

**TCP/11/16(494) – 17/01352/IPL – Erection of a dwellinghouse (in principle), Hoodshill, Fossoway, Kinross, KY13 0PW**

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**TCP/11/16(494) – 17/01352/IPL – Erection of a  
dwellinghouse (in principle), Hoodshill, Fossoway,  
Kinross, KY13 0PW**

**PAPERS SUBMITTED  
BY THE  
APPLICANT**





**By Post & Email**

Our Ref: ep524/let001Review Request/DS

17<sup>th</sup> October 2017

Local Review Body  
Perth & Kinross Council  
2 High Street  
Perth  
PH1 5PH

Dear Sir/Madam

**17/01352/IPL – ERECTION OF RETIREMENT DWELLING HOUSE AT HOODSHILL, FOSSOWAY,  
KINROSS KY13 OPW**

We write on behalf of our client, Mr. Roger Buick, to respectfully request that your Council's Local Review Body reviews the decision of the Appointed Officer, to refuse the above-mentioned application for planning permission in principle for the erection of a retirement dwelling house at Hoodshill, Fossoway, Kinross.

A Notice of Review Form is attached as **Document A**; a copy of the planning application is attached as **Document B**; a copy of the decision notice is attached as **Document C**; and a copy of the Report of Handling is attached as **Document D**.

**Site Location and Description**

The application site, which measures c. 1416 sq. metres is located approximately 500m to the north of Crook of Devon and accessed via a track to the west off Gelvan Moor Road. It lies within a 5.46 hectare (13.5 acre) agricultural land holding used in association with an established sheep enterprise (35 breeding ewes) which is run, on a part-time basis, by our client.

There is an existing dwelling house on the holding and a number of outbuildings, one of which secured planning permission on 21<sup>st</sup> July 2015 under Planning Application Reference Number 10/01244/FLL for conversion to office accommodation which was to be used in association with an established renewables business based at Hoodshill.

The application site is located to the south/south east of the existing buildings and comprises previously developed land within the curtilage of the overall property having been used historically as a dumping ground associated with old farming machinery and other items. It includes a concrete covered area and adjoining grassed area which are fenced off from the surrounding agricultural land. The site is surrounded by extensive areas of woodland which provides very effective screening to views from the surrounding countryside. Prior notification approval was granted for the erection of an agricultural building in the south eastern corner of the site on 07<sup>th</sup> July 2017 under Prior Notification Reference Number 17/00661/PN.

## Description of Proposed Development

It is our client's intention to retire from the existing business within the next eighteen months and to hand over the running of that business to his daughter who will move into the existing house as an essential occupier. The application submitted and refused by the Appointed Officer sought planning permission in principle for the erection of a retirement home on the gap site between the existing outbuildings and the agricultural building approved under Prior Notification Reference Number 17/00661/PN.

The application was refused by the Council's Planning Department on 25<sup>th</sup> September 2017. The reasons for refusal and our responses to them are outlined below:

- 1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwelling house or dwelling houses would be acceptable in this location.*

**Response** – As outlined in the statement submitted in support of our client's application we are firmly of the view that the proposal gains support from the terms of Policy RD3 in the Perth & Kinross Local Development Plan 2014. That said policy along with the Council's Housing in the Countryside Guide sets out the circumstances under which the development of single houses or groups of houses are appropriate in countryside locations. The first circumstance which supports our client's application relates to **Building Groups**.

*An existing building group is defined in the guidance 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.'*

Following the granting of prior approval for the erection of the agricultural building under Prior Notification Reference Number 17/00661/PN there will, following its erection, be three 'buildings' on the site of a size at least equivalent to a traditional cottage. The Appointed Officer has stated in his report that this building cannot be taken into account as it has not yet been developed. I disagree and consider a more reasonable approach, in the event of the Review Body supporting this Request, would be to impose a condition on any consent granted requiring the development and completion of the agricultural building in advance of works starting on the house.

The Council's Housing in the Countryside Guidance further states that:

*'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).'*

The site proposed for the erection of the dwelling house in the current application will be located within and be related to the group thus representing an appropriate development opportunity. The suitability of the site for the erection of a dwelling house has already been acknowledged by the



Planning Officer who granted prior approval for the erection of the agricultural building. He stated in an e-mail dated 22<sup>nd</sup> May 2017 that the erection of the agricultural building could artificially manufacture a house plot. A copy of the e-mail referred to is attached as **Document 4** within **Document B**. Whilst this was never the intention or motive behind the proposed agricultural building it is unequivocally clear that its erection would result in a group of buildings being established within which a proposed house could be erected as evidenced in the diagram below.



*Proposed dwelling house within Building Group and surrounded by established landscaping*

The second such circumstance supporting the application relates to **Infill Sites**. The Housing in the Countryside Guidance states that

*'The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:*

- *The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage*
- *The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)*
- *There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained*
- *The size and design of the infill houses should be in sympathy with the existing house(s)*
- *The full extent of the gap must be included within the new plot(s)*
- *It complies with the siting criteria set out under category 3.*

*Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary'*

Following the prior approval granted for the agricultural building the site proposed for the dwelling house represents a logical infill development opportunity between two buildings. We would again reiterate that our client has no difficulties with the imposition of a condition on any consent granted requiring the completion of the approved agricultural building in advance of the dwelling house.

The third circumstance which supports the application relates to development located on **Rural Brownfield Land**. As noted previously the application site was used historically as a dumping ground associated with old farming machinery and other items and it also contains a concrete plinth. There is therefore no doubt whatsoever that the application site is 'brownfield' in nature. The development of the site for the retirement dwelling proposed would result, in our opinion, in a significant environmental improvement to what in effect is a derelict site.

The fourth circumstance which lends support for the development of the retirement house proposed relates to the presence of an established **Economic Activity**. As noted previously our client's daughter will take over the existing business operated from the site and in the process reside in the existing dwelling house. Our client, Mr. Buick, will move into the retirement home proposed and in association with the agricultural building proposed under the prior approval application will continue to look after the affairs of the established sheep breeding enterprise.

The fifth circumstance which lends support for the development proposed relates to **Houses for Local People**. Whilst our client is not inadequately housed at present his desire to retire from the existing business but to continue operating the sheep farming enterprise necessitates the provision of a new house. Should our client not obtain planning permission for the retirement dwelling applied for, he will have to vacate his existing house and reside elsewhere or alternatively relocate the existing business. Given the animal husbandry requirements associated with the sheep farming enterprise it would not be possible to maintain that enterprise in the circumstances so described in the future.

In summary the retirement dwelling proposed is located on a brownfield site immediately adjacent to the existing group of buildings at Hoodshill. It is supported by a number of exception clauses within the Council's Housing in the Countryside Guide. The dwelling proposed is set against and benefits from the backdrop provided by existing/ proposed buildings and established landscaping to the north, south and west and as such in locational and siting terms is ideal. It is considered to comply with the terms of Policy RD3 in the Local Development Plan.

- 2 *The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.*

**Response** - The points made in response to the first reason of refusal are equally applicable to the second reason of refusal.

- 3 *The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of place as there will be a privacy issue between this proposal and the development approved under application 10/01244/FLL that is still capable of implementation.*

**Response** – We note the concerns arising as a result of the relationship existing between the proposed dwelling house (as shown indicatively on the plans submitted in support of the application)



and the office development approved under Planning Application Reference 10/01244/FLL. To address these concerns our client would be prepared to **revoke** that permission in the event of permission being granted for the retirement dwelling applied for.

Although not specifically referred to in the decision notice we note that the Appointed Officer draws attention in his Report of Handling to the relationship between the proposed dwelling house and previously permitted agricultural building. Should the Review Body support our client's Review Request and grant planning permission for the dwelling house I would expect a condition to be imposed which prevented the subsequent sale of one independently from the other as a means of addressing any amenity concerns in that respect.

- 4 *The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside as there is not sufficient containment to the site.*

**Response** - We disagree entirely with the Planning Officer's view that there is not sufficient containment to the site and as a consequence of this that the proposal fails to create a sense of identity and erodes the character of the countryside. As we have noted previously the indicative layout submitted with the application shows the house proposed in the north western corner of the site set between the buildings to the north, the permitted agricultural building to the south east and the established landscaping to the south and west. It is, in our opinion, an exceptionally well contained site and entirely appropriate for the erection of a retirement dwelling of the nature proposed.

We would further add in support of this point that the Planning Officer dealing with the application for the agricultural building, had, prior to approving it in the position he so did, suggested that it be located in the position where the dwelling house has been suggested in the indicative layout accompanying the application. We have great difficulty in coming to terms with the fact that the Council's Planning Department considered the site to be appropriate for the erection of an agricultural building in terms of its siting but inappropriate for the erection of a dwelling house. We would have thought that similar siting criteria would have been applied to both proposals. In our opinion, if the site is considered appropriate for an agricultural building it should also be considered appropriate for a house.

- 5 *The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the formation of a dwelling house curtilage in this location would erode local distinctiveness, diversity and the quality of Perth and Kinross's landscape character.*

**Response** – Our response to Refusal Reason 4 above is equally applicable to the fifth reason for refusal. This site is entirely appropriate for the erection of a dwelling house in terms of location and siting criteria. The site forms part of an established building group and any buildings erected on it will be seen as part of that group. The setting is further enhanced through the erection of the agricultural building and the existence of established landscaping which assists in its integration in the wider contextual landscape. The assertion that the proposal would erode local distinctiveness, diversity and quality of Perth & Kinross's landscape character is in our opinion somewhat of an exaggeration and not a true reflection on the merits of the proposal.

In light of all considerations outlined above it appears to us that the Council's Planning Department has refused our client's application unreasonably and in doing so have denied him the opportunity of erecting a retirement home on a brownfield site within a building group which is entirely suitable for such purposes when measured against industry standard siting criteria. The

Scottish Government places great emphasis in Scottish Planning Policy on the provision of appropriate opportunities for the development of rural housing in the Scottish Countryside. Whilst it is acknowledged that there is an element of subjectivity in the decision making process there should always be an overlying presumption in favour of appropriate development. That presumption has not been applied in this instance.

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In our opinion the application to erect a dwelling house on this site is supported by the terms of the Perth & Kinross Local Development Plan in that it involves the redevelopment of a brownfield site which would result in a significant improvement to the character and appearance of the area. The application is further supported by the fact that our client wishes to establish succession arrangements for an established business at the same time as creating the circumstances whereupon he can engage in his passion for sheep breeding and rearing as he eases into retirement. Whilst the latter considerations are not pivotal in the determination of the application, the pivotal point being the brownfield nature of the site within an established building group, they do lend further support for the erection of a house on it.

As noted throughout this statement we are of the view that the dwelling house can be appropriately sited and designed so that it contributes to rather than detracts from the character and appearance of the area thus positively contributing to local distinctiveness, diversity and the quality of the local landscape. As a consequence of these considerations we are of the opinion that the proposal complies with the development plan and that there are no material considerations to indicate otherwise. It is therefore respectfully requested that the application be approved.

We reserve the right to expand on the contents of this supporting letter or to respond to any further submissions made by the Council's Planning Department, consultees or third parties prior to its determination by the Local Review Body.

Please acknowledge receipt and registration of this request at your earliest convenience. Thanking you in anticipation of your assistance.

