

TCP/11/16(460)
Planning Application – 16/01738/FLL – Partial change of use from garden ground to form car sales area (in retrospect) at Orchard House, Old Cleish Road, Kinross, KY13 8DG

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TCP/11/16(460)

Planning Application – 16/01738/FLL – Partial change of use from garden ground to form car sales area (in retrospect) at Orchard House, Old Cleish Road, Kinross, KY13 8DG

**PAPERS SUBMITTED
BY THE
APPLICANT**

NOTICE OF REVIEW

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

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

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 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.	
Forename	David	Forename	
Surname	Wylie	Surname	
Company Name	Kinross Cars	Company Name	RT Hutton Planning Consultant
Building No./Name	Orchard House	Building No./Name	The Malt Kiln
Address Line 1	Old Cleish Road	Address Line 1	2 Factors Brae
Address Line 2		Address Line 2	Limekilns
Town/City	Kinross	Town/City	Fife
Postcode	KY13 8DG	Postcode	KY11 3HG
Telephone		Telephone	01383 872000
Mobile		Mobile	07881097659
Fax		Fax	N/A
Email		Email	hutton874@btinternet.com

3. Application Details	
Planning authority	Perth and Kinross Council
Planning authority's application reference number	16/01738/FLL
Site address	<div style="border: 1px solid black; padding: 10px; min-height: 80px;"> Orchard House, Old Cleish Road, Kinross. KY13 8DG </div>
Description of proposed development	<div style="border: 1px solid black; padding: 10px; min-height: 40px;"> Partial change of use from garden ground to form car sales area (in retrospect). </div>

Date of application

14.10.2016

Date of decision (if any)

24.11.2016

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.

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:

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 see separate statement attached.

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 you 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.

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

Document 1: Ordnance Survey plan of the area around the application site.

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:

R T Hutton

Date:

11.01.17

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.

**STATEMENT IN SUPPORT OF THE APPLICATION FOR
REVIEW OF THE DECISION TO REFUSE THE PLANNING
APPLICATION FOR A PARTIAL CHANGE OF USE FROM
GARDEN GROUND TO FORM CAR SALES AREA (IN
RETROSPECT) AT ORCHARD HOUSE, OLD CLEISH ROAD,
KINROSS.**

COUNCIL REFERENCE: 16/01738/FLL

**R T HUTTON PLANNING CONSULTANT
JANUARY 2017**

1.0 Background to the Application.

1.1 Mr David Wylie had for many years been the partner in a car sales business which operated from premises in Milnathort. However, he was forced to leave the business in 2011 because of a serious injury he had sustained. At that time Mr Wylie owned and occupied the house known as Orchard House on the southern edge of Kinross, and he also owned the adjacent house which was, and is, occupied by his father. These two properties are located in a secluded position which are not overlooked by any other houses, and Mr Wylie started selling cars from his premises, unaware that planning permission would be needed for what is a small scale operation.

1.2 It was only when he was contacted by the Council's Planning and Development Service that Mr Wylie was made aware that planning permission would be needed if he wished to continue the business from his home. It is understood that the Council were alerted to the business not by a neighbour, but possibly by a competitor. However, Mr Wylie was advised informally at that time by a planning official that planning permission was likely to be granted given the small scale of his operation and the secluded nature of the site. On this basis he submitted a planning application in October 2016 and heard nothing further until a refusal was received in late November. The two reasons were given for that decision, and Mr Wylie wishes to challenge these, and now submits this statement in support of his application for a review of the decision to refuse his planning application.

2.0 The Planning Proposal.

2.1 As noted above, the application site is located at the southern edge of Kinross, and the Ordnance Survey plan submitted as the applicant's Document 1 gives a clear indication of this in relation to surrounding land uses. The two houses owned by the applicant are the last two buildings in the built up area, so the land immediately to the south is currently agricultural land. To the west the M90 motorway is immediately adjacent, and traffic noise is the main contributing factor to the local noise environment.

