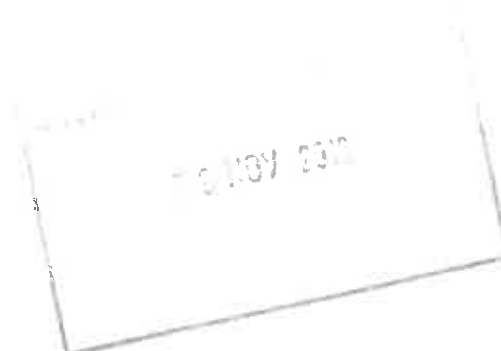
TW

**Tracy McManamon**

---

**From:** Irene Tilley [REDACTED]  
**Sent:** 09 November 2016 11:21  
**To:** Development Management - Generic Email Account  
**Subject:** Fw: Objection

Please note that my full address is  
Irene Tilley



**From:** Irene Tilley  
**Sent:** Wednesday, November 9, 2016 11:06 AM  
**To:** [REDACTED]  
**Subject:** Objection

Dear Sir

16/01789/IPL

I wish to lodge my objection to the above planning application at The Farmhouse, Gairneybridge, KY13 9JZ.

I have no objection to the house but do object to the access over land that is owned by the 5 residents in the courtyard and not the Resident of the Farmhouse.

The owner of the Farmhouse has no liability to put right any damage caused over this area as has been proven in the past when quite substantial repairs were carried out on the entrance to the courtyard. The five properties in the courtyard paid for these repairs. The owner of the Farmhouse was quite clear that he had no liability to pay as the responsibility was the 5 houses only.

Please acknowledge receipt of this objection.

Yours faithfully  
Irene Tilley



OW

**Tracy McManamon**

---

**From:** Andrew Currie [REDACTED]  
**Sent:** 12 November 2016 13:37  
**To:** Development Management - Generic Email Account  
**Subject:** FW: Reference 16/01789/IPL  
**Attachments:** 16.01789.IPL v1.0.docx

Hello,

Upon receipt of delivery of my e-mail I note that I had put my full postal address in the attachment but had not in my e mail. My apologies and trust that this addresses my oversight.

Andrew Currie  
[REDACTED]

15 NOV 2016

Regards

Andrew Currie

**From:** Andrew Currie  
**Sent:** 12 November 2016 13:32  
**To:** 'DevelopmentManagement@pkc.gov.uk' [REDACTED]  
**Subject:** Reference 16/01789/IPL

Dear Sirs,

My wife and I oppose this proposal so strongly that we are making individual opposition submissions. I have attached my opposition to the erection of a dwelling house in the garden of Gairneybridge Farm House.

The idea the construction of a dwelling house in this location has come as a shock to me more than anything else. I never imagined that when we bought our home over nine years ago I would be involved in such a proposal. I am also very saddened and confused that Mr. King did take the time to communicate his intention before taking the action to involve the submission of a proposed planning application. We are in an area of six houses and it is not that we are in a city of densely populated area.

Like my wife I have tried to keep my objections factual and relevant to the matter in hand. If there is anything more I can do at this time to object to the granting of planning permission I would be very grateful. I have never been involved in such a situation before

The house at Number 5 Gairneybridge Farm Steadings is unoccupied at this time. I understand the house has been sold. I cannot of course comment as to how the new owner would view the proposed erection of a dwelling house but I think that this is rather unfair that at this point in the process they may not be able to make their position known. I trust that every possible means is used to contact the new owners of Number 5 in order that they are not omitted from this process.

Yours faithfully

Andrew Currie



Planning Application Ref 16/01789/IPL

Date 9<sup>th</sup> November 2016

To :

Development Management Department

Perth and Kinross Council

From:

Andrew Currie, [REDACTED]

Dear Sirs,

With regard to the above planning application reference I formally object to the principle of the erection of a dwelling home in the garden of Gairneybridge Farm House.

I object for a number of reasons

Number 1 and in no set order of importance as I believe they are all of equal importance.