Yours sincerely,



Derek Scott

enc.

# List of Documents

<b>Document A -</b>	Notice of Review Form
<b>Document B -</b>	Copy of Planning Application submitted to Perth & Kinross Council
<b>Document C -</b>	Copy of Decision Notice
<b>Document D –</b>	Copy of Report of Handling





## NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect  
of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)  
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 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	Mr.	Ref No.	ep524
Forename	Roger	Forename	Derek
Surname	Buick	Surname	Scott
Company Name		Company Name	Derek Scott Planning
Building No./Name	Hoodshill	Building No./Name	Unit 9
Address Line 1	Fossoway	Address Line 1	Dunfermline Business Centre
Address Line 2		Address Line 2	Izatt Avenue
Town/City	Kinross	Town/City	Dunfermline
Postcode	KY13 0PW	Postcode	KY11 3BZ
Telephone		Telephone	01383 620 300
Mobile		Mobile	07802 431970
Fax		Fax	01383 844999
Email		Email	enquiries@derekscottplanning.com
<b>3. Application Details</b>			
Planning authority		Perth & Kinross Council	
Planning authority's application reference number		25th September 2017	
Site address			
Hoodshill Fossoway Kinross KY13 0PW			
Description of proposed development			
Erection of Retirement Dwelling (In Principle)			

Date of application 01st August 2017

Date of decision (if any) 25th September 2017

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.

#### 4. Nature of Application

- Application for planning permission (including householder application) ☐
- Application for planning permission in principle ☒
- 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) ☐
- Application for approval of matters specified in conditions ☐

#### 5. Reasons for seeking review

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

#### 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 ☒
- One or more hearing sessions ☐
- Site inspection ☒
- Assessment of review documents only, with no further procedure ☐

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 respond to any submissions made on this appeal by either the Appointed Officer or Third Parties

#### 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? ☐
- Is it possible for the site to be accessed safely, and without barriers to entry? ☒



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

None

## 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 appeal 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:

17/10/17

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.

# PLANNING APPLICATION

## ERECTION OF RETIREMENT DWELLING

At

**HOODSHILL  
FOSSOWAY  
KINROSS  
KY13 0PW**

Prepared by

**Derek Scott Planning  
Planning and Development Consultants**



**Unit 9  
Dunfermline Business Centre  
Izatt Avenue  
Dunfermline KY11 3BZ  
Tel No: 01383 620300  
Fax No: 01383 844999  
E-Mail: [enquiries@derekscottplanning.com](mailto:enquiries@derekscottplanning.com)**

On behalf of

**Mr. Roger Buick**

# Executive Summary

## ERECTION OF RETIREMENT DWELLING AT HOODSHILL, FOSSOWAY, KINROSS KY13 0PW

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- The application site, which measures c.1531 sq. metres is located approximately 500m to the north of Crook of Devon and is accessed via a track to the west off Gelvan Moor Road. It lies within a 5.46 hectare (13.5 acre) agricultural land holding used in association with an established sheep breeding enterprise (35 breeding ewes) run, on a part-time basis, by our client, Mr. Roger Buick.
- There is an existing dwelling house on the holding and a number of outbuildings, one of which secured planning permission on 21<sup>st</sup> July 2015 under Planning Application Reference Number 10/01244/FLL for conversion to office accommodation to be used in association with an established renewables business based at Hoodshill.
- The application site is located to the south/south east of the existing buildings and comprises previously developed land within the curtilage of the overall property having been used historically as a dumping ground associated with old farming machinery and other items. It includes a concrete covered area and adjoining grassed area which are fenced off from the surrounding agricultural land. Prior approval has been granted for the erection of an agricultural building on part of the site under Prior Notification Application Reference Number 17/00661/PN. The site is surrounded by extensive areas of woodland which provides very effective screening to views from the surrounding countryside.
- It is our client's intention to retire from the existing business within the next eighteen months and to hand over the running of that business to his daughter who will move into the existing house as an essential occupier.
- The application submitted seeks planning permission in principle for the erection of a retirement home for our client to reside in to the south/south east of the existing outbuildings and to the north west of the proposed agricultural building referred to above.
- The application site lies within an area designated as countryside in the Perth and Kinross Local Development Plan. Policies within the Local Development Plan and the associated Supplementary Guidance on '*Housing in the Countryside*' set out the circumstances under which new houses will be permitted in such locations. Our client's proposal is considered to be in compliance with these policy considerations in that:
  - The proposal, following the granting of prior approval for the agricultural building constitutes part of a building group. The addition of a new house to such a group complies with policy.

- Similarly, following the granting of prior approval for the agricultural building an infill site has been created. The addition of a new house on an infill site also complies with policy.
  - The proposal involves the redevelopment of a brownfield site which will result in significant environmental and visual improvement to the area;
  - The dwelling house is required to facilitate the retirement of our client from his existing business and the handover of that business to a family member;
  - The dwelling house is required as a result of animal husbandry considerations arising from the established sheep farming enterprise operated on the holding; and
  - The site proposed for the dwelling house benefits from clearly established boundaries and will appear as a logical addition to the existing group of buildings at Hoodshill.
- In light of the considerations outlined it is respectfully requested that the application be approved.

# SUPPORTING STATEMENT

ERECTION OF RETIREMENT DWELLING AT HOODSHILL, FOSSOWAY, KINROSS KY13  
0PW

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- Document 1** Application for Planning Permission in Principle for erection of retirement dwelling house
- Document 2** Decision letter and approved plans relating to Prior Notification Application Reference Number 17/00661/PN.
- Document 3** Decision Notice, Report of Handling and Refused Plans relating to Planning Application Reference Number 17/00660/IPL.
- Document 4** Copy of e-mail from Keith Stirton, Perth & Kinross Council to Derek Scott Planning dated 22<sup>nd</sup> May 2017.



# SUPPORTING STATEMENT

## ERECTION OF RETIREMENT DWELLING AT HOODSHILL, FOSSAWAY, KINROSS KY13 0PW

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### 1. INTRODUCTION

- 1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants and is in support of an application for planning permission for the erection of a retirement dwelling house at Hoodshill, Fossaway, Kinross, KY13 OPW on behalf of our client Mr. Roger Buick. The application is attached as **Document 1**.



*Site Photographs*

## 2. LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site, which measures c. 1531 sq. metres is located approximately 500m to the north of Crook of Devon and accessed via a track to the west off Gelvan Moor Road. It is located within a 5.46 hectare (13.5 acre) agricultural land holding (Agricultural Holding Number 81/486/0052) used in association with an established sheep breeding enterprise which is run by our client (35 breeding ewes) on a part-time basis.



*Location Plan (Application Site in red – Land Owned in Blue)*

- 2.2 There is an existing dwelling house on the holding and a number of outbuildings, one of which secured planning permission on 21<sup>st</sup> July 2015 under Planning Application Reference Number 10/01244/FLL for conversion to office accommodation to be used in association with an established renewables business. The application site is located to the south/south east of these buildings and comprises previously developed land within the curtilage of the overall property having been used historically as a dumping ground associated with old farming machinery and other items. It includes a concrete covered area and adjoining grassed area which are fenced off from the surrounding agricultural land.



*Site Photographs*

- 2.3 The site is surrounded by extensive areas of woodland which provides very effective screening from the surrounding countryside. A decommissioned wind turbine which was originally approved under Planning Application Reference Number 08/02311/FUL is located to the north of the site. It was last operated approximately four years ago.
- 2.4 The Council has granted prior approval for the erection of an agricultural building within part of the site under Prior Notification Application Reference Number 17/00661/PN. Relevant documentation relating to that is attached as **Document 2**.

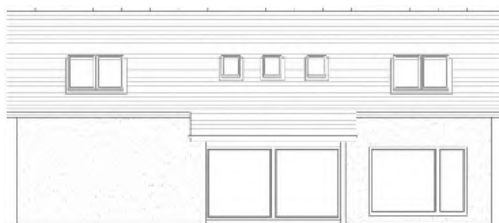
### 3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 It is our client's intention to retire from the existing business within the next eighteen months and to hand over the running of that business to his daughter who will move into the existing house as an essential operator/occupier. The application submitted seeks planning permission in principle for the erection of a retirement home for our client to reside in to the south/south east of the existing outbuildings and to the north west of the agricultural building permitted under Prior Notification Application Reference Number 17/00661/PN.



*Indicative Site Layout showing proposed dwelling house and agricultural building permitted under 17/00661/PN*

- 3.2 The Plans submitted with the application provide outline proposals for the erection of a two bedroom single storey dwelling house in the vicinity of the area covered by the concrete pad.

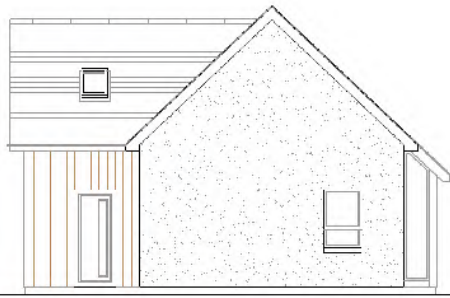


*Dwelling House - South Elevation (Indicative)*



*Dwelling House - North Elevation (Indicative)*

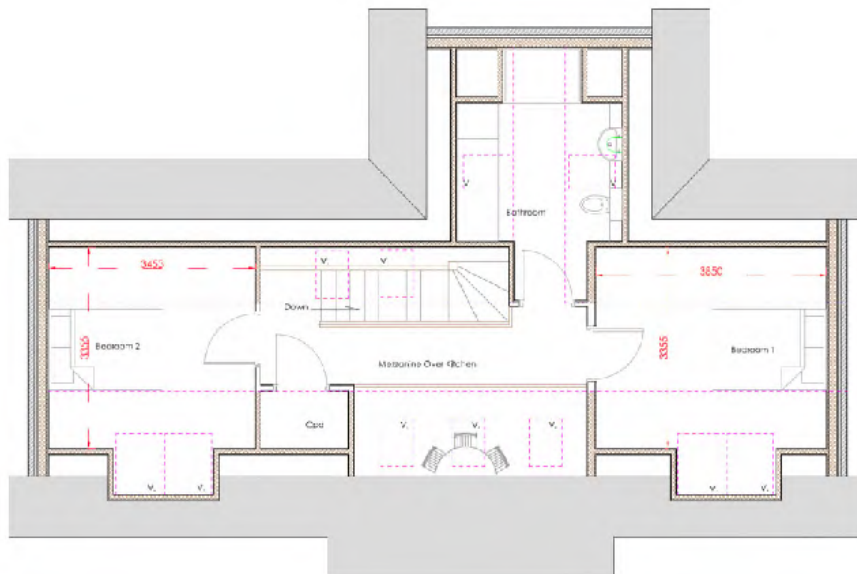
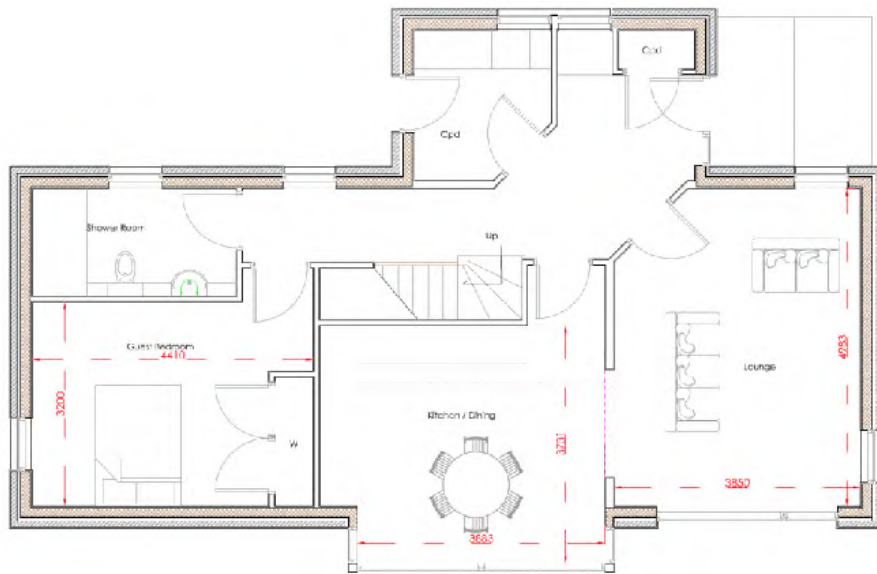