2.2 There are two houses adjacent to the application site and these are located to the north (West Leven) and east (Curlew Cottage). Both are well screened from the application site, with a garage in the rear garden

of West Leven being located on the common boundary, and a very high, dense hedge separating Curlew Cottage from the site. In addition the garage within the applicant's garden provides further screening between his garden and both adjoining houses.

2.3 It is proposed to display a maximum of 6 cars for sale at any one time on land within the applicant's garden. The layout plan submitted with the application demonstrates how these would be accommodated on site, along with parking for the occupants of the house and visitors to the car sales business. It is appreciated that this arrangement will require cars to be moved on occasions when a test run is being arranged, however this is a common arrangement in most car sales premises.

2.4 Access to the site is taken off Old Cleish Road, a cul-de-sac which is an adopted road and serves only 4 houses. The Council's Transport Planning raised no concerns in relation to the traffic matters associated with the planning application.

2.5 Mr Wylie fully understands the need to operate his business in a manner which causes no inconvenience to his neighbours. It is for this reason that the work undertaken on cars at the site is strictly limited to only cleaning and polishing. Any mechanical repairs are carried out at Lochleven Motor Engineers in High Street, Kinross, and car washing utilises the wash facility which is adjacent to these premises. The cleaning and polishing are not noisy activities, and are undertaken on a regular basis in many domestic situations.

3.0 Comments on the Reasons for Refusal.

3.1 Two reasons were given for refusal of the planning application, and the applicant would wish to offer comment on each separately. The first states:

“The development is contrary to Policy RD1 of the Perth and Kinross Local Development Plan as the sale of vehicles from the site is considered to be an inappropriate use within a residential environment and has an unacceptable impact on the residential amenity of the neighbouring properties.”

3.2 Policy RD1 refers to identified residential areas, and these are white areas within settlement boundaries. The policy seeks to protect existing

residential amenity, but it also seeks to retain existing non-residential uses. It states:

“Changes away from ancillary uses such as employment land, local shops and community facilities will be resisted unless there is demonstrable market evidence that the existing use is no longer viable.”

From this it is clear that mixed uses within residential areas are acceptable, in fact desirable, presumably when they operate in a way which is deemed to be acceptable in terms of impact on local amenity. In light of this it is disappointing that this reason for refusal only talks in generalities about unacceptable impacts, but gives no specifics as to what these are considered to be. The applicant is therefore left to speculate on how his operation may be regarded as impacting on his neighbours. There are two matters which may have been considered to have some impact: noise from daily business activity, and traffic generation.

3.3 When looking at impact on this residential area, it is worth noting that the business has been in operation for some 2 years, and during this time there have been no complaints from any neighbours. It is not proposed to increase the scale of the operation or change the way in which it operates. This scale and way of working which relies on on-line advertising, has in the past resulted in there only ever having been one customer at the site at any one time, and no more than six in any one week. With such a small level of customer activity and limitation on the activities carried out on site, it is little wonder that there have been no complaints from neighbours. In light of this we would suggest that any impact on residential amenity is so insignificant that it does not justify refusal of this application.

3.4 The second reason for refusal states:

“The development is contrary to Placemaking Policies PM1A of the Perth and Kinross Local Development as the proposals fail to contribute positively to the character of the surrounding area.”

3.5 Policy PM1A requires that development must contribute positively to the quality of the surrounding built and natural environment, and reference is made to context and scale. It is therefore necessary to look at the context within which the site is located, both in terms of existing land uses and those proposed in the development plan. From the Kinross map in the Local Development Plan it is obvious that the application site

and the few houses can be seen as a residential island within an area of general employment land. The M90 motorway is immediately west of the site and a new employment allocation (site E16) is immediately to the south (as shown on Document 1). It is therefore clear that this is a residential area where existing and proposed uses do, and will have, an impact on the environment.

