

REVIEW DECISION NOTICE

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

Site Address: Land 50 metres north west of Newlands Wood, Newlands Farm,
Wester Balgedie, Kinross

Description: Erection of a dwellinghouse, fence and gate, formation of driveway,
parking, landscaping and associated works

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

Application Ref: 23/01520/FLL

Application Drawings: 23/01520/1 - 23/01520/3

Date of Review Decision Notice – 26 June 2024

Decision

The PKLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

1. Introduction

1.1 The above application for review was considered by the PKLRB at a meeting held on 13 May 2024. The Review Body comprised Councillor B Brawn, Councillor K Harvey and Bailie M Williamson.

1.2 The following persons were also present at the meeting:
G Fogg, Legal Adviser; L Tierney, Planning Adviser; and D Williams, Committee Officer.

Also attending:

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

2. Proposal

2.1 The proposal is for the erection of a dwellinghouse, fence and gate, formation of driveway, parking, landscaping and associated works, land 50 metres north west of Newlands Wood, Newlands Farm, Wester Balgedie, Kinross. The application was refused consent in terms of a decision letter dated 30 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 30 November 2023;
- (iv) the Notice of Review and supporting documents;
- (v) consultation responses and representation 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 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB concluded by unanimous decision that the review application be refused.
- 4.2 The members of the PKLRB were unanimous that the planning application, which now formed the LRB application for determination lacked various supporting information for a proposal of this nature. In particular, there was no tree survey, no ecological plan, no phosphorous/drainage report and no Business plan. While there was a reference in the application to an economic need for the property, there was insufficient information to allow an assessment of that claim. The members of the PKLRB were not persuaded by the claim that the proposed dwelling formed part of an identifiable building group. There were no material considerations to support the application in the face of these policy departures. They agreed with the reasons for refusal of the appointed officer.
- 4.3 Accordingly, the PKLRB refused the review application for the following reasons:
- (1) The proposal is contrary to Policy 17 Rural homes of the National Planning Framework 4 (2023) as the proposal fails to meet any of the specific circumstances listed.
 - (2) the proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation of replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land.

- (3) The proposal is contrary to Placemaking Policies 1A and 1B of the Perth and Kinross Local Development Plan 2 (2019) and the associated supplementary Placemaking Guidance and Policy 14 Design Quality and Place of National Planning Framework 4 (2023) which seeks to ensure that development contributes positively to the quality of the surrounding built and natural environment. This site is within a woodland where the development may result in tree/landscaping loss which would impact the wider landscape character of the area.
- (4) The proposal is contrary to Policy 40 Forestry Woodland and Tress of the Perth and Kinross Local Development Plan 2 (2019) and Policy 6 Forestry, woodland and trees of National Planning Framework 4 (2023) as the submission fails to consider the impact of the development in relation to trees.
- (5) The proposals are contrary to Policy 3 of National Planning Framework 4 and Policy 41 Biodiversity, of the Perth and Kinross Local Development Plan 2 (2019) as no ecological impact assessment has been provided to assess the impact on biodiversity of the development and to demonstrate enhancement or mitigation measures.
- (6) The proposal is contrary to Policy 46A and 46B, Loch Leven Catchment Area, of the Perth and Kinross Local Development Plan 2 (2019). The site lies within the Loch Leven Catchment Area where phosphorus mitigation is required to protect the Loch Leven SPA and Ramsar Site.

No details of phosphorus mitigation have been submitted.

Justification

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

- 4.4 The Review Application was accordingly dismissed.



Lisa Simpson
Clerk to the Local Review Body

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.