*Dwelling House – West Elevation (Indicative)*



*Dwelling House –East Elevation (Indicative)*



*Dwelling House - Indicative Ground & First Floor Plans*

#### 4. PLANNING HISTORY

- 4.1 As noted in Section 2 above the Council has previously granted prior approval for the erection of an agricultural building within part of the site under Prior Notification Application Reference Number 17/00661/PN. The prior notification for the agricultural building had been submitted at the same time as the application for the erection of a retirement dwelling house under Planning Application Reference Number 17/00660/IPL. The application for the retirement dwelling was refused by the Council's Planning Department under delegated powers on 19<sup>th</sup> May 2017 for the following reasons:

- 1 *The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwelling house or dwelling houses would be acceptable in this location.*
- 2 *The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.*
- 3 *The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of place as there will be a privacy issue between this proposal and the development approved under application 10/01244/FLL that is still capable of implementation.*
- 4 *The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside as there is not sufficient containment to the site.*
- 5 *The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the formation of a dwelling house curtilage in this location would erode local distinctiveness, diversity and the quality of Perth and Kinross's landscape character.*

- 4.2 Copies of the application drawings, decision notice and report of handling relating to this application are attached as **Document 3**. Further reference will be made to this application in Section 5.



## 5. PLANNING POLICY

- 5.1 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.’*

- 5.2 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.

- 5.3 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; the Proposed Tay Plan; the Council’s Supplementary Guidance on Housing in the Countryside; and Planning History.



### Tay Plan

- 5.4 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**

- 5.5 The Perth and Kinross Local Development Plan was adopted by Perth and Kinross Council in February 2014. The application lies within an area designated as Countryside where Policy RD3 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.'*

- 5.6 The Council's 'Housing in the Countryside' Guidance which was approved in November 2012 must be read in conjunction with the terms of Policy RD3. The Guidance referred to sets out the circumstances under which the erection of new dwelling houses will be considered favourably in the countryside. The following considerations lend support to the erection of a retirement dwelling house at Hoodhill:

**Building Groups** – The Guidance states the following in respect of 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.'*

Following the granting of prior approval for the erection of the agricultural building under Prior Notification Reference Number 17/00661/PN there will, following its erection, be three 'buildings' on the site of a size at least equivalent to a traditional cottage. The site proposed for the erection of the dwelling house in the current application will be located within and be related to the group thus representing an appropriate development opportunity. The suitability of the site has already been acknowledged by the Planning Officer who granted prior approval for the erection of the agricultural building acknowledged in an e-mail on 22<sup>nd</sup> May 2017 that the erection of the agricultural building could artificially manufacture a house plot. Artificial or not an appropriate house plot has now been created. A copy of the e-mail referred to is attached as **Document 4**.

A dwelling house on the site applied for will not impact in any adverse way on the amenity of residents in the existing dwelling house in the group due to the relationship existing between them. As noted in Paragraphs 4.1 & 5.29 the Council in refusing permission for the erection of a house on the site previously expressed concerns about the relationship existing between the proposed dwelling house (as shown indicatively on the plans submitted in support of the application) and the office development approved under Planning Application Reference 10/01244/FLL. To address these concerns our client would be prepared to voluntarily revoke that permission in the event of permission being granted for the retirement dwelling applied for.

As far as the relationship between the agricultural building and the proposed house is concerned we would point out that it is not unusual to have a house and buildings accommodating livestock (in this case sheep) on the same site in an agricultural context. In this case the number of animals are small and there is a separation distance of some 15 metres between both buildings. In order to address any concerns the Council might have our client would happily accept a condition being imposed on any consent granted which prevented the sale of the dwelling house separately from the agricultural building and/or vica-versa.

**Infill Sites** - The Guidance states the following in respect of Infill Sites.

*'The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:*

- *The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage*
- *The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)*
- *There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained*
- *The size and design of the infill houses should be in sympathy with the existing house(s)*
- *The full extent of the gap must be included within the new plot(s)*

- *It complies with the siting criteria set out under category 3.*

*Proposals in any location, which contribute towards ribbon development will not be supported, nor will proposals which would result in the extension of a settlement boundary'*

Following the prior approval granted for the agricultural building the site proposed for the dwelling house represents a logical infill development opportunity between two buildings.

**Economic Activity** – As noted previously our client's daughter will take over the existing business operated from the site and in the process reside in the existing dwelling house. Our client, Mr. Buick, will move into the retirement home proposed and in association with the agricultural building granted under Prior Notification Reference Number 17/00661/PN will continue look after the affairs of the established sheep breeding enterprise.

**Houses for Local People** - Should our client not obtain planning permission for the retirement dwelling applied for, his only options would be to continue residing in his existing house, in which case his daughter would be unable to take over the established business or he would have to vacate his existing house and reside elsewhere. Given the animal husbandry requirements associated with the sheep farming enterprise it would not be possible to maintain that enterprise in the latter circumstances so described in the future.

**Rural Brownfield Land** – The site where the dwelling house is proposed is also on previously developed land having been used historically as a dumping ground associated with old farming machinery and other items. The erection of a dwelling house on the site would remove the dereliction associated with that previous use and bring about significant environmental improvements.



*Brownfield site and sheep farming provide justification for retirement house*

- 5.7 According to the Council's Guidance, proposals for a new house falling within a Category 3 Exception (Economic Activity and Houses for Local People)

*'will require to demonstrate that if when viewed from surrounding vantage points, it meets all of the following criteria:*

- a) *it blends sympathetically with surrounding landform;*
- b) *it uses existing trees, buildings, slopes or other natural features to provide a backdrop;*
- c) *it uses an identifiable site, (except in the case of proposals for new country estates) with long established boundaries which must separate the site naturally from the surrounding ground (e.g. a dry stone dyke, a hedge at minimum height of one metre, a woodland or group of mature trees, or a slope forming an immediate backdrop to the site). The sub-division of a field or other land artificially, for example by post and wire fence or newly planted hedge or tree belt in order to create the site will not be acceptable;*
- d) *it does not have a detrimental impact on the surrounding landscape.*

*Alternatively a new house site will not be acceptable if when viewed from the surrounding vantage points:*

- a) *it occupies a prominent, skyline, top of slope/ridge location;*
- b) *the site lacks existing mature boundaries (for example, dry stone dyke, a hedge at minimum height of one metre, woodland or a group of trees or a slope forming an immediate backdrop to the site) and*
- c) *is unable to provide a suitable degree of enclosure for a new house in the countryside.'*

5.8 The application site presently benefits from well-established boundaries on three of its four sides. It is bounded to the north by existing outbuildings; and to the west and south by established woodland and trees. The eastern boundary is defined by a long established post and wire fence which separates the recognised curtilage of the house and former farm buildings from the adjoining agricultural land. This boundary will be significantly reinforced following the erection of the agricultural building approved under Prior Notification Reference Number 17/00661/PN. The dwelling house as proposed represents a well sited and entirely appropriate addition to the established group of buildings and will result in a significant improvement to the character and appearance of the overall site.

5.9 Other policies within the Local Development which are of relevance to the proposal include:

Policy PM1A – Placemaking  
 Policy PM1B – Placemaking  
 Policy PM3 – Infrastructure Contributions  
 Policy ER6 – Managing Future Landscape Change to Conserve and Enhance the Policy Diversity and Quality of the Areas Landscapes  
 Policy EP3C – Surface Water Drainage  
 Policy EP7A – Drainage within the Loch Leven Catchment  
 Policy EP7B - Drainage within the Loch Leven Catchment  
 Policy EP7C - Drainage within the Loch Leven Catchment  
 Policy EP8 – Noise Pollution



*Site benefits from well established boundaries and is a logical addition to existing group of buildings*

#### 5.10 Policies PM1A and PM1B state 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. (Policy PM1A)*

*All proposals should meet all the following place making 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.*’ (Policy PM1B)
- 5.11 As this is an application for planning permission in principle it is not possible to demonstrate compliance with all of the above criteria at this stage. However, what is evident, is the fact that the site represents a logical addition to the established group of buildings present (existing and proposed); the development of which will result in a significant improvement to the character and appearance of the area.
- 5.12 Policy PM3 on ‘*Infrastructure 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.*
- Note:** *Supplementary Guidance explaining how Developer Contributions will be implemented is published, with detailed contribution policies for Primary Education and the Auchterarder A9 junction with this Plan. Further Supplementary Guidance covering other issues including: Transport, Infrastructure and Community Facilities and Green Infrastructure will be developed during the Plan period.*
- 5.13 Our client has no difficulty in meeting any request for developer contributions provided such requests are demonstrated as being essential to enable the development to proceed and meet all of the tests outlined in Circular 3/2012 on ‘*Planning Agreements and Good Neighbour Developments.*’

**Planning Obligations and Good  
Neighbour Agreements**  
**Circular 3/2012**



- 5.14 Policy ER6 on ‘*Managing Future Landscape Change to Conserve and Enhance the Policy Diversity and Quality of the Areas Landscapes*’ states the following:

*'Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscapes. Accordingly, development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. They will need to demonstrate that either in the case of individual developments, or when cumulatively considered alongside other existing or proposed developments:*

- (a) they do not erode local distinctiveness, diversity and quality of Perth and Kinross's landscape character areas, the historic and cultural dimension of the area's landscapes, visual and scenic qualities of the landscape, or the quality of landscape experience;*
- (b) they safeguard views, viewpoints and landmarks from development that would detract from their visual integrity, identity or scenic quality;*
- (c) they safeguard the tranquil qualities of the area's landscapes;*
- (d) they safeguard the relative wildness of the area's landscapes;*
- (e) they provide high quality standards in landscape design, including landscape enhancement and mitigation schemes when there is an associated impact on a landscape's qualities;*
- (f) they incorporate measures for protecting and enhancing the ecological, geological, geomorphological, archaeological, historic, cultural and visual amenity elements of the landscape; and*
- (g) they conserve the experience of the night sky in less developed areas of Perth and Kinross through design solutions with low light impact.*

***Note:** Until it is possible to assess the acceptability of development proposals against Perth and Kinross-wide Supplementary Guidance on Landscape, priority will be given to safeguarding and enhancing the landscape of National Scenic Areas. The Tayside Landscape Character Assessment will be used for assessing development proposals, along with other material considerations.'*

5.15 As noted previously a dwelling house of the nature proposed can be satisfactorily accommodated on the site without detriment to the landscape characteristics of the wider area within which the site is located. The site is well contained in the landscape and forms part of the original curtilage attached to the existing dwelling house and associated outbuildings. The erection of the agricultural building recently approved will further enhance that sense of rural identity.