From the information provided it is proposed that a pedestrian and vehicle access to the property will be through the extension of an existing pedestrian access from the courtyard to the garden. The private courtyard is owned by the resident / owners of the 5 houses that make up Gairneybridge Farm Steadings. I object in this point due to

- a. It is a change of purpose
- b. There will be increased traffic in the courtyard
  - a. During the construction phase
  - b. After completion and the new owners occupy the dwelling
- c. My wife and I use the courtyard as an outdoor area as our rear garden is north facing, small and is overlooked by the residents of Bishops Close
- d. We use the courtyard to entertain our granddaughter when she visits
- e. We bought and installed two additional seat that we have deployed in the courtyard area for all the residents to use. The creation of the new vehicular entrance will mean that one of the seats will have to be removed.
- f. The creation of this vehicular access will require the change to kerbs, plants and stoned area within the area of the courtyard owned by the residents.

Number 2.

The owner of Garineybridge Farm has a right of access for pedestrian access to their property and for one vehicle. The vehicle has to be parked on the mono block area adjacent to the rear white door access to Garineybridge Farm House.

The courtyard is owned and maintained, in terms of personal time and cost by the owners and residents of Garineybridge Farm Steadings.

At no time has the owner(s) of Garineybridge Farm House contributed in terms of time or cost to any of the above.

The owners of Gairneybridge Farm House sold the courtyard area a number of years ago in order that Gairneybridge Farm Steadings would be created. I object in this point as assumed access is through land that the applicant does not own or contribute to the upkeep and maintenance.

Number 3.

Our home, number 4 Garineybridge Farm Steadings, is south facing. The main view from our home is over the courtyard, the garden of Garineybridge Farm House. Should this dwelling house be approved and constructed our view that we have now will be compromised. I object on this point as such a compromise view

- a. Privacy
- b. May have an adverse impact on the value of our home.

Number 4.

With the approval, support of Perth and Kinross Council we have installed solar panels. The investment made in these solar panels contribute to the lower cost of electricity in our home with excess energy generate passed into the national grid. If this dwelling house if allowed to be constructed the objection and therefore concern is the efficiency of these panels will be impacted. This will increase the cost of our electricity and lessen the contribution to the national grid. I object on this point as it may have a financial impact on the investment I have made in the deployment of the solar panels.

Number 5.

As this is an application for planning permission there is no detail as to how sewage from the new dwelling would be dealt with. As all of the existing homes in the area of Garineybridge have no access to main sewage pipes, they are all connected to septic tanks. My wife and I would object to the installation of another septic tank in the area.

Number 6

Should it be that Mr. King's plan is to use the septic tank that is presently there and serving the homes of Gairneybridge Farm Steading and Gairneybridge Farm House, I would object to this plan. The objection would be on the grounds that the additional volume created by the new dwelling will increase cost my cost in terms of more frequent emptying of the tank and increased maintenance.

Number 7.

There are trees that would need to be removed in order to construct a dwelling house. I object to trees being removed.

2nd letter from same household

OW

**Tracy McManamon**

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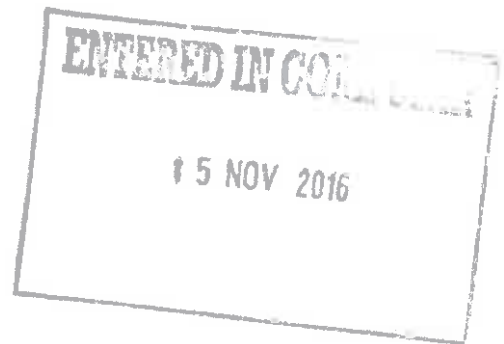
**From:** Annemarie & Andy Currie [REDACTED]  
**Sent:** 12 November 2016 14:00  
**To:** Development Management - Generic Email Account  
**Cc:** Andrew Currie  
**Subject:** Proposed plan ref. 16/01789/IPL  
**Attachments:** PROPOSED 'ERECTION OF HOUSE ON GAIKNEYBRIDGE FARM GROUNDS'.docx

Dear Sirs, As an amendment to my previous email and attachment, my address is as follows:



My apologies for the omission.