3.6 Within this context the proposal to display six cars in the applicant's garden can be seen as not being inappropriate. Whilst the policy asks for a positive contribution from all developments, it would be difficult to demonstrate this can be achieved in all developments, especially those providing employment. It should perhaps be accepted, as in conservation areas where the need to show that development enhances or improves, to demonstrate that the proposed development has a neutral impact. It is the applicant's view that this is the position in this case.

3.7 The Report of Handling presents a misleading picture of the situation with regard to the planning application, as it includes a picture of a number of cars parked on land outside, but adjacent to the application site. It is understood that this area of land has planning permission for the erection of a single house, but is owned by a Dunfermline based car dealer who parks some of his cars on the site. This arrangement has no connection with the business operated by the applicant. The pictures which do feature the application site show only 4 cars present within the garden area. The applicant believes that the presence of these other cars influenced the decision made to refuse his planning application.

4.0 Conclusions.

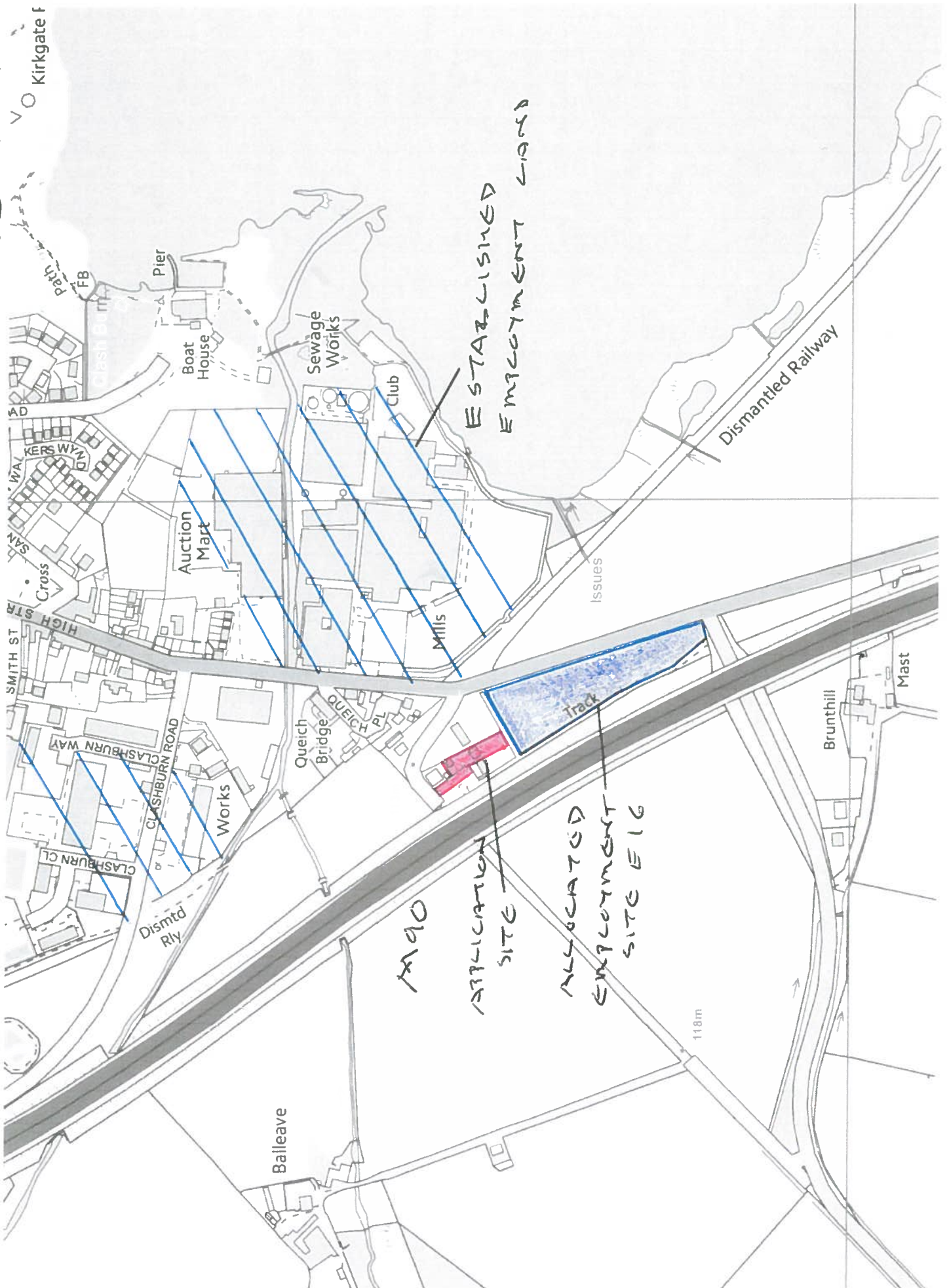
4.1 The area within which the application site is located, whilst being residential in nature, is enclosed on 3 sides by employment land and on the fourth by the motorway. These uses impact on the environment of the area. The proposal to continue the operation of a small scale car sales business within the applicant's garden would not have any significant adverse impact on the residential amenity of the area. This has been demonstrated by the lack of any complaints from neighbours during the 2 years in which the business has operated.

