

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
1 JULY 2014

PERTH AND KINROSS LOCAL REVIEW BODY

Minute of Meeting of the Perth and Kinross Local Review Body held in the Council Chambers, Fourth Floor, Council Building, 2 High Street, Perth on Tuesday 1 July 2014 at 10.30am.

Present: Councillors M Lyle, H Anderson and I Campbell

In Attendance: D Harrison (Planning Adviser), G Fogg (Legal Adviser) and Y Oliver (Committee Officer) (all Chief Executive's Service).

Also Attending: C Brien (the Environment Service); members of the public, including agents and applicants.

Councillor M Lyle, Convener, Presiding.

510. DECLARATIONS OF INTEREST

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

511. MINUTE OF LAST MEETING

The Minute of meeting of the Local Review Body of 27 May 2014 was submitted and noted.

512. APPLICATIONS FOR REVIEW

- (i) **TCP/11/16(303)
Planning Application 13/01905/FLL – Erection of two wind turbines on land 1300 metres south east of Tombuie Cottage, Bolfracks, Amulree – Bolfracks Estate**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of two wind turbines on land 1300 metres south east of Tombuie Cottage, Bolfracks, Amulree.

The Planning Adviser displayed photographs of the site in question and described the proposal.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out; and
- (iii) following the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
1 JULY 2014

**(ii) TCP/11/16(304)
Planning Application 14/00243/IPL – Erection of a dwellinghouse
(in principle) on land 50 metres south east of Westbank Holdings,
Westbank Road, Longforgan – Mr D Wilkie**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of a dwellinghouse (in principle) on land 50 metres south east of Westbank Holdings, Westbank Road, Longforgan.

The Planning Adviser displayed photographs of the site, described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

Decision:

- (i) Resolved by unanimous decision that, having regard to the material before the Local Review Body and comments from the Planning Adviser, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) Resolved by majority decision (Councillors Lyle and Anderson) that the Review application for the erection of a dwellinghouse (in principle) on land 50 metres south east of Westbank Holdings, Westbank Road, Longforgan be refused for the reasons contained in the Appointed Officer's Report of Handling, namely:
 - 1. As the proposal is located immediately outwith the settlement boundary of Longforgan, the proposal is contrary to Policy PM4 (Settlement Boundaries) of the Perth and Kinross Council Local Development Plan 2014 which states that for settlements which are defined by a settlement boundary, development will not be permitted, except within the defined settlement boundary.
 - 2. As the site does not have a good, existing landscape framework which is defined by either established landscape features or existing topography, the proposal is contrary to the aims of the Council's Housing in the Countryside Guide 2012 and Policy RD3 of the Perth and Kinross Council Local Development Plan 2014, both of which require new houses to be within definable sites which have a good (existing) landscape framework.

Justification

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

- (iii) While Councillor Campbell also supported the Appointed Officer's conclusion that the application should be refused, he disagreed with the opinion in the Report of Handling that the proposal could have met the 'Building Group' criterion of the Housing In the Countryside Guide 2012. He did not consider

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
1 JULY 2014

that this Guidance should apply to a proposal which breaches the Settlement Boundary Policy, PM4. Accordingly, he considered that the Review application should be refused only for the first reason above stated.

513. DEFERRED APPLICATIONS FOR REVIEW

Unaccompanied Site Visit

- (i) **TCP/11/16(302)
Planning Application 14/00146/IPL – Erection of dwellinghouse (in principle), land 30 metres south west of Wellington Road, West Ardler – Mrs M Patterson**

Members considered a Notice of Review seeking a review of the decision by the Appointed Officer to refuse permission for the erection of dwellinghouse (in principle), land 30 metres south west of Wellington Road, West Alder.

The Planning Adviser described the proposal, the reasons for the Appointed Officer's refusal of the application and the grounds for the Notice of Review.

It was noted that, at its meeting on 27 May 2014, the Local Review Body resolved that:

- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) an unaccompanied site visit be carried out; and
- (iii) following the unaccompanied site visit, the application be brought back to a future meeting of the Local Review Body.

Decision:

Resolved by unanimous decision that:

- (i) having regard to the material before the Local Review Body and their own assessment from their unaccompanied site visit that was undertaken on 30 June 2014, sufficient information was before the Local Review Body to determine the matter without further procedure;
- (ii) the Review application for the erection of dwellinghouse (in principle), land 30 metres south west of Wellington Road, West Ardler be refused for the following reason:
 - 1. The proposal is contrary to Policy RD3: Housing in the Countryside of the Perth and Kinross Council Local Development Plan 2014 as it does not meet any of the six categories. In particular the proposal is contrary to the Housing in the Countryside Guide 2012 Category 1 Building Groups as the existing buildings do not form a building group as defined in the Guide and Category 6 Rural Brownfield Land as there is no evidence that it was

PERTH AND KINROSS COUNCIL
LOCAL REVIEW BODY
1 JULY 2014

formally occupied by buildings and that there is no evidence of dereliction and that there would be no significant environmental improvement as a result of the proposed development.

Justification

The proposal is not in accordance with the Perth and Kinross Council Local Development Plan 2014 and there are no material reasons which justify departing from the Perth and Kinross Council Local Development Plan 2014.

**514. REFERRED BACK TO LOCAL REVIEW BODY FOR DETERMINATION
FOLLOWING RECEIPT OF FURTHER INFORMATION**

- (i) **TCP/11/16(212)
Planning Application 12/00842/FLL – Change of use of existing
clubhouse to dwellinghouse at Whitemoss Golf Club, Dunning,
PH2 0QX – Mr G V Westwood**

Mr G Fogg, Legal Adviser, informed the Local Review Body that, at its meeting on 6 November 2012, the PKLRB reviewed the decision in the context of the Development Plan and the Housing in the Countryside Policy 2009 and resolved to overturn the decision by the Appointed Officer, by a majority, and approve the application subject to the imposition of appropriate conditions, including the provision of a Section 75 Agreement in connection with an education contribution, should the relevant sum not be paid prior to the Decision Notice being issued. No payment has been received to date nor has any s75 Agreement been entered in to. Since this decision in 2012 recent information has been received by the LRB Clerk informing her that the ownership of the site has now changed. The new owner's agent had requested that any final decision on this Review application be further deferred until the outcome of the current owner's pending planning application, requesting a change of use of the property to both commercial and residential use, is known. Consequently, the application is remitted back to the Local Review Body for further consideration.

Decision:

Resolved by unanimous decision that the application for change of use of existing clubhouse to dwellinghouse at Whitemoss Golf Club, Dunning, PH2 0QX, be refused, on the grounds of non-conformity with Policy PM3 of the Perth and Kinross Local Development Plan 2014 and the associated Council's Supplementary Planning Guidance regarding Developer Contributions (May 2009) in relation to education provision.

~~~~~