With Regards  
Annemarie Currie







## PROPOSED 'ERECTION OF HOUSE ON GAIRNEYBRIDGE FARM GROUNDS'

Annemarie Currie



My Objections are as follows and not in order of preference.

### OBJECTION 1

1] Ownership of Entrance to Courtyard of Gairneybridge Farm Steadings.

This group of Steading homes Own and Contribute to the upkeep of this Courtyard, the owner of Gairneybridge Farm House does not contribute to this maintenance and care.

The maintenance of said Courtyard including

- a] Repair and fixing of Entrance from Road into the Courtyard
- b] Wishing well on border plant area of Courtyard
- c] Stone seats placed in border plant areas of Courtyard
- d] Maintenance of drains in Courtyard
- e] Routine tidying and care of the Courtyard
- f] Insurance payments in case of incident, damage or injury of said owners, family or visitors.

### OBJECTION 2

The Site outline shows use of the entrance into the Courtyard for the new proposed build. This is not correct.

This entrance to the Courtyard is the property of the Five Steading Houses. This does not include general access for the Farmhouse to use indiscriminately and without remit to the owners.

There is 'Vehicular Access' permitted for one vehicle to the Farmhouse over the courtyard. [The broader band of Crosshatch lines on the Land Register plan denotes this.]

There is 'Pedestrian Access' permitted for residents of Gairneybridge Farmhouse via the Courtyard. {The narrow band of Crosshatch lines on the Land Register plan denotes this.}

There is no Access for other properties now or in the future in the Land Register.

### OBJECTION 3

At present, the Owners of The Steading Properties maintain, own and maintain the Courtyard.

The Farmhouse residents are not liable to contribute to said maintenance as the agreement is only for 'Access of one vehicle to the Farmhouse back door and

Pedestrian access to the 'Gate of the Farmhouse' grounds situated near to the Wishing well and one of the Seating areas.

I object to extra usage and traffic that a new 'build' will involve for the Courtyard. The group of owners have worked hard to ask the Council to repair the drains on the roadside to the properties due to historic damage of said drains, also due to the Soft Verges outside the grounds. This added traffic and use would potentially put this area under renewed strain.

#### OBJECTION 4

The Outlook for My Home.

This proposed Property will be in direct line of my home.

It will exclude the views of open country and hills that I enjoy.

It will impact on my privacy in a major way.

It will be facing my property with clear views into all of the front rooms and bedrooms.

It could impact on the Solar Panel light causing pollution and reducing the uptake of Solar Energy.

It will impact on the Seating areas in the Courtyard that I use.

It is also relevant issue of privacy for No.5 home that has a bedroom on the ground floor to the front of said property.

#### OBJECTION 5

Extra vehicle access due to proposed property.

There is historic abuse of the existing access allowed for the Farmhouse to use the entry from the road into the courtyard for One Vehicle/Pedestrian usage. There has been, in the past and currently, visitors to the Farmhouse using our Courtyard for access to the Farmhouse instead of using the entrance for the Farmhouse itself, there is also historic abuse for those visitors using the Courtyard tarmac as a parking area. [This is not allowed as stated on the Courtyard setup}.

I am therefore fearful of this increasing without remit to the owners of said Courtyard.

#### OBJECTION 5a

It will impact on the area of the Courtyard that I use when Grandchildren are visiting as a monitored play area. Due to the small rear garden, playing under

supervision in the courtyard is much more pleasant. The enjoyment of using the seats, wishing well and courtyard expanse makes for lots of fun.

As it is currently, car parking is in front of each home or on the designated four parking areas.

The vehicles parking there will be very close to said proposed 'build', facing into said proposed 'build'

I object to another vehicular access to this Proposed property. It would cross over private ground and it would endanger those using this area for recreation. It will impact on the planting and borders already in place in the Courtyard.

#### OBJECTION 6

At present we have a communal Septic tank for use of the residents of the Steading Homes and Farmhouse resident.

I do not agree or permit further or additional use by said proposed property to access this Septic tank facility.

We share the costs equally, but this was set up for only 6 properties, no more as that could include further increased costs for the Steading owners.