5.16 Policy EP3C on 'Surface Water Drainage' states the following:

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

5.17 As an application for planning permission in principle there is no requirement at this stage to provide details of the SUDS scheme proposed in association with the development of the site. However, our client has no issue with the imposition of a condition on any consent granted requiring the submission of a SUDS scheme in an application for approval of matters specified in conditions.

5.18 Policies EP7A-EP7C state the following:

***Policy EP7A:*** Total phosphorus from built 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. Where improvements reduce the phosphorus total from the built development, there will be a presumption in favour of retaining such gains to the benefit of the ecological recovery of Loch Leven.

All applicants will be required to submit details of the proposed method of drainage with their application for planning consent and adopt the principles of best available technology, not entailing excessive costs, to the satisfaction of the Planning Authority in conjunction with SEPA.



***Policy EP7B:*** 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 one of the following criteria can be met:

- (a) where drainage can be diverted outwith the catchment; or
- (b) where the developer is able to implement acceptable mitigation measures consistent with the Council's published Supplementary Guidance.

Applications for planning consent not connecting to the Kinross or Milnathort waste water treatment works will be required to provide an assessment of phosphorus input for the development. Evidence of phosphorus impact of the development will be required from a suitably qualified person. In cases of great complexity or uncertainty the Precautionary Principle will be adopted.

***Policy EP7C:*** For proposed developments which are likely to breach policies EP7A and EP7B, unless mitigation measures can be implemented that are capable of removing 125% of the phosphorus likely to be generated by the development from the catchment; and the proposed development is otherwise acceptable in terms of Council policy, then they will be refused. The requirements of this policy may be secured by means of legal

*agreements and planning conditions to deliver planning obligations concluded between the applicant and the Council, prior to the issue of planning permission. The delivery of agreed phosphorus mitigation will be required before the occupation of any new dwelling.*

*Mitigation measures should not include measures which are already committed in a spending programme and likely to be implemented by a statutory body within three years of the determination of the application.*

**Note:** *Supplementary Guidance details the procedures to be adopted for drainage from development in the Loch Leven area (produced by SEPA/SNH & the Council).'*

- 5.19 Our clients have no difficulty with the Council imposing a condition on any consent granted which requires the installation of foul drainage infrastructure capable of achieving not less than 125% phosphorus mitigation. Such a condition could require the details of the said infrastructure to be submitted as part of an application for the approval of matters specified in conditions.

- 5.20 Policy EP8 on 'Noise Pollution' states the following:

*'There will be a presumption against the siting of development proposals which will generate high levels of noise in the locality of existing or proposed noise sensitive land uses and similarly against the locating of noise sensitive uses near to sources of noise generation.*

*In exceptional circumstances, where it is not feasible or is undesirable to separate noisy land uses from noise sensitive uses, or to mitigate the adverse effects of the noise through the negotiation of design solutions, the Council may use conditions attached to the granting of planning consent, or if necessary planning agreements, in order to control noise levels. A Noise Impact Assessment will be required for those development proposals where it is anticipated that a noise problem is likely to occur.'*

- 5.21 There are no known sources of noise generation which would impact on amenity levels to be achieved at the proposed dwelling house. The wind turbine originally approved and subsequently erected under Planning Application Reference Number 08/02311/FUL has been decommissioned and in any event is on land which is owned by our client.

**Other material considerations**

- 5.22 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 Scottish Planning Policy; Tay Plan, the Proposed Strategic Development Plan; the Council's Guidance in Housing in the Countryside; and Planning History.

**Scottish Planning Policy**

- 5.23 Scottish Planning Policy was published by the Scottish Government in June 2014 with its purpose stated as being '*to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land.*' 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.'*

## Scottish Planning Policy



5.24 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.*

5.25 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:*

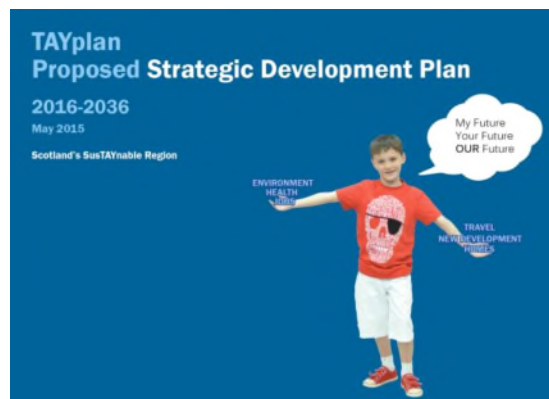
- *encourage sustainable development that will provide employment;*
- *support and sustain fragile and dispersed communities through provision for appropriate development, especially housing and community-owned energy;*
- *include provision for small-scale housing (including clusters and groups; extensions 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.*

5.26 It is evidently clear from the above extracts that there is a strong level of support for appropriate forms of development in rural areas advocated in Scottish Planning Policy. The dwelling houses proposed by our client, which, as we have demonstrated previously, are supported by the terms of the Perth and Kinross Local Development Plan are clearly considered appropriate in the context described.

#### **Tay Plan – The Proposed Strategic Development Plan**

5.27 The Proposed Strategic Development Plan for Dundee, Angus, Perth and North Fife (Tay Plan) was published in May 2015 and submitted to Scottish Ministers in June 2016. It sets out proposals for the development of the region in the period between 2016 and 2036. The Report into the examination of the plan was submitted to Scottish Ministers in March 2017 who will approve it with or without modifications. This plan, when approved, will provide 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.



#### **Supplementary Guidance – Housing in the Countryside**

5.28 The Council's Supplementary Guidance on 'Housing in the Countryside' is addressed in Paragraphs 5.6-5.8 above.

#### **Planning History**

5.29 As noted in Section 4 above an earlier application for the erection of a dwelling house on this site was refused permission on 19<sup>th</sup> May 2017 (**See Document 3**). Circumstances have changed significantly since then following the prior approval granted for the agricultural building. In light of that we would respond, in the context of the current application, to the reasons for refusal of that previous application in the following terms:

- (1) *The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwelling house or dwelling houses would be acceptable in this location.*



**Response** – We remain of the view that the application is supported by the terms of the Council's Housing in the Countryside Guidance particularly insofar as it relates to Economic Activity, Houses for Local People and Rural Brownfield Land. The granting of prior approval for the agricultural building in the position proposed provides further support under the Building Group and Infill Sites criteria.

- (2) *The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.*

**Response** – As above.

- (3) *The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of place as there will be a privacy issue between this proposal and the development approved under application 10/01244/FLL that is still capable of implementation.*

**Response** – Our client is proposing to voluntarily revoke the 10/01244/FLL permission referred to in the event of permission being granted for the retirement dwelling applied for, thus addressing this reason for refusal.

- (4) *The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside as there is not sufficient containment to the site.*

**Response** – The indicative layout submitted with the application shows the house proposed in the north western corner of the site set against the backdrop of existing buildings to the north and established landscaping to the south and west. It is, in our opinion, an exceptionally well contained site and entirely appropriate for the erection of a retirement dwelling of the nature proposed. The agricultural building approved under the prior notification procedures provides further containment to the site resulting in the creation of an infill site within a building group.

- (5) *The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the formation of a dwelling house curtilage in this location would erode local distinctiveness, diversity and the quality of Perth and Kinross's landscape character.*

**Response** – As above.

- 5.30 Having considered the retirement dwelling proposed 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.

## 6. SUMMARY AND CONCLUSIONS

6.1 Our client's case is summarised in the following terms:

- The application site, which measures c.1531 sq. metres is located approximately 500m to the north of Crook of Devon and is accessed via a track to the west off Gelvan Moor Road. It lies within a 5.46 hectare (13.5 acre) agricultural land holding used in association with an established sheep breeding enterprise (35 breeding ewes) run, on a part-time basis, by our client, Mr. Roger Buick.
- There is an existing dwelling house on the holding and a number of outbuildings, one of which secured planning permission on 21<sup>st</sup> July 2015 under Planning Application Reference Number 10/01244/FLL for conversion to office accommodation to be used in association with an established renewables business based at Hoodshill.
- The application site is located to the south/south east of the existing buildings and comprises previously developed land within the curtilage of the overall property having been used historically as a dumping ground associated with old farming machinery and other items. It includes a concrete covered area and adjoining grassed area which are fenced off from the surrounding agricultural land. Prior approval has been granted for the erection of an agricultural building on part of the site under Prior Notification Application Reference Number 17/00661/PN. The site is surrounded by extensive areas of woodland which provides very effective screening to views from the surrounding countryside.
- It is our client's intention to retire from the existing business within the next eighteen months and to hand over the running of that business to his daughter who will move into the existing house as an essential occupier.
- The application submitted seeks planning permission in principle for the erection of a retirement home for our client to reside in to the south/south east of the existing outbuildings and to the north west of the proposed agricultural building referred to above.
- The application site lies within an area designated as countryside in the Perth and Kinross Local Development Plan. Policies within the Local Development Plan and the associated Supplementary Guidance on '*Housing in the Countryside*' set out the circumstances under which new houses will be permitted in such locations. Our client's proposal is considered to be in compliance with these policy considerations in that:
  - The proposal, following the granting of prior approval for the agricultural building constitutes part of a building group. The addition of a new house to such a group complies with policy.
  - Similarly, following the granting of prior approval for the agricultural building an infill site has been created. The addition of a new house on an infill site is also supported by policy.

- The proposal involves the redevelopment of a brownfield site which will result in significant environmental and visual improvement to the area;
- The dwelling house is required to facilitate the retirement of our client from his existing business and the handover of that business to a family member;
- The dwelling house is required as a result of animal husbandry considerations arising from the established sheep farming enterprise operated on the holding; and
- The site proposed for the dwelling house benefits from clearly established boundaries and will appear as a logical addition to the existing group of buildings at Hoodshill.

6.2 In view of the considerations outlined it is respectfully requested that this application be approved. We reserve the right to provide additional information in support of this application or to respond to representations made by third parties prior to its determination.

Signed



Derek Scott

Date

01<sup>st</sup> August 2017



# APPLICATION FOR PLANNING PERMISSION

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

Please refer to the accompanying Guidance Notes when completing this application  
**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://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="ep524"/>
Forename	<input type="text" value="Roger"/>	Forename	<input type="text" value="Derek"/>
Surname	<input type="text" value="Buick"/>	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="Hoodshill"/>	Building No./Name	<input type="text" value="Unit 9"/>
Address Line 1	<input type="text" value="Fossoway"/>	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 0PW"/>	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 431970"/>
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. Postal Address or Location of Proposed Development (please include postcode)**  

Hoodshill  
 Fossoway  
 Kinross  
 KY13 0PW

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

**4. Type of Application**  
 What is the application for? Please select one of the following:
 

Planning Permission	<input type="checkbox"/>
Planning Permission in Principle	<input checked="" type="checkbox"/>
Further Application*	<input type="checkbox"/>
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>
Application for Mineral Works**	<input type="checkbox"/>

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

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

Reference No:	<input type="text"/>	Date:	<input type="text" value="Various"/>
---------------	----------------------	-------	--------------------------------------

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



### 5. Description of the Proposal

Please describe the proposal including any change of use:

Erection of Retirement Dwelling

Is this a temporary permission?