4.2 The first reason for refusal contend that the car sales use would be "inappropriate" but gives no explanation as to why. The applicant clearly does not agree with this point, and believes that the Council should have

provided evidence to support their position. The second reason is based on the view that the development does not make a positive contribution to the surrounding area, and it is the applicant's view that if such a test were applied evenly to all planning proposals, few employment generating developments would be approved. In this case the impact will not be significant.

4.3 For this application members of the Review Body have the benefit of knowing the business has been in operation for 2 years without complaint, and will be able to see the site with the vehicles in place should they decide to visit the site. On the basis of this and the information set out above we trust that they will take a positive view of this application and grant planning permission.

VO Kirkgate f



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Planning Application – 16/01738/FLL – Partial change of use from garden ground to form car sales area (in retrospect) at Orchard House, Old Cleish Road, Kinross, KY13 8DG

PLANNING DECISION NOTICE

REPORT OF HANDLING

REFERENCE DOCUMENTS

PERTH AND KINROSS COUNCIL

Mr David Wylie
c/o RT Hutton Planning Consultant
The Malt Kiln
2 Factors Brae
Limekilns
Fife
KY11 3HG

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date 24.11.2016

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Number: **16/01738/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 14th October 2016 for permission for **Partial change of use from garden ground to form car sales area (in retrospect) Orchard House Old Cleish Road Kinross KY13 8DG** for the reasons undernoted.

Interim Head of Planning

Reasons for Refusal

1. The development is contrary to Policy RD1 of the Perth and Kinross Local Development as the sale of vehicles from the site is considered to be an inappropriate use within a residential environment and has an unacceptable impact on the residential amenity of the neighbouring properties.
2. The development is contrary to Placemaking Policies PM1A of the Perth and Kinross Local Development as the proposals fail to contribute positively to the character and amenity of the surrounding area.

Justification

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

Informatives

- 1 The applicant must cease and discontinue all operations associated with existing unauthorised business within 28 days of the date of this decision notice otherwise the Council will take enforcement action.

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 "Online Planning Applications" page

Plan Reference

16/01738/1

REPORT OF HANDLING

DELEGATED REPORT

Ref No	16/01738/FLL	
Ward No	N8- Kinross-shire	
Due Determination Date	13.12.2016	
Case Officer	David Niven	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Partial change of use from garden ground to form car sales area (in retrospect)

LOCATION: Orchard House Old Cleish Road Kinross KY13 8DG

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: 29 October 2016

SITE PHOTOGRAPHS





BACKGROUND AND DESCRIPTION OF PROPOSAL

This application relates to an existing car small business which is presently operated from the detached dwellinghouse at Orchard House on the Old Cleish Road which is located on the southern edge of Kinross. The site is bound by the neighbouring properties at Curlew Cottage (east), West Leven (north) and Cruachan (west). To the north west of the site, adjacent to the private driveway access to the site, there is an undeveloped area of rough ground which has consent for the erection of a dwellinghouse (13/01679/FLL).