#### OBJECTION 7

There is a wealth of lovely trees in the Gardens of Gairneybridge Farmhouse. I enjoy this view. It helps environmentally as a sound reduction method from the busy road outside the Courtyard.

I would not be in agreement to the felling of said trees in the building of said proposed property being built.

#### OBJECTION 8

I enjoy a restful and peaceful Courtyard. The introduction of the proposed build would increase Traffic, Noise and Disruption during construction.

I am concerned about the access arrangements for said 'build' as I do not give permission for the Courtyard to be used for this purpose.

I am also are concerned that in using the Parking area on the Lane leading to Loch Leven Park homes would impact on said Park homes but also this is used for Collecting and Delivering School Children locally.





# Document 5

*Derek Scott Planning*



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

<b>Planning Application ref.</b>	16/01789/IPL	<b>Comments provided by</b>	Niall Moran
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Land 30 Metres East Of Gairney Bridge Farm Gairneybridge		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I do not object to the proposed development provided the condition indicated below is applied.		
<b>Recommended planning condition(s)</b>	<p>PP00 The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, levels, drainage and waste management provision.</p> <p>RPP00 Reason - This is a Planning Permission in Principle under Section S9 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 21 of the Planning etc. (Scotland) Act 2006.</p>		
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	22 November 2016		





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

<b>Planning Application ref.</b>	16/01789/IPL	<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 a dwellinghouse (in principle)		
<b>Address of site</b>	Land 30 Metres East Of Gairney Bridge Farm, Gairneybridge		
<b>Comments on the proposal</b>	<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, or likely to be operating following completion of the proposed development and extant planning permissions, at or above 80% of total capacity.</p> <p>This proposal is within the catchment of Kinross Primary School.</p>		
<b>Recommended planning condition(s)</b>	<p><b>Primary Education</b></p> <p><b>CO01</b> The development shall be in accordance with the requirements of Perth &amp; Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2016 in line with Policy PM3: Infrastructure Contributions of the Perth &amp; Kinross Local Development Plan 2014 with particular regard to primary education infrastructure, unless otherwise agreed in writing with the Council as Planning Authority.</p> <p><b>RCO00</b> Reason – To ensure the development is in accordance with the terms of the Perth and Kinross Council Local Development Plan 2014 and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2016.</p>		
<b>Recommended informative(s) for applicant</b>	N/A		
<b>Date comments returned</b>	07 November 2016		



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

<b>Planning Application ref.</b>	16/01789/IPL	<b>Comments provided by</b>	Diane Barbary
<b>Service/Section</b>	Conservation	<b>Contact Details</b>	[REDACTED]
<b>Description of Proposal</b>	Erection of dwellinghouse (in principle)		
<b>Address of site</b>	Land 30m East of Gairney Bridge Farm, Gairneybridge		
<b>Comments on the proposal</b>	<p>The site of the proposed dwellinghouse is within the front curtilage of Gairney Bridge Farmhouse. A category B listed monument (LB 5282) is located to the south, across a minor road.</p> <p>The monument is a plain stone obelisk with a stepped base, erected in 1883 to commemorate the forming of the first Presbytery of Secession Church on the adjacent site (now containing Gairney Bridge farm steading) in 1733.</p> <p>The monument faces the B996, and is bounded by a dwarf wall with railings to the north and east. Its visual impact is reduced by the proximity of mature trees, but it is clearly viewed from the small parking area to the rear, with its setting formed by the open views from the west towards Loch Leven, and from the south-east towards the farmhouse.</p> <p>The proposed development within the front curtilage of the farmhouse has the potential to disrupt both the historic and visual connection between the monument and the farmhouse and garden. Though unlisted, the farmhouse is a striking building, enhanced by its large front garden and semi-circular coped rubble boundary wall. The monument itself appears unexpectedly formal within the broader rural landscape context, and the architectural quality of the stone farmhouse and its garden make a significant visual contribution to its setting.</p> <p>Insertion of a modern bungalow is likely to disrupt the farmhouse's visual relationship with the monument, detracting from the quality and historic character of the setting of the listed building.</p>		
<b>Recommended planning condition(s)</b>			