Yes ☐ No ☒

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

N/A

Have the works already been started or completed?

Yes ☐ No ☒

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

Date started:

Date completed:

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

N/A

### 6. Pre-Application Discussion

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

Yes ☒ No ☐

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting ☐ Telephone call ☒ Letter ☐ Email ☐

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

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

Name:

Date:

Ref No.:

### 7. Site Area

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

Hectares (ha):

Square Metre (sq.m.)

### 8. Existing Use

Please describe the current or most recent use:

Redundant Agricultural/Dwelling Curtilage

## 9. Access and Parking

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

Yes ☐ No ☒

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

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

Yes ☐ No ☒

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

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

n/a

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

n/a

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

## 10. Water Supply and Drainage Arrangements

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

Yes ☒ No ☐

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

Yes, connecting to a public drainage network

☐

No, proposing to make private drainage arrangements

☒

Not applicable – only arrangement for water supply required

☐

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

Discharge to land via soakaway

☒

Discharge to watercourse(s) (including partial soakaway)

☐

Discharge to coastal waters

☐

*Please show more details on your plans and supporting information*

What private arrangements are you proposing?

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

☒

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

☐

*Please show more details on your plans and supporting information.*

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

Yes ☒ No ☐

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

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

Yes ☒ No ☐

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

#### 11. Assessment of Flood Risk

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

Yes ☐ No ☒

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

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

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

N/A

#### 12. Trees

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

Yes ☒ No ☐

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

#### 13. Waste Storage and Collection

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

Yes ☐ No ☒

*If yes, please provide details and illustrate on plans.*

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

N/A

#### 14. Residential Units Including Conversion

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

Yes ☒ No ☐

If yes how many units do you propose in total?

One

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

Please refer to attached drawings and other supporting information.

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

Does your proposal alter or create non-residential floorspace?

Yes ☐ No ☒

If yes, please provide details below:

Use type:

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

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

**16. Schedule 3 Development**

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

Yes ☐ No ☒ Don't Know ☐

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

**17. Planning Service Employee/Elected Member Interest**

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

Yes ☐ No ☒

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

Yes ☐ No ☒

If you have answered yes please provide details:

N/A

**DECLARATION**

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

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

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

Yes ☒ No ☐ N/A ☐

Signature:



Name: Derek Scott Planning

Date: 01st August 17

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



# LAND OWNERSHIP CERTIFICATES

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

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

### CERTIFICATE A

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

#### I hereby certify that -

- (1) No person other than 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
William Colquhoun	Bankhead Cottage, Fossoway, Kinross KY13 0PW	01st August 2017
Robert Hamilton	Bankhead Farmhouse, Fossoway, Kinross KY13 0PW	
Scottish Water	Castle House, 6 Castle Drive, Carnegie Campus, Dunfermline KY11 8GG	

- (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: ☒



Name	Address	Date of Service of Notice
Roger Buick (Applicant)	Hoodshill, Fossoway, Kinross KY13 0PW	

Signed:

On behalf of:

Derek Scott Planning (Roger Buick)

Date:

01st August 2017

### 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

- (6) I have \_\_\_\_\_ taken reasonable steps, as listed below, to ascertain the names and addresses of all other owners or agricultural tenants and have \_\_\_\_\_ been unable to do so.

Steps taken:

--

Signed:

--

On behalf of:

--

Date:

--

### CERTIFICATE D

Certificate D is for use where the application is for mineral development.

- (1) No person other than myself \_\_\_\_\_ was an 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 accompanying application. ☐

or

- (2) 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 accompanying application, was to the applicant's knowledge, the owner, of any part of the land to which the application relates. These persons are: ☐

Name	Address	Date of Service of Notice

- (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 \_\_\_\_\_ 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. ☐

- (5) Notice of the application as set out below has been published and displayed by public notice ☐

Signed:

--

On behalf of:

--

Date:

--

### CERTIFICATE E

Certificate E is required where the applicant is the sole owner of all the land and the land to which the application relates is agricultural land and there are or are not agricultural tenants.

**I hereby certify that -**

(1) No person other than myself 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 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. These people are: ☐

Name	Address	Date of Service of Notice

(3) I have taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and have been unable to do so. ☐

Steps taken:

--

Signed:

On behalf of:

Date:

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



## NOTICE TO OWNERS AND AGRICULTURAL TENANTS

Town and Country Planning (Scotland) Act 1997  
Regulation 15 (1) of the Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013

Name [Note 1]	William Colquhoun
Address	Bankhead Cottage
	Fossoway
	Kinross
	KY13 0PW

Proposed development at [Note 2]	Hoodshill
	Fossoway
	Kinross KY13 0PW

Notice is hereby given that an application is being made to

[Note 3]	Perth & Kinross Council	Council by	Mr. Roger Buick
----------	-------------------------	------------	-----------------


For planning permission to [Note 4]

Erection of Retirement Dwelling
---------------------------------

If you wish to obtain further information on the application or to make representations about the application, you should contact the Council at [Note 5]

Pullar House, 35 Kinoull Street, Perth PH1 5GD
--

(The grant of planning permission does not affect owners' rights to retain and dispose of their property unless there is some provision to the contrary in an agreement or lease. The grant of planning permission for non-agricultural development may affect agricultural tenants security of tenure.)

Signed	
On behalf of	Derek Scott Planning (Roger Buick)
Date	01st August 2017

\*Delete where appropriate

[Note 1] – Insert name and address of owner or agricultural tenants

[Note 2] – Insert address or location of proposed development.

[Note 3] – Insert name of planning authority.

[Note 4] – Insert description of proposed development.

[Note 5] - Insert planning authority address.

# NOTICE TO OWNERS AND AGRICULTURAL TENANTS

Town and Country Planning (Scotland) Act 1997  
Regulation 15 (1) of the Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013

Name [Note 1]	Robert Hamilton
Address	Bankhead Farmhouse
	Fossoway
	Kinross
	KY13 0PW

Proposed development at [Note 2]	Hoodshill
	Fossoway
	Kinross KY13 0PW

Notice is hereby given that an application is being made to

[Note 3]	Perth & Kinross Council	Council by	Mr. Roger Buick
----------	-------------------------	------------	-----------------


For planning permission to [Note 4]

Erection of Retirement Dwelling
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Signed	
On behalf of	Derek Scott Planning (Roger Buick)
Date	01st August 2017

\*Delete where appropriate

[Note 1] – Insert name and address of owner or agricultural tenants

[Note 2] – Insert address or location of proposed development.

[Note 3] – Insert name of planning authority.

[Note 4] – Insert description of proposed development.

[Note 5] - Insert planning authority address.



# NOTICE TO OWNERS AND AGRICULTURAL TENANTS

Town and Country Planning (Scotland) Act 1997  
Regulation 15 (1) of the Town and Country Planning (Development Management Procedure)  
(Scotland) Regulations 2013

Name [Note 1]	Scottish Water
Address	Castle House
	6 Castle Drive
	Carnegie Campus
	Dunfermline KY11 8GG

Proposed development at [Note 2]	Hoodshill
	Fossoway
	Kinross KY13 0PW

Notice is hereby given that an application is being made to

[Note 3]	Perth & Kinross Council	Council by	Mr. Roger Buick
----------	-------------------------	------------	-----------------

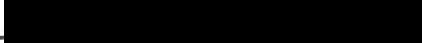
For planning permission to [Note 4]

Erection of Retirement Dwelling
---------------------------------

If you wish to obtain further information on the application or to make representations about the application, you should contact the Council at [Note 5]

Pullar House, 35 Kinoull Street, Perth PH1 5GD
--

(The grant of planning permission does not affect owners' rights to retain and dispose of their property unless there is some provision to the contrary in an agreement or lease. The grant of planning permission for non-agricultural development may affect agricultural tenants security of tenure.)

Signed	
On behalf of	Derek Scott Planning (Roger Buick)
Date	01st August 2017

\*Delete where appropriate

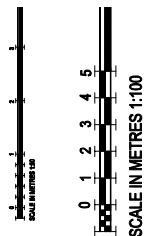
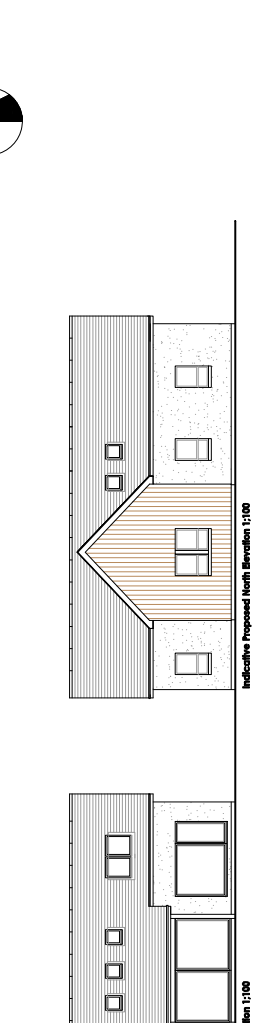
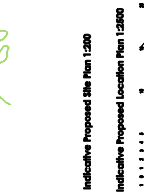
[Note 1] – Insert name and address of owner or agricultural tenants

[Note 2] – Insert address or location of proposed development.

[Note 3] – Insert name of planning authority.

[Note 4] – Insert description of proposed development.

[Note 5] - Insert planning authority address.

[illegible]





**Delayed Office Opening for  
Employee Training**

*This Office will be closed from 8.45 am –  
11.00 am on the 1<sup>st</sup> Thursday of each  
month*

Mr Roger Buick  
c/o Derek Scott  
Derek Scott Planning  
Unit 9  
Dunfermline Business Centre  
Izatt Avenue  
Dunfermline  
KY11 3BZ

**Planning and Development**  
Interim Head of Service **Nick Brian**

Pullar House 35 Kinnoull Street  
Perth PH1 5GD

Contact Keith Stirton  
Direct Dial (01738) 475328  
E-mail: [KGStirton@pkc.gov.uk](mailto:KGStirton@pkc.gov.uk)  
[www.pkc.gov.uk](http://www.pkc.gov.uk)

Our ref 17/00661/PN

Date 7 July 2017

Dear Sir/Madam

**Town and Country Planning (General Permitted Development) (Scotland) Order  
1992, as amended: Class 18 - Prior Notification.**

**Erection of general purpose agricultural building on Land 50 Metres South East Of  
Hoodshill, Fossoway.**

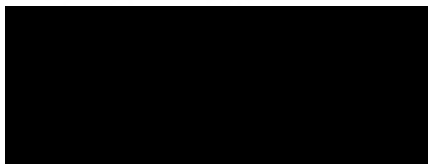
I refer to the above 'prior notification' submitted by you in respect of the above.

I write to confirm that, on the basis of the revised drawing (your ref: JDC/002 REV A, our  
ref: 17/00661/3), our request for 'prior approval' of the project in this instance has been  
satisfied.

The erection of the agricultural building, in accordance with the agreed details, is therefore  
confirmed as 'permitted development' and no further consent is required under planning  
legislation. However, a Building Warrant may still be required.