The applicant has been operating the business for 2 years and was unaware that planning permission is required for the business. The matter recently came to light when the Planning Authority was consulted by the Licencing Board on a license to trade second hand vehicles from the address.

The applicant is now seeking planning permission for a change of use from garden ground to form a car sales area. The supporting statement outlines that the applicant seeking consent to sell a maximum of 6 cars at any one time from the site. The layout plan indicates that there will be a car sales area formed within the existing front garden area along with visitor and household parking for a further 6 cars, 2 of which are within the existing double garage. The business presently operates online and visitors are by appointment only with only one customer on site at any one time. Access to the site is taken via a private access from the Old Cleish Road which is shared with the neighbouring house at Cruachan which is occupied by the applicants parents.

At the time of writing this report the applicant was retailing 11 cars from the site.

SITE HISTORY

04/01056/OUT Erection of two dwellinghouses (in outline) 19 June 2006
Application Permitted

07/00126/REM Erection of two detached dwellinghouses and garages at plot 1 and 2, land at 28 September 2007 Application Permitted

PRE-APPLICATION CONSULTATION

Pre application Reference: No pre-app on file.

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 RD1 - Residential Areas

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

Policy 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

None relevant

CONSULTATION RESPONSES

Internal:

Transport Planning

No objection

REPRESENTATIONS

No representations received.

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 site is located within the settlement boundary of Invergowrie where Policies RD1 'Residential Areas' and PM1A 'Placemaking' of the Perth and Kinross Local Development Plan (LDP) are applicable.

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

Policy PM1A seeks to ensure that all developments contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

It is considered that the operation of second hand motor vehicle dealership from the applicant's property is not an appropriate business use to operate within a residential area primarily due to the potential impact on the amenity of neighbouring residents. As such the proposed use is contrary to Policies RD1 and PM1A of the LDP. This is discussed in greater detail below.

Residential Amenity

Whilst in certain cases the Council are supportive of business uses within residential areas, such uses must be appropriate and compatible with the amenity and character of the area. In instances where businesses are

operated from a residential plot, the proposed uses should be of a small scale which is both ancillary to the residential use of the house and does not have any adverse impact on neighbouring amenity.

In this particular case it is considered that the second hand car sales business which the applicant presently operates from his garden is not an appropriate use, both in terms of the type of use and its scale. Whilst the sale of 1 or 2 vehicles from a residential plot is generally not considered to be a significant issue, the storage and sale of 6 vehicles is in my view no longer an ancillary use and introduces concerns in relation to the amenity of the neighbouring plots. Whilst I acknowledge that applicant has been operating from this address for 2 years without any objections from neighbouring residents, this type of use is likely to generate noise associated with preparation of the vehicles, such as minor repair work or valeting with a vacuum cleaner. It is therefore considered that such uses should be operated from a separate premise in a more appropriate location, such as an existing garage or business unit.

In terms of the scale of the use, the proposed layout plan quite clearly demonstrates that there is not sufficient space within the existing plot to adequately accommodate the number of vehicles being sold alongside visitor and resident parking. It is therefore likely that the cars will be parked out with the site on the private access and anyone visiting the site will also probably either park on the Old Cleish Road or the private access. This is a point which was clearly evident during my site visit with 7 vehicles parked out with the site on the land immediately to the west, 6 of which were lined up against the boundary with the neighbouring house at West Leven (north).

Another concern relates to the actual scale of the existing business. The applicant has stated that there will be a maximum of 6 cars at any one time being sold from the site. However, as stated above, during my visit to the site on the 29th October there were 11 vehicles parked at the property and upon checking the Autotrader website the applicant was advertising 9 vehicles for sale. Furthermore, at the time of writing this report a further check of the Autotrader website was undertaken and it was found that the applicant was selling 15 vehicles from the address. The applicant is therefore clearly operating quite a sizable second hand car dealership from his address which is not only significant larger than indicated in the supporting statement but also far too large a business to be operated from the confines of the applicants small front garden.