Recommended informative(s) for applicant	
Date comments returned	30/11/16

**TCP/11/16(454)**  
**Planning Application – 16/01789/IPL – Erection of a dwellinghouse (in principle) on Land 30 metres East of Gairneybridge Farm, Gairneybridge, Kinross, KY13 9JZ**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 429-430)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 433-443)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 421-426)*



**TCP/11/16(454)**

**Planning Application – 16/01789/IPL – Erection of a dwellinghouse (in principle) on Land 30 metres East of Gairneybridge Farm, Gairneybridge, Kinross, KY13 9JZ**

**REPRESENTATIONS** *(part included in applicant's submission, see pages 447-459 and 463-468)*





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

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**From:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Your Reference 16/01789/IPL  
**Attachments:** 16 01789 IPL v2 0.docx

**From:** Andrew Currie [REDACTED]  
**Sent:** 16 January 2017 12:07  
**To:** Development Management - Generic Email Account  
**Subject:** Your Reference 16/01789/IPL

Dear Sirs,

My details are

Andrew Currie  
4 Gairneybridge Farm Steadings  
Gairneybridge  
By Kinross  
KY13 9JZ

Contact number [REDACTED]

Please find attached my submission (closing date given was 19<sup>th</sup> January 2017) following Mr. A. King's objection to the rejection of his outline planning permission ref 16/01 789/IPL.

My wife and I remain totally supportive of the decision of the Perth and Kinross Planning Department to reject the granting of outline planning permission. We remain separated as to how we object and as such my wife will send in her own updated objection document.

My best wishes

Andrew Currie



Planning Application Ref 16/01789/IPL

16<sup>th</sup> January 2017

Development Management Department

Perth and Kinross Council

From:

Andrew Currie, 4 Garineybridge Farm Steadings, Kinross KY13 9JZ

Dear Sirs.

Further to the objection raised by Mr. A. King to the rejection of his outline planning permission by the Perth and Kinross planning department I wish to add the following to my original letter of objection dated 9<sup>th</sup> November.

I was very happy, in fact, delighted to learn that the Perth and Kinross Planning Department had rejected Mr. A. King's application for outline planning permission. I was so disappointed to receive notice that there had been a subsequent objection lodged by Mr. A. King to the clear decision given by Perth and Kinross Planning Department.

I trust that work undertaken by the Perth and Kinross Planning Department team and the decision made to reject Mr. A. King's submission for outline planning permission will be fully upheld by the review committee.

Whilst I now understand that some of my objections in my original submission of objection are significantly important to me, they may not hold any weight when actual planning rules are applied. I do however remain strongly opposed to the granting of outline planning permission on these points. I also fully support the excellent point made by Perth and Kinross planning department in their findings and published in their rejection notice.

I am aware that The Gairneybridge Farm and the Farm Steadings have been (and rightly so) subject to strict planning rules since its concept in the late 1990's and through to the completion of the development in 2005. The residents in the area have adhered to and maintained the area very well and do our utmost to ensure that the planning rules that the properties were subject to at the concept of the development are maintained. Having this proposed outline planning permission is simply inappropriate.

This strict planning permission that were applied before, during and after the development was completed, has delivered first class dwellings. The cost of such dwellings are not cheap as is the maintenance but worth it for the location and views. Should the rejection of outline planning permission be overturned this would be catastrophic for Garineybridge Farm Steadings and will totally undermine the excellent work undertaken by Perth and Kinross Planning Department, the builder and all of the residents now and in the future.

As I dug into the background of Gairneybridge Farm Steadings I came across an old aerial photograph. It clearly shows derelict buildings well beyond any opportunity to repair. I also discovered that Gairneybridge Farm was also proposed for an award for its design, look and the retention of the fabric of the old barns whilst delivering fully repurposed buildings.

What I am struggling to understand is how and why a new development in this location will in way enhance what is already there.

The residents of Garineybridge Farm formed a committee during 2016. The aim of the committee is to maintain the Garineybridge Farm Steadings in the manner in which the Gairneybridge Farm Steadings was created but also aligned to the Perth and Kinross exacting planning regulations.

We remain committed to the ideal set up by Perth and Kinross and support the environment that Perth and Kinross have created.