In accordance with Class 18 of the Town and Country Planning (General Permitted  
Development) (Scotland) Order 1992, as amended, the development must be carried out  
within a period of 5 years from the date of this letter.

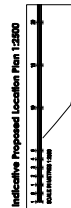
Yours faithfully



Interim Development Quality Manager





[illegible]

**SUBJECT | Prior Notification for Erection of Agricultural Store at Hoods Hill.**

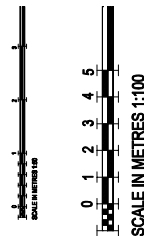
DRAWING TITLE	DATE	DRAWINGS NUMBER	DRAWN BY
per day	24.04.17	JDC/002	DRP

Noted participant error is recorded on any point in Diagram 1.

- ☐ Sketch Proposal  
☒ Planning Application Submission  
☐ Planning Application APPROVED  
☐ Building Warrant Application Submission  
☐ Building Warrant Application APPROVED  
☐ Tender Issue  
☐ Construction Drawings to be Adhered to on Site

**john d crawford Ltd**  
ARCHITECTURAL SERVICES

2 New Wynd Montrose  
ngus  
D10 89F  
mail | info@johndrowford.co.uk  
01474 679044 fax | 01474 679124







## PERTH AND KINROSS COUNCIL

Mr Roger Buick  
c/o Derek Scott  
Derek Scott Planning  
Unit 9  
Dunfermline Business Centre  
Izatt Avenue  
Dunfermline  
KY11 3BZ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 19th May 2017

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/00660/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 25th April 2017 for permission for **Erection of a dwellinghouse (in principle)** Land 50 Metres South East Of Hoodshill Fossoway for the reasons undernoted.

Interim Head of Planning

#### Reasons for Refusal

- 1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.
- 2 The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.

- 3 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of place as there will be a privacy issue between this proposal and the development approved under application 10/01244/FLL that is still capable of implementation.
- 4 The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside as there is no sufficient containment to the site.
- 5 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the formation of a dwellinghouse curtilage in this location would erode local distinctiveness, diversity and the quality of Perth and Kinross's landscape character.

### **Justification**

- 6 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**

17/00660/1

17/00660/2

# REPORT OF HANDLING

## DELEGATED REPORT

Ref No	17/00660/IPL	
Ward No	N8- Kinross-shire	
Due Determination Date	24.06.2017	
Case Officer	John Russell	
Report Issued by		Date
Countersigned by		Date

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

**LOCATION:** Land 50 Metres South East Of Hoodshill  
Fossoway

### 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 May 2017

### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This application is for the erection of a dwelling house in principle on land at Hoodshill approximately 0.5km to the North of Crook of Devon.

The plot site is approximately 1050sqm in area. An indicative house type has been submitted and the footprint of the proposed dwelling has been positioned over an existing concrete hardstanding.

Directly to the north of this hardstanding are outbuildings associated with the existing dwelling at Hoodshill. The outbuilding has consent under planning application reference number 10/01244/FLL for conversion to office accommodation (the decision notice dated 21/07/15). This application is still capable of implementation.

To the west and south of the site there is mature woodland. To the east the application site boundary is a post and wire fence.

It should be noted that the plans also illustrates a further building within the dwelling site. Application 17/00661/PN refers and this prior notification application for a general purpose agricultural building is pending consideration.

The existing Hoodshill access track from the Gelvan Moor Road will used to access the development site.

## **SITE HISTORY**

92/01021/FUL EXTENSION TO HOUSE AT 27 July 1992 Application Permitted

06/01038/FUL Alterations and extension to enlarge kitchen and form sunroom and new utility room 8 March 2007 Application Permitted

08/02311/FUL Erection of wind turbine 27 January 2009 Application Permitted

10/01244/FLL Alterations to existing store/barn to create office accommodation 21 July 2015 Application Permitted

17/00661/PN Erection of general purpose agricultural building

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 17/00073/PREAPP

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 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 PM4 - Settlement Boundaries**

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

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

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



#### Policy 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 NE3 - Biodiversity

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

#### Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

#### 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.

#### Policy EP8 - Noise Pollution

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

### OTHER POLICIES

#### **Development Contributions**

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

## Housing in the Countryside Guide

A revised Housing in the Countryside Policy was adopted by the Council in October 2014. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

## Loch Leven Catchment SPG

### CONSULTATION RESPONSES

Transport Planning – No response received.

Environmental Health – The applicant has stated that Public Mains water will be used; therefore it is our understanding that no existing private water supplies will be affected by the proposed activities so we have no comment at this time.

Contributions Officer – No objection subject to conditional control.

Scottish Water – No response received.

### REPRESENTATIONS

No letters of representation.

### ADDITIONAL STATEMENTS RECEIVED:

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

## **APPRAISAL**

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

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

### **Policy Appraisal**

The local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy RD3 - Housing in the Countryside it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported.

- (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.

The site would not qualify as a building group (a) as the policy requires 3 or more buildings of a size at least equivalent to a traditional cottage. I would consider there to be only two buildings on the site which meet this criteria.

A planning statement has been submitted with the application and the planning agent considers the proposal complies with the following categories of the housing in the countryside Policy and SPG: - Economic Need for the dwelling, house for local people and rural brownfield land.

I assess these in turn.

### **Essential Workers Dwelling Assessment:-**

With regards to development of an essential worker dwelling the SPG highlights that:-

*A house or group of houses is required either on site or in the locality for a local or key worker associated with either a consented or an established economic activity. The applicant must demonstrate to the satisfaction of the Council that there is a need for the house(s). Where the house is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development of the business. Permission may be restricted by an occupancy condition to remain as essential worker housing in perpetuity, or convert to an agreed tenure of affordable housing when the employment use is no longer required.*

The need for onsite accommodation to assist working practices, animal welfare, health and safety and security is a common justification for essential workers dwellings. To avoid unnecessary proliferation of dwellings in rural locations, it is usual to consider whether alternative suitable accommodation is already available for a rural worker.

In this case the existing dwelling at Hoodshill appears to previously have fulfilled this need for the existing enterprise. In addition there is no labour report submitted to confirm that there is a requirement for a further dwellinghouse for the enterprise beyond the existing dwelling.

The planning statement notes that the proposed dwelling is required to facilitate the retirement of the existing business owner thus enabling the handover of the business to a family member to deal with the animal husbandry requirement associated with the existing sheep farming enterprise.

For the avoidance of doubt it is the needs of an enterprise that is important to the justification of an essential workers dwelling and not the personal preferences or circumstances of any of the individuals concerned. This application is effectively seeking a further home to meet the same need that can be catered for by the existing Hoodshill dwelling.

Taking the above into account and based on the information presented there is no essential need for an additional dwelling to run the enterprise associated with the land holding.

### Houses for Local People

With regards to development of a house for a local person the SPG highlights that:-

*A house is required for a local applicant who has lived and/or worked in the area for at least 3 years, and is currently inadequately housed. Proof of residency and/or work status may be required.*

*Note: The offer of a Rural Home Ownership Grant (or similar) by the Housing Investment Division of the Scottish Government will also be accepted as proof of need.*

The planning statement confirms that, "Should our client not obtain planning permission for the retirement dwelling applied for, he will have to vacate his existing house and reside elsewhere".

In this case the applicant is not currently inadequately housed.

Siting Criteria associated with Essential Workers Dwelling and houses for local people:-

Proposals for a new house falling within category 3 (Essential Workers Dwelling and houses for local people) are also required to demonstrate that they meet the siting criteria of the SPG. There is containment to the north from the existing outbuilding and to the west and south boundary with the existing trees. However there is no curtilage definition for the dwelling curtilage to the east of the site. I do not consider that the boundary treatment associated with this boundary creates an identifiable site for the dwellinghouse.

Rural Brownfield Assessment:-

*Redevelopment for small scale housing of brownfield land which was formerly occupied by buildings may be acceptable where it would remove dereliction or result in a significant environmental improvement and where it can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site. A statement of the planning history of the site, including the previous use and condition, must be provided to the planning authority. Proposals should be small scale, up to maximum of five new houses, and must comply with the criteria set out in the For All Proposals section of this policy. All land within the site, including areas not required for housing or private gardens must be the subject of landscaping and/or other remediation works.*

Taking account of the above I do not consider the site to constitute brownfield land. From my site inspection there is a small area of concrete hardstanding (160sqm in area) located to the west corner of the site with the rest of the 1050sqm site laid to grass. The site does not have an appearance of dereliction and I do not consider that the development of the site for housing would result in a significant environmental improvement as required by this category of the SPG, thus fails to comply with category (f) of Policy RD3.

**Design and Layout**

The site is also required to be assessed against the 'Placemaking' policies of the adopted local plan.

The proposal is contrary to Policy PM1A as the proposed siting of the development does not respect the character and amenity of Kinross-shire as it is unable to provide a suitable degree of enclosure for a new house in the countryside.

From my review of Policy PM1B, the erection of a dwelling and the formation of a residential curtilage would fail to create a sense of identity and erode the landscape character of the countryside in this location contrary to criterion (b).

## **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case the siting of a proposed dwelling on this site does not comply with the housing in the countryside policy accordingly formation of a dwelling and curtilage is considered to erode local distinctiveness, diversity and quality of the landscape. The proposal would therefore also fail to comply with Policy ER6.

## **Residential Amenity**

### Overlooking:-

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

I do not consider that residential amenity will be affected taking account of the status quo and based on the indicative drawings that have been submitted. However this would need to be assessed in greater detail once detailed plans have been formulated as part of any matters specified by condition application.

Notwithstanding this I require to take account of the site history and the adjacent planning approval on the site to the north, reference 10/01244/FLL that can still be implemented. If the adjacent office development was commenced then there would be overlooking implications and an appropriate level of residential amenity could not be maintained due to the dormer windows and a balcony overlooking the site from the office premise.

### Relationship to wind turbine

There was an installed wind turbine in close proximity to the site, with a noise condition imposed (condition 4), application 08/02311/FUL refers.

The blades and nacelle have been removed and the tower structure lowered to the ground. The agent has confirmed that this has been decommissioned and it last operated four years ago.

In this case I do not consider that there is a conflict with Noise policy EP8.



## **Roads and Access**

The proposal if made subject to conditional control would not adversely impact on road or pedestrian safety. Accordingly it would not conflict with Policy TA1B.

## **Drainage and Flooding**

The site is not in an area subject to river flooding.

Disposal of surface water should be via a sustainable urban drainage system and this would need to be incorporated into the site layout and this can be controlled conditionally.

Foul drainage arrangements will require to take account of its location within the Loch Leven Catchment. However, conditional control can be applied to ensure that appropriate drainage arrangements and phosphorus mitigation comes forward as part of any matter specified by condition application.

## **Developer Contributions**

As this application is only “in principle” it is not possible to provide a definitive answer at this stage on the capacity of the primary school. The determination of appropriate contribution, if required, would be based on the status of the school when the full/reserved matters application is received.

## **Economic Impact**

There will be a positive economic impact associated with the construction phase of the development.

## **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

## **APPLICATION PROCESSING TIME**

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

## **LEGAL AGREEMENTS**

None required.