It is also noted that the area of rough ground to the north west of the site, immediately adjacent to the area where the applicant parks his cars, has consent for the erection of a single dwellinghouse (Ref: 13/01679/FLL). An application is also presently under consideration to renew this permission for a further 3 years (Ref: 16/01837/FLL). It is considered that continued operation of this business would significantly impact on the amenity of this proposed plot.

It also is important to highlight the Council have taken a consistent approach towards similar cases over the years and the approval of this application would set a dangerous precedent and undermine the objectives of the LDP both in terms of directing business uses to appropriate locations and protecting the character and amenity of residential areas.

Visual Amenity

In addition to the concerns relating to residential amenity, the visual impact of the business operation is also an important consideration. As outlined above the applicant is operating a relatively sizable car sale business with as many as 15 vehicles (excluding the applicants own private vehicles) parked within the applicants plot and on the adjacent land. This number of vehicles parked in one area appears entirely out of place within a residential area and detracts of the character and visual amenity of the immediate area.

Roads and Access

It is considered that the development does not have any significant adverse impact on the local road network and there are no concerns in relation to the access from the public road. The Transport Planner has also confirmed that he has no objection to the development.

Drainage and Flooding

There are no known issues relating to flooding or drainage which affect this site.

Developer Contributions

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

Economic Impact

The refusal of this application will impact on an existing small second hand car dealership which has been in operation for 2 years, albeit without planning consent. However, as outlined above, the existing business is not an appropriate use to operate within a residential area and should be relocated to a more appropriate site.

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, by virtue of its scale and impact on neighbouring amenity, the proposal fails 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 development is contrary to Policy RD1 of the Perth and Kinross Local Development 2014 as the sale of motor vehicles is considered to be an inappropriate use within a residential environment and has an unacceptable impact on the residential amenity of the neighbouring properties.
- 2 The development is contrary to Placemaking Policy PM1A of the Perth and Kinross Local Development 2014 as the proposals fail to contribute positively to the character and amenity of the surrounding area.