One of my objections previously stated would be the creation of an entrance to this proposed development from within the Gairneybridge Farm Courtyard. It is noted that Mr. A. King has not proposed access using the present secured gated access he has to his own Gairneybridge Farmhouse property. Strange that? When my wife and I bought the property we accepted the lack of back garden to our property. Having the courtyard setting and seats strategically located we could accept the compromise as the views from the seats offered meant that we can enjoy our home externally without the need to drive or use the limited public transport. Should the rejection of the outline planning permission be overturned then my wife and I run the risk that we will not be able to use the location that we have enjoyed each year since we bought our home in 2007.



Our keen photographer neighbour took this photograph as we sat and enjoyed the view over to Bishops Hill, Loch Leven and the wildlife in the area. It would be so sad for us to lose this on our doorstep and have to get into the car each time we had leisure time to enjoy the area we live in.

Finally and on behalf of our new neighbours in Number 5, Gairneybridge Farm Steadings, I write to confirm on their behalf that they are very upset at this situation. They have been excluded from this process due to the timing of the outline planning permission submission by Mr. A. King and the stage of they were at with the purchase of Number 5 Gairneybridge Farm Steadings. The purchase process seems to have overlapped with the outline planning permission submission and was missed by their legal representative and the home report that they were provided with. It was also noted that the selling agent failed to inform Mr & Mrs Aiken. Mr & Mrs Aitken have stated that had they knew of the proposed planning permission submission they have stated that they would not have gone through with the purchase of the property or would have delayed the purchase until the final outcome of this process was completed.

I shall close now with a plea to the committee that they uphold the decision made by Perth and Kinross Planning Department, if not for all of the other objections but for the excellent reason stated in the Perth and Kinross Planning Department rejection document

Planning Application Ref 16/01789/IPL

Date 9<sup>th</sup> November 2016

To:

Development Management Department

Perth and Kinross Council

From:

Andrew Currie, 4 Garineybridge Farm Steadings, Kinross KY13 9JZ

Dear Sirs,

With regard to the above planning application reference I formally object to the principle of the erection of a dwelling home in the garden of Gairneybridge Farm House.

I object for a number of reasons

Number 1 and in no set order of importance as I believe they are all of equal importance.

From the information provided it is proposed that a pedestrian and vehicle access to the property will be through the extension of an existing pedestrian access from the courtyard to the garden. The private courtyard is owned by the resident / owners of the 5 houses that make up Gairneybridge Farm Steadings. I object in this point due to

- a. It is a change of purpose
- b. There will be increased traffic in the courtyard
  - a. During the construction phase
  - b. After completion and the new owners occupy the dwelling
- c. My wife and I use the courtyard as an outdoor area as our rear garden is north facing, small and is overlooked by the residents of Bishops Close
- d. We use the courtyard to entertain our granddaughter when she visits
- e. We bought and installed two additional seat that we have deployed in the courtyard area for all the residents to use. The creation of the new vehicular entrance will mean that one of the seats will have to be removed.
- f. The creation of this vehicular access will require the change to kerbs, plants and stoned area within the area of the courtyard owned by the residents.

Number 2.

The owner of Garineybridge Farm has a right of access for pedestrian access to their property and for one vehicle. The vehicle has to be parked on the mono block area adjacent to the rear white door access to Garineybridge Farm House.

The courtyard is owned and maintained, in terms of personal time and cost by the owners and residents of Garineybridge Farm Steadings.

At no time has the owner(s) of Garineybridge Farm House contributed in terms of time or cost to any of the above.

The owners of Gairneybridge Farm House sold the courtyard area a number of years ago in order that Gairneybridge Farm Steadings would be created. I object in this point as assumed access is through land that the applicant does not own or contribute to the upkeep and maintenance.

Number 3.

Our home, number 4 Garineybridge Farm Steadings, is south facing. The main view from our home is over the courtyard, the garden of Garineybridge Farm House. Should this dwelling house be approved and constructed our view that we have now will be compromised. I object on this point as such a compromise view

- a. Privacy
- b. May have an adverse impact on the value of our home.