## **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

## **RECOMMENDATION**

### **Refuse the application**

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

- 1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.
- 2 The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.
- 3 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of place as there will be a privacy issue between this proposal and the approved application 10/01244/FLL that is still capable of implementation.
- 4 The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside as there is no sufficient containment to the site.
- 5 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the formation of a dwelling curtilage in this location would erode local distinctiveness, diversity and the quality of Perth and Kinross's landscape character.

#### **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**

17/00660/1

17/00660/2

**Date of Report 19.05.2017**

**Derek Scott**

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**From:** Keith Stirton [REDACTED]  
**Sent:** 22 May 2017 16:27  
**To:** Derek Scott  
**Subject:** Erection of general purpose agricultural building on Land 50 Metres South East Of Hoodshill, Fossoway Ref: 17/00661/PN

**Categories:** Red category

Dear Mr Scott

I write in connection with the above Prior Notification in order to notify you within the 28 day period that we require Prior Approval of the siting of the building in this instance.

As you will see on the *PublicAccess* website, the adjacent related proposal for the Erection of a dwellinghouse (in principle) (Ref: 17/00660/PN) has just been refused planning permission. In reviewing this Prior Notification in the knowledge of the recently refused planning history, my concern is that the erection of the agricultural building in this proposed location could artificially manufacture a house plot which could then comply with, and undermine, the Council's policies and guidance on housing in the countryside.

As the position of the agricultural shed is not considered to be appropriate in its originally proposed location, I would suggest that you re-site it over the existing area of hardstanding.

I look forward to hearing from you soon.

Kind Regards

*Keith Stirton  
Assistant Planning Officer – Development Management  
Planning & Development  
Perth & Kinross Council  
The Environment Service  
Pullar House  
35 Kinnoull Street  
Perth  
PH1 5GD*

*Tel [REDACTED]  
Email [REDACTED]  
Website <http://www.pkc.gov.uk/>  
Please don't print unless necessary*





## PERTH AND KINROSS COUNCIL

Roger Buik  
c/o Derek Scott Planning  
Unit 9  
Dunfermline Business Centre  
Izatt Avenue  
Dunfermline  
KY11 3BZ

Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD

Date 25th September 2017

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **17/01352/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 4th August 2017 for permission for **Erection of a dwellinghouse (in principle) Hoodshill Fossoway Kinross KY13 0PW** for the reasons undernoted.

Interim Head of Planning

#### Reasons for Refusal

1. The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.
2. The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.
3. The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of place as there will be a privacy issue between this proposal and the approved application 10/01244/FLL that is still capable of implementation.



4. The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside as there is no sufficient containment to the site.
5. The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the formation of a dwelling curtilage in this location would erode local distinctiveness, diversity and the quality of Perth and Kinross's landscape character.

### **Justification**

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

**The plans 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**

**17/01352/1**

**17/01352/2**

## REPORT OF HANDLING

### DELEGATED REPORT

Ref No	17/01352/IPL	
Ward No	P8- Kinross-shire	
Due Determination Date	03.10.2017	
Case Officer	John Russell	
Report Issued by		Date
Countersigned by		Date

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

**LOCATION:** Hoodshill Fossoway Kinross KY13 0PW

#### 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:** 21 September 2017

#### SITE PHOTOGRAPHS



## **BACKGROUND AND DESCRIPTION OF PROPOSAL**

This application is for the erection of a dwelling house in principle on land at Hoodshill approximately 0.5km to the North of Crook of Devon.

The plot site is approximately 1050sqm in area. An indicative house type has been submitted and the footprint of the proposed dwelling has been positioned over an existing concrete hardstanding.

Directly to the north of this hardstanding are outbuildings associated with the existing dwelling at Hoodshill. The outbuilding has consent under planning application reference number 10/01244/FLL for conversion to office accommodation (the decision notice dated 21/07/15). The agent has highlighted that this application could be revoked by his client however the application is still live and is still capable of implementation.

To the west and south of the site there is mature woodland. To the east the application site boundary there is a post and wire fence.

It should be noted that the plans also illustrates a further building within the dwelling site curtilage that was associated with a prior application 17/00661/PN for a general purpose agricultural building for the land holding, this has been approved but is not built.

The existing Hoodshill access track from the Gelvan Moor Road will used to access the development site.

It should be noted that this application follows an earlier refusal on the site. In this case having reviewed the submitted information supplied by the agent I am still of the view that the proposal is still unacceptable and cannot be supported.

## **SITE HISTORY**

92/01021/FUL EXTENSION TO HOUSE AT 27 July 1992 Application Permitted

06/01038/FUL Alterations and extension to enlarge kitchen and form sunroom and new utility room 8 March 2007 Application Permitted

08/02311/FUL Erection of wind turbine 27 January 2009 Application Permitted

10/01244/FLL Alterations to existing store/barn to create office accommodation 21 July 2015 Application Permitted

17/00660/IPL Erection of a dwellinghouse (in principle) 19 May 2017 Application Refused

## **PRE-APPLICATION CONSULTATION**

Pre application Reference: 17/00073/PREAPP

## **NATIONAL POLICY AND GUIDANCE**

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

## **DEVELOPMENT PLAN**

The Development Plan for the area comprises the TAYplan Strategic Development Plan 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 PM4 - Settlement Boundaries**

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

#### Policy 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 NE3 - Biodiversity

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

#### Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes

Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

#### 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.

#### Policy EP8 - Noise Pollution

There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

## OTHER POLICIES

### Development Contributions

Sets out the Council's Policy for securing contributions from developers of new homes towards the cost of meeting appropriate infrastructure improvements necessary as a consequence of development.

### Housing in the Countryside Guide

A revised Housing in the Countryside Policy was adopted by the Council in October 2014. The policy applies over the whole local authority area of Perth and Kinross except where a more relaxed policy applies at present. In practice this means that the revised policy applies to areas with other Local Plan policies and it should be borne in mind that the specific policies relating to these designations will also require to be complied with. The policy aims to:

- Safeguard the character of the countryside;
- Support the viability of communities;
- Meet development needs in appropriate locations;
- Ensure that high standards of siting and design are achieved.

The Council's "Guidance on the Siting and Design of Houses in Rural Areas" contains advice on the siting and design of new housing in rural areas.

### Loch Leven Catchment SPG

## CONSULTATION RESPONSES

Transport Planning – No response received.

Environmental Health - The application relates to a new dwelling; the applicant has stated that Public Mains water will be used, therefore it is our understanding that no existing private water supplies will be affected by the proposed activities so we have no comment at this time.

Contributions Officer - No objection subject to conditional control.

Scottish Water – No objection.

## REPRESENTATIONS

None

## ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required



EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Submitted

## **APPRAISAL**

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

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

### **Policy Appraisal**

The local plan through Policy PM4 - Settlement Boundaries specifies that development will not be permitted, except within the defined settlement boundaries which are defined by a settlement boundary in the Plan.

However, through Policy RD3 - Housing in the Countryside it is acknowledged that opportunities do exist for housing in rural areas to support the viability of communities, meet development needs in appropriate locations while safeguarding the character of the countryside as well as ensuring that a high standard of siting and design is achieved. Thus the development of single houses or groups of houses which fall within the six identified categories will be supported.

- (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.

My assessment of the earlier application 17/00660/IPL concluded that the application did not comply with any of the categories above despite the arguments advanced by the applicant's agent. These were associated with Economic Need for the dwelling, house for local people and rural brownfield land categories.

The agent has now advanced further arguments in this submission stating the site is now (1) a building group, (2) it is now an infill site, (3) it is the re-development of a brownfield site, (4) it is to facilitate retirement, (5) it is required for animal husbandry requirements and (6) the site has clearly defined boundaries. For completeness I assess these 6 matters in turn.

(1) Building group

The agent has noted the following in his supporting statement:-

*The proposal, following the granting of prior approval for the agricultural building constitutes part of a building group. The addition of a new house to such a group complies with policy.*

The Housing in the Countryside SPG confirms that:-

*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.*

From my site inspection the site would not qualify as a building group as the policy requires 3 or more buildings to be present of a size at least equivalent to a traditional cottage. There are only two buildings on site at present which meet this criteria, thus the proposal fails to meet the requirements of this category.

I note that the agent has referred to a recent Prior Notification Approval however this has not been implemented and cannot be taken into consideration at this juncture.

(2) it is now an infill site

For the infill criterion the agent stipulates:-

*Similarly, following the granting of prior approval for the agricultural building an infill site has been created. The addition of a new house on an infill site also complies with policy.*

The Housing in the Countryside SPG confirms that:-

*The development of up to 2 new houses in gaps between established houses or a house and another substantial building at least equivalent in size to a traditional cottage may be acceptable where:*

- *The plot(s) created are comparable in size to the neighbouring residential property(s) and have a similar size of road frontage*
- *The proportion of each plot occupied by new building should be no greater than that exhibited by the existing house(s)*
- *There are no uses in the vicinity which would prevent the achievement of an adequate standard of amenity for the proposed house(s), and the amenity of the existing house(s) is maintained*
- *The size and design of the infill houses should be in sympathy with the existing house(s)*
- *The full extent of the gap must be included within the new plot(s)*
- *It complies with the siting criteria set out under category 3.*

From my site inspection there is no infill or gap between established houses or a house and another substantial building at least equivalent in size to a traditional cottage. I note the agent has once again referenced the unimplemented prior notification however this cannot be taken into account at this juncture. Even if the prior notification was implemented I do not consider the proposed plot created is comparable to the neighbouring curtilages. Furthermore proportion of the plot occupied by new buildings would be greater than that exhibited by the existing house at Hoodshill. I assess amenity and design under other headings.

### (3) it is the re-development of a brownfield site

This was assessed under the previous application. There is nothing of substance advanced by the agent which alters my view associated with this category. Accordingly I rely again on my earlier assessment and for completeness reaffirm the position.

*Redevelopment for small scale housing of brownfield land which was formerly occupied by buildings may be acceptable where it would remove dereliction or result in a significant environmental improvement and where it can be demonstrated that there are no other pressing requirements for other uses such as business or tourism on the site. A statement of the planning history of the site, including the previous use and condition, must be provided to the planning authority. Proposals should be small scale, up to maximum of five new houses, and must comply with the criteria set out in the For All Proposals section of this policy. All land within the site, including areas not required for housing or private gardens must be the subject of landscaping and/or other remediation works.*

Taking account of the above I do not consider the site to constitute brownfield land. From my site inspection there is a small area of concrete hardstanding (160sqm in area) located to the west corner of the site with the rest of the 1050sqm site laid to grass. The site does not have an appearance of dereliction and I do not consider that the development of the site for housing

would result in a significant environmental improvement as required by this category of the SPG, thus fails to comply with category (f) of Policy RD3.

