

## **REVIEW DECISION NOTICE**

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Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: 81 Balhousie Street, Perth, PH1 5BG

Description: Change of use from flat to a short-term let accommodation unit (in retrospect)

Application for Review by Mr B Szmajdzinski against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 23/01599/FLL

Application Drawings: 23/01599/1 - 23/01599/3

**Date of Review Decision Notice – 25 April 2024**

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### **Decision**

The PKLRB overturned the decision to refuse planning permission for the reasons given below and allowed the review, subject to the imposition of appropriate conditions.

#### **1 Introduction**

1.1 The above application for planning permission was considered by the PKLRB at a meeting held on 12 February 2024. The Review Body comprised Councillor B Brawn, Councillor D Illingworth and Councillor G Stewart.

1.2 The following persons were also present at the meeting:  
C Elliott, Legal Adviser; L Tierney, Planning Adviser; and D Williams, Democratic Governance Officer.

Also attending:

A Brown and R Ramsay (both Strategy, People and Resources) and C McLaren (Economy, Place and Learning).

#### **2 Proposal**

2.1 The proposal is for the change of use from flat to a short-term let accommodation unit (in retrospect), 81 Balhousie Street, Perth, PH1 5BG. The application was refused consent in terms of a decision letter dated 17 November 2023.

#### **3 Preliminaries**

3.1 The PKLRB was provided with copies of the following documents:

- (i) the drawings specified above;
- (ii) the Appointed Officer's Report of Handling;
- (iii) the refusal notice dated 17 November 2023;
- (iv) the Notice of Review and supporting documents;
- (v) consultation responses to the planning application.

3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, and the grounds for the Notice of Review.

3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.

3.4 Having regard to the material before them, the PKLRB resolved that the review of the decision to refuse could be determined without further procedure.

#### **4 Findings and Conclusions**

4.1 The PKLRB, by majority decision, decided that the proposal was in accordance with the Development Plan and should therefore be granted subject to suitable conditions. The proposal has its own separate entry, two car parking spaces, and is close to amenities.

4.2 The minority opinion of Councillor G Stewart was that the proposed development was not in accordance with the Development Plan and the Appointed Officer's decision should be upheld.

4.3 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB determined to uphold the application and grant planning permission subject to the following conditions:

- (1) This planning permission will last only for three years from the date of this decision notice unless the development has been lawfully started within that period.

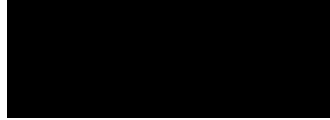
*Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.*

- (2) The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

*Reason – To ensure the development is carried out in accordance with the approved drawings and documents.*

- (3) The development hereby approved shall be used solely as a short term let accommodation, and shall not be occupied as the sole or main residence of any occupant.

*Reason – In order to clarify the terms of this planning permission.*



**Lisa Simpson**  
**Clerk to the Local Review Body**

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.
2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. Part of the approved development includes holiday accommodation or Short-term Let accommodation (STL). The developer is advised that holiday accommodation and STLs require to be licensed under the terms of Article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-terms Lets) Order 2021 and therefore a licence application should be made to Perth and Kinross Council prior to operation commencing. Further information and application forms are available at <https://www.pkc.gov.uk/shorttermlets>.

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)**

**Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.**

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
  
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland ) Act 1997.

# Notice of Initiation of Development



**PERTH &  
KINROSS  
COUNCIL**

## Town and Country Planning (Scotland) Act 1997 (as amended)

A person who has been granted planning permission and intends to start development is required to inform the planning authority of the onsite start date before the development commences. This ensures that the planning authority is aware that development is underway, and can follow up on any suspensive conditions attached to a planning permission. Failure to do so will be a breach of planning control under section 123(1) of the above Act and enforcement action could be taken. Please complete the form below and return to Development Management.

<b>Application reference number</b>	<b>23/01599/FLL</b>
<b>Date works are to commence</b>	
<b>Have you submitted information in relation to suspensive conditions?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<b>Name &amp; address of applicant, site agent or developer</b>	
<b>Email</b>	
<b>Telephone number</b>	

**Send to:**

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

**Development Management  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD**

### HOW WE USE YOUR PERSONAL INFORMATION

The information provided by you will be used by Perth & Kinross Council to process the application. The information will be published on the internet as part of the Council's Planning Portal.

The Council may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties or share your information with them in order to verify its accuracy, prevent or detect crime, protect public funds or where required by law.

For further information, please look at our website [www.pkc.gov.uk/dataprotection](http://www.pkc.gov.uk/dataprotection); email [dataprotection@pkc.gov.uk](mailto:dataprotection@pkc.gov.uk) or phone 01738 477933.

# Notice of Completion of Development



**PERTH &  
KINROSS  
COUNCIL**

## Town and Country Planning (Scotland) Act 1997 (as amended)

A person who completes a development for which planning permission has been given must give notice of completion to the planning authority. If the planning permission is for a phased development, notice of the completion of each phase must be submitted. Please complete the form below and return to Development Management.

<b>Application reference number</b>	23/01599/FLL
<b>Date works were completed</b>	
<b>Name &amp; address of applicant, site agent or developer</b>	
<b>Email</b>	
<b>Telephone number</b>	

**Send to:**

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

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For further information, please look at our website [www.pkc.gov.uk/dataprotection](http://www.pkc.gov.uk/dataprotection); email [dataprotection@pkc.gov.uk](mailto:dataprotection@pkc.gov.uk) or phone 01738 477933.