Number 4.

With the approval, support of Perth and Kinross Council we have installed solar panels. The investment made in these solar panels contribute to the lower cost of electricity in our home with excess energy generate passed into the national grid. If this dwelling house if allowed to be constructed the objection and therefore concern is the efficiency of these panels will be impacted. This will increase the cost of our electricity and lessen the contribution to the national grid. I object on this point as it may have a financial impact on the investment I have made in the deployment of the solar panels.

Number 5.

As this is an application for planning permission there is no detail as to how sewage from the new dwelling would be dealt with. As all of the existing homes in the area of Garineybridge have no access to main sewage pipes, they are all connected to septic tanks. My wife and I would object to the installation of another septic tank in the area.

Number 6

Should it be that Mr. King's plan is to use the septic tank that is presently there and serving the homes of Gairneybridge Farm Steading and Gairneybridge Farm House, I would object to this plan. The objection would be on the grounds that the additional volume created by the new dwelling will increase cost, my cost in terms of more frequent emptying of the tank and increased maintenance.

Number 7.

There are trees that would need to be removed in order to construct a dwelling house. I object to trees being removed.





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

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**From:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** Planning Application 16/01789/IPL  
**Attachments:** PROPOSED 'ERECTION OF HOUSE ON GAIRNEYBRIDGE FARM GROUNDS'.docx

**From:** Annemarie & Andy Currie [REDACTED]  
**Sent:** 16 January 2017 06:28  
**To:** Development Management - Generic Email Account  
**Subject:** Planning Application 16/01789/IPL

16.01.2017  
Planning Application 16/01789/IPL

Dear Sir/Madam, Thank you for the email informing me that there is an Appeal been placed with regard to the above application.

As stated before I am still firmly against this Planning application being granted. I have attached my previous concerns for your perusal. These are unchanged and are still current and valid.

I have also spoken to the new occupants of No.5 The Steadings. They have been refused by the process, due to dates in purchasing the property, to object to this proposal. In discussing this with them they informed me that had they known of this application they would not have proceeded with the purchase of No.5. As noted in my concerns, this proposed building will be in line with their home also. Their bedroom is on the ground floor and it would impact on their privacy, an intrusion in their lives for this to proceed.

I trust and hope that the decision made by the Council will be upheld to refuse this outline Planning application to proceed any further.

With Regards

Annemarie Currie  
4 The Steadings  
Gairneybridge  
Kinross  
KY13 9JZ

## PROPOSED 'ERECTION OF HOUSE ON GAIRNEYBRIDGE FARM GROUNDS'

Annemarie Currie  
4 The Steadings  
Gairneybridge  
Kinross  
KY13 9JZ.

My Objections are as follows and not in order of preference.

### OBJECTION 1

1] Ownership of Entrance to Courtyard of Gairneybridge Farm Steadings.

This group of Steading homes Own and Contribute to the upkeep of this Courtyard, the owner of Gairneybridge Farm House does not contribute to this maintenance and care.

The maintenance of said Courtyard including

- a] Repair and fixing of Entrance from Road into the Courtyard
- b] Wishing well on border plant area of Courtyard
- c] Stone seats placed in border plant areas of Courtyard
- d] Maintenance of drains in Courtyard
- e] Routine tidying and care of the Courtyard
- f] Insurance payments in case of incident, damage or injury of said owners, family or visitors.

### OBJECTION 2

The Site outline shows use of the entrance into the Courtyard for the new proposed build. This is not correct.

This entrance to the Courtyard is the property of the Five Steading Houses. This does not include general access for the Farmhouse to use indiscriminately and without remit to the owners.

There is 'Vehicular Access' permitted for one vehicle to the Farmhouse over the courtyard. [The broader band of Crosshatch lines on the Land Register plan denotes this.]

There is 'Pedestrian Access' permitted for residents of Gairneybridge Farmhouse via the Courtyard. {The narrow band of Crosshatch lines on the Land Register plan denotes this.}

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Pedestrian access to the 'Gate of the Farmhouse' grounds situated near to the Wishing well and one of the Seating areas.