(4) it is to facilitate retirement and (5) it is required for animal husbandry requirements

I assess both these point together, the agent notes at page 10 of his supporting statement that:-

*Economic Activity – As noted previously our client's daughter will take over the existing business operated from the site and in the process reside in the existing dwelling house. Our client, Mr. Buick, will move into the retirement home proposed and in association with the agricultural building granted under Prior Notification Reference Number 17/00661/PN will continue look after the affairs of the established sheep breeding enterprise.*

*Houses for Local People - Should our client not obtain planning permission for the retirement dwelling applied for, his only options would be to continue residing in his existing house, in which case his daughter would be unable to take over the established business or he would have to vacate his existing house and reside elsewhere. Given the animal husbandry requirements associated with the sheep farming enterprise it would not be possible to maintain that enterprise in the latter circumstances so described in the future.*

With regards to development of an essential worker dwelling the SPG highlights that:-

*A house or group of houses is required either on site or in the locality for a local or key worker associated with either a consented or an established economic activity. The applicant must demonstrate to the satisfaction of the Council that there is a need for the house(s). Where the house is to be associated with a proposed economic activity, construction of the house will not be permitted in advance of the development of the business. Permission may be restricted by an occupancy condition to remain as essential worker housing in perpetuity, or convert to an agreed tenure of affordable housing when the employment use is no longer required.*

While the house for a local person category of the SPG highlights that:-

*A house is required for a local applicant who has lived and/or worked in the area for at least 3 years, and is currently inadequately housed. Proof of residency and/or work status may be required.*

*Note: The offer of a Rural Home Ownership Grant (or similar) by the Housing Investment Division of the Scottish Government will also be accepted as proof of need.*

The planning statement confirms that, "Should our client not obtain planning permission for the retirement dwelling applied for, he will have to vacate his

existing house and reside elsewhere”. In this case the applicant is not currently inadequately housed.

With regards to the essential workers category this allows for a dwelling house where there is need for onsite accommodation to assist working practices, animal welfare, health and safety and security is a common justification for essential workers dwellings. To avoid unnecessary proliferation of dwellings in rural locations, it is usual to consider whether alternative suitable accommodation is already available for a rural worker.

In this case the existing dwelling at Hoodshill appears to previously have fulfilled this need for the existing enterprise run from the site. In addition there is no labour report submitted to confirm that there is a requirement for a further dwellinghouse for the enterprise beyond the existing dwelling.

The planning statement notes that the proposed dwelling is required to facilitate the retirement of the existing business owner thus enabling the handover of the business to a family member to deal with the animal husbandry requirement associated with the existing sheep farming enterprise.

For the avoidance of doubt it is the needs of an enterprise that is important to the justification of an essential workers dwelling and not the personal preferences or circumstances of any of the individuals concerned. This application is effectively seeking a further home to meet the same need that can be catered for by the existing Hoodshill dwelling.

Taking the above into account and based on the information presented there is no essential need for an additional dwelling to run the enterprise associated with this size of land holding. I assess amenity, siting and design under other headings.

## **Design and Layout**

The site is also required to be assessed against the ‘Placemaking’ policies of the adopted local plan. Indicative plans of the house have been submitted but the detailed design would be subject to consideration as part of any reserved matter consent. At this in principle stage it is the siting of a curtilage that is the main issue.

The proposal is contrary to Policy PM1A as the proposed siting of the development does not respect the character and amenity of Kinross-shire as it is unable to provide a suitable degree of enclosure for a new house in the countryside due to the open nature of the east boundary a post and wire fence.

From my review of Policy PM1B, the erection of a dwelling and the formation of a residential curtilage would fail to create a sense of identity and erode the landscape character of the countryside in this location contrary to criterion (b).

## **Landscape**

Development and land use change should be compatible with the distinctive characteristics and features of Perth & Kinross's landscape. Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. In this case the siting of a proposed dwelling on this site does not comply with the housing in the countryside policy accordingly formation of a dwelling and curtilage is considered to erode local distinctiveness, diversity and quality of the landscape. The proposal would therefore also fail to comply with Policy ER6.

## **Residential Amenity**

### Overlooking:-

Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours. I do not consider that residential amenity will be affected taking account of the status quo on the site and based on the indicative drawings that have been submitted. However this would need to be assessed in greater detail once detailed plans have been formulated as part of any matters specified by condition application.

I do however need to take account of the site history and the adjacent planning approval for office accommodation on the site to the north, reference 10/01244/FLL that can still be implemented. If the adjacent office development was commenced then there would be overlooking implications and an appropriate level of residential amenity could not be maintained due to the dormer windows and a balcony overlooking the proposed site.

I note the applicant's planning agent has suggested that application 10/01244/FLL could be revoked and if this did occur prior to an approval of a house on this site then the overlooking issue between the proposed house and office development could be resolved. However, there is still an implementable and conflicting application on the site at present.

### Relationship to wind turbine

There was an installed wind turbine in close proximity to the site, with a noise condition imposed (condition 4), application 08/02311/FUL refers.

The blades and nacelle have been removed and the tower structure lowered to the ground. The agent has confirmed that this has been decommissioned and it last operated four years ago.

In this case I do not consider that there is a conflict with Noise policy EP8 from the wind turbine.



### The relationship of the proposed house to the Agricultural Building

The agent has stated the following with regards to the relationship of the proposed house to the Agricultural Building.

*As far as the relationship between the agricultural building and the proposed house is concerned we would point out that it is not unusual to have a house and buildings accommodating livestock (in this case sheep) on the same site in an agricultural context. In this case the number of animals are small and there is a separation distance of some 15 metres between both buildings. In order to address any concerns the Council might have our client would happily accept a condition being imposed on any consent granted which prevented the sale of the dwelling house separately from the agricultural building and/or vice-versa.*

The Housing in the Countryside SPG notes that applications for dwellings on locations adjacent to a working farm will only be approved where a satisfactory residential environment can be created, and where the introduction of a dwelling will not compromise the continuation of legitimate agricultural and related activities or the amenity of the residents.

If the house was plot was sold separately and the unimplemented prior notification agricultural building was built there would be a conflict as the agricultural building would be located within the curtilage of the proposed house. This would result in a conflict with Policy EP8 Noise as potential noise and odour from agricultural building would not create an appropriate environment for the occupant of the proposed dwelling.

While the applicant would happily accept a condition being imposed on any consent granted which prevented the sale of the dwelling house separately from the agricultural building. I am not surprised as this could allow the dwelling house and the unimplemented agricultural building to be sold together.

### **Roads and Access**

The proposal if made subject to conditional control would not adversely impact on road or pedestrian safety. Accordingly it would not conflict with Policy TA1B.

### **Drainage and Flooding**

The site is not in an area subject to river flooding.

Disposal of surface water should be via a sustainable urban drainage system and this would need to be incorporated into the site layout and this can be controlled conditionally.

Foul drainage arrangements will need to take account of its location within the Loch Leven Catchment. However, conditional control can be applied to ensure

that appropriate drainage arrangements and phosphorus mitigation comes forward as part of any matter specified by condition application.

### **Developer Contributions**

As this application is only “in principle” it is not possible to provide a definitive answer at this stage on the capacity of the primary school. The determination of appropriate contribution, if required, would be based on the status of the school when the full/reserved matters application is received.

### **Economic Impact**

There will be a positive economic impact associated with the construction phase of the development.

### **Conclusion**

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is not considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for refusal.

### **APPLICATION PROCESSING TIME**

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

### **LEGAL AGREEMENTS**

None required.

### **DIRECTION BY SCOTTISH MINISTERS**

None applicable to this proposal.

### **RECOMMENDATION**

#### **Refuse the application**

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

- 1 The proposal is contrary to Policy RD3 of the Perth and Kinross Local Development Plan 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.

- 2 The proposal is contrary to the Council's Housing in the Countryside Guide (SPG) 2014 as it does not comply with any of the categories of the policy guidance or criterion where a dwellinghouse or dwellinghouses would be acceptable in this location.
- 3 The proposal is contrary to Policy PM1A of the Perth and Kinross Local Development Plan 2014, as the proposed siting of the development does not respect the character and amenity of place as there will be a privacy issue between this proposal and the approved application 10/01244/FLL that is still capable of implementation.
- 4 The proposal is contrary to Policy PM1B, criterion (b) of the Perth and Kinross Local Development Plan 2014, as the proposal fails to create a sense of identity and erodes the character of the countryside as there is no sufficient containment to the site.
- 5 The proposal is contrary to Policy ER6 of the Perth and Kinross Local Development Plan 2014 as the formation of a dwelling curtilage in this location would erode local distinctiveness, diversity and the quality of Perth and Kinross's landscape character.

### **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**

17/01352/1

17/01352/2

**Date of Report 25.09.2017**

**TCP/11/16(494) – 17/01352/IPL – Erection of a dwellinghouse (in principle), Hoodshill, Fossoway, Kinross, KY13 0PW**

**PLANNING DECISION NOTICE** *(included in applicant's submission, see pages 149-150)*

**REPORT OF HANDLING** *(included in applicant's submission, see pages 151-164)*

**REFERENCE DOCUMENTS** *(included in applicant's submission, see pages 89-148)*



**TCP/11/16(494) – 17/01352/IPL – Erection of a dwellinghouse (in principle), Hoodshill, Fossoway, Kinross, KY13 0PW**

## **REPRESENTATIONS**





# Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 17/01352/IPL

Our ref ALS

Date 11/08/2017

Tel No [REDACTED]

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

## Consultation on an Application for Planning Permission

### RE: Erection of a dwellinghouse (in principle) Hoodshill Fossoway Kinross KY13 0PW for Roger Buik

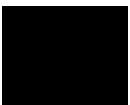
I refer to your letter dated 09/08/2017 in connection with the above application and have the following comments to make.

**Water** (assessment date – 11/08/17)

#### Recommendation

**I have no objections to the application but recommend the undernoted condition and informatives be included in any given consent.**

The application relates to a new dwelling; the applicant has stated that Public Mains water will be used, therefore it is our understanding that no existing private water supplies will be affected by the proposed activities so we have no comment at this time.





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

<b>Planning Application ref.</b>	17/01352/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>	Hoodshill, Fossoway, Kinross		
<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 Fossoway 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>	14 August 2017		

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

<b>Planning Application ref.</b>	17/01352/IPL	<b>Comments provided by</b>	Dean Salman Development Engineer
<b>Service/Section</b>	Transport Planning	<b>Contact Details</b>	77234 dsalman@pkc.gov.uk
<b>Description of Proposal</b>	Erection of a dwellinghouse (in principle)		
<b>Address of site</b>	Hoodshill, Fossoway, Kinross, KY13 0PW		
<b>Comments on the proposal</b>	Insofar as the Roads matters are concerned I have no objections to this proposal.		
<b>Recommended planning condition(s)</b>			
<b>Recommended informative(s) for applicant</b>			
<b>Date comments returned</b>	16 August 2017		

23<sup>rd</sup> August 2017

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



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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - DevelopmentOperations@scottishwater.co.uk  
www.scottishwater.co.uk

Dear Sir/Madam

**SITE: KY13 Kinross Fossoway Hoodshill**  
**PLANNING REF: 17/01352/IPL**  
**OUR REF: 749284**  
**PROPOSAL: Erection of a dwellinghouse (in principle)**

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

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

#### **Water**

- This proposed development will be fed from **Glendevon** Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
[www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

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



## **Surface Water**

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

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

### **General notes:**

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

**Site Investigation Services (UK) Ltd**

**Tel: 0333 123 1223**

**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link**  
**<https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

### **Next Steps:**

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

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

- **10 or more domestic dwellings:**

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

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

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

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

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

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

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

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

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

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

Yours sincerely

**Lisa Lennox**

Development Operations Analyst

[Lisa.lennox2@scottishwater.co.uk](mailto:Lisa.lennox2@scottishwater.co.uk)