Justification

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

Informatives

None

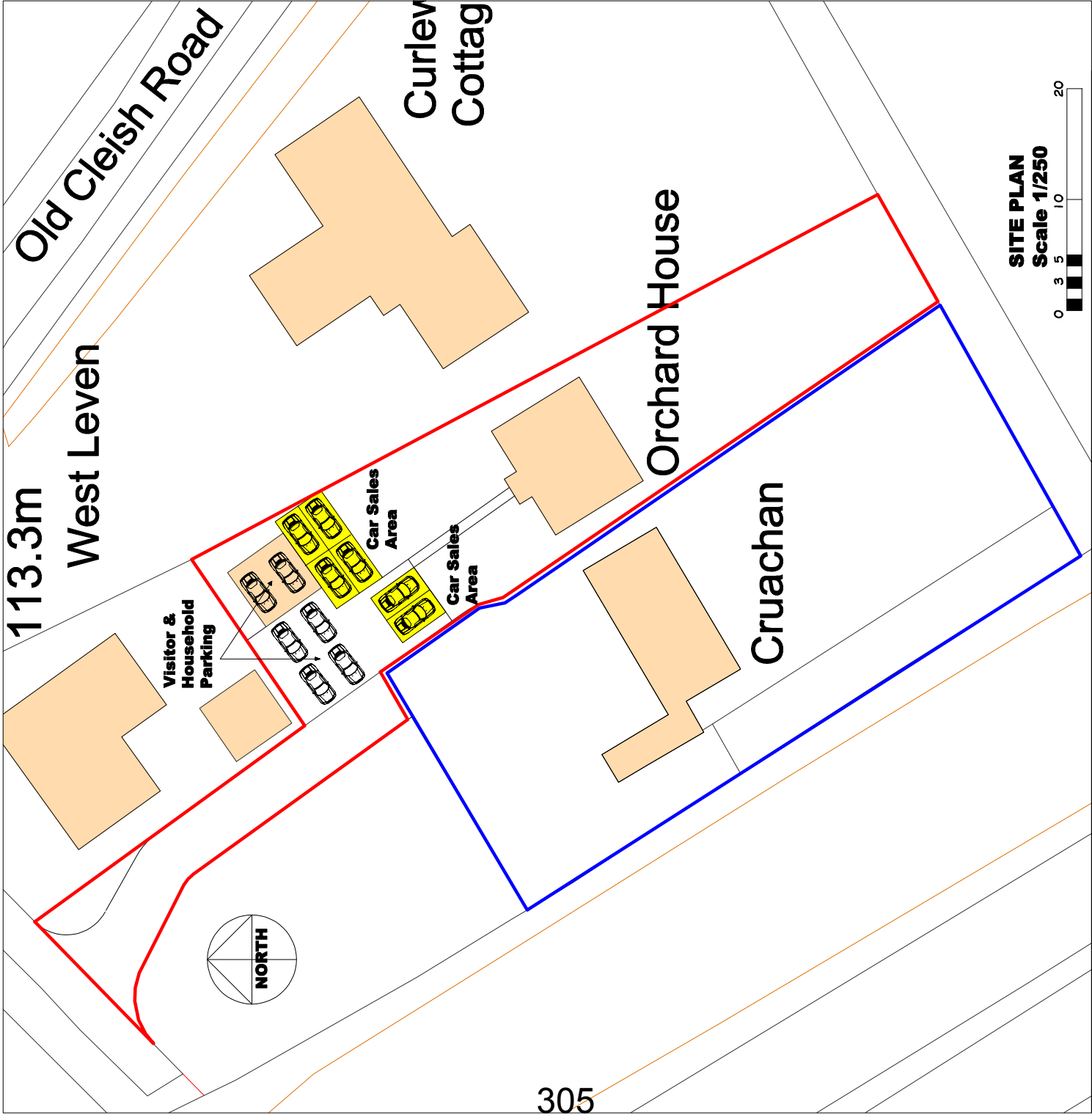
Procedural Notes

Not Applicable.

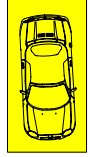
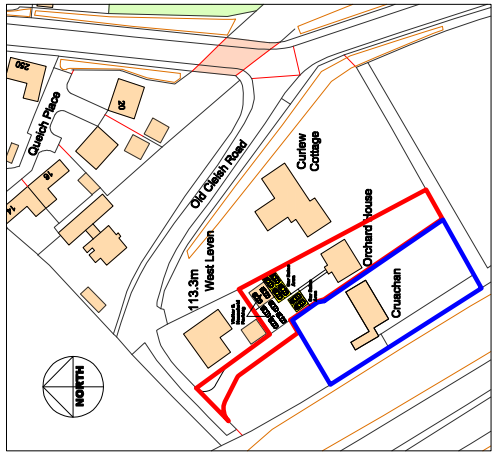
PLANS AND DOCUMENTS RELATING TO THIS DECISION

16/01738/1

Date of Report 23.11.2016



305



Denotes Car Sales Area
Situating Within Existing
Porous Hardstanding Area

Mr D Wylie Orchard House Old Cleish Road Kinross
PLAN SHOWING AREA OF GARDEN DEDICATED TO USED CAR SALES
Planning Drawing No 1
Scales As Shown
28th September 2016

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REPRESENTATIONS

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	16/01738/FLL	Comments provided by	Tony Maric Transport Planning Officer
Service/Section	Transport Planning	Contact Details	[REDACTED]
Description of Proposal	Partial change of use from garden ground to form car sales area (in retrospect)		
Address of site	Orchard House Old Cleish Road Kinross KY13 8DG		
Comments on the proposal	Insofar as the roads matters are concerned, I do not object to this proposal.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	17 November 2016		