I object to extra usage and traffic that a new 'build' will involve for the Courtyard. The group of owners have worked hard to ask the Council to repair the drains on the roadside to the properties due to historic damage of said drains, also due to the Soft Verges outside the grounds. This added traffic and use would potentially put this area under renewed strain.

#### OBJECTION 4

The Outlook for My Home.

This proposed Property will be in direct line of my home.

It will exclude the views of open country and hills that I enjoy.

It will impact on my privacy in a major way.

It will be facing my property with clear views into all of the front rooms and bedrooms.

It could impact on the Solar Panel light causing pollution and reducing the uptake of Solar Energy.

It will impact on the Seating areas in the Courtyard that I use.

It is also relevant issue of privacy for No.5 home that has a bedroom on the ground floor to the front of said property.

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Extra vehicle access due to proposed property.

There is historic abuse of the existing access allowed for the Farmhouse to use the entry from the road into the courtyard for One Vehicle/Pedestrian usage.

There has been, in the past and currently, visitors to the Farmhouse using our Courtyard for access to the Farmhouse instead of using the entrance for the Farmhouse itself, there is also historic abuse for those visitors using the Courtyard tarmac as a parking area. [This is not allowed as stated on the Courtyard setup}.

I am therefore fearful of this increasing without remit to the owners of said Courtyard.

#### OBJECTION 5a

It will impact on the area of the Courtyard that I use when Grandchildren are visiting as a monitored play area. Due to the small rear garden, playing under supervision in the courtyard is much more pleasant. The enjoyment of using the seats, wishing well and courtyard expanse makes for lots of fun.

As it is currently, car parking is in front of each home or on the designated four parking areas.

The vehicles parking there will be very close to said proposed 'build', facing into said proposed 'build'

I object to another vehicular access to this Proposed property. It would cross over private ground and it would endanger those using this area for recreation. It will impact on the planting and borders already in place in the Courtyard.

#### OBJECTION 6

At present we have a communal Septic tank for use of the residents of the Steading Homes and Farmhouse resident.

I do not agree or permit further or additional use by said proposed property to access this Septic tank facility.

We share the costs equally, but this was set up for only 6 properties, no more as that could include further increased costs for the Steading owners.

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There is a wealth of lovely trees in the Gardens of Gairneybridge Farmhouse. I enjoy this view. It helps environmentally as a sound reduction method from the busy road outside the Courtyard.

I would not be in agreement to the felling of said trees in the building of said proposed property being built.

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I am concerned about the access arrangements for said 'build' as I do not give permission for the Courtyard to be used for this purpose.

I am also are concerned that in using the Parking area on the Lane leading to Loch Leven Park homes would impact on said Park homes but also this is used for Collecting and Delivering School Children locally.

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

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**From:** CHX Planning Local Review Body - Generic Email Account  
**Subject:** FW: Local Review Body Ref:- TCP - 11 - 16 (454)

**From:** John SM Ferrier [REDACTED]  
**Sent:** 18 January 2017 20:24  
**To:** Development Management - Generic Email Account  
**Subject:** Local Review Body Ref:- TCP - 11 - 16 (454)

Claire Fletcher

[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

**Planning Application Reference – 16/01789/IPL**

**Local Review Body Reference – TCP – 11 – 16 (454)**

From:- John & Stella Ferrier

We were pleased to receive notification of the decision to refuse planning permission for a proposed dwelling house at Gairneybridge Farm.

A plaque exists on the outer wall of the old Gairneybridge Farm Steading building in memory of Michael Bruce, (1741 – 1767) a local poet and hymnist who, in 1765, taught at Gairneybridge with a Scottish Seceding Church. This plaque was a protected historical monument during the rebuilding of Gairneybridge Farm Steading, and as such had to remain untouched.

This plaque integrates with the Obelisk commemorating the formation of the first Presbytery of the Scottish Secession Church, in public house on a site now occupied by Gairneybridge Farm Steading.

The above group forms a valuable historic site and would be severely compromised with a reversal the decision to refuse planning consent.

John & Stella Ferrier  
3 The Steadings  
Gairneybridge  
KY13 9JZ  
[REDACTED]

