

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 2008

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.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name Graham Ritchie

Address



Postcode



Contact Telephone 1



Contact Telephone 2

E-mail*



Agent

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

E-mail*

Mark this box to confirm all contact should be through this representative:

*Do you agree to correspondence regarding your review being sent by e-mail? Yes

Planning Authority

Perth and Kinross

Planning authority's application reference number 24/01954/FLL

Site address South Lodge, Ballindean, Inchtute, Perthshire, PH14 9SF

Description of proposed development

Installation of solar panels and cabinet South Lodge Ballindean Inchtute Perth PH14 9SF

Date of application 20/12/2024

Date of decision (if any) 19/02/2025

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application)
2. Application for planning permission in principle
3. 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)
4. Application for approval of matters specified in conditions

Reasons for seeking review

1. Refusal of application by appointed officer
2. Failure by appointed officer to determine the application within the period allowed for determination of the application
3. Conditions imposed on consent by appointed officer

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 mark more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions
2. One or more hearing sessions
3. Site inspection
4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, 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 are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

1. Can the site be viewed entirely from public land? No
2. Is it possible for the site to be accessed safely, and without barriers to entry? Yes

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

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 the attached document entitled 24_01954_FLL_Appeal_statement.docx

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

Although we are not presenting any expansion or change in the scope of the planning request in this appeal we felt we needed to provide more background and context to our decision to investigate a renewable energy solution. We also think a fuller verbal and visual description of the property may help to put the it's future energy needs in balance with its historical nature. These are detailed in the first half of the attached statement followed by our comments on the refusal reasons after that.

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 and intend to rely on in support of your review.

24_01954_FLL_Appeal_statement.docx

Pic_1_view_from_South_approach.jpg

Pic_2_view_from East_approach.jpg

Pic_3_view_from_west_approach.jpg

Pic_4_view from_in_garden_west.jpg

Pic_5_Neighbours_Solar_panels_to_NW.jpg

Other documents such as elevation plans and location plans can be found with the original application. I have been advised by P&K council planning that I will not need to resubmit these.

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.

Checklist

Please mark the appropriate boxes to confirm 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 requiring 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed: Graham Ritchie

Date: 17/04/2025

Appeal Statement

The following statement is an appeal to review the refusal of our planning application to Perth and Kinross Council Planning Department, reference number 24/01954/FLL (and associated number 24/01955/LBC) entitled "Installation of solar panels and cabinet South Lodge Ballindean Inchtute Perth PH14 9SF".

Property description:

South Lodge is a single storey gate lodge building at the South entrance to the former Ballindean House estate. It was originally built around 1832 in stone with a Scots slate roof. It more recently has had a substantial 'in-keeping' modern brick and harled extension with Welsh Slate roof added to the rear of the building in 1985. This more than doubled the size of the property however none of this extension is visible when viewing the property from the original front elevation. A conservatory of modern white PVC construction was added to this extension in 1990. Both the extension and the conservatory have been through planning approval with the latter available to view online with reference number 90/01342/FUL.

The building was B-Listed in 1971 as "Ballindean South Lodge and Gates" reference LB11761. This listing was made before the above additions but by default covers the new extension to the building in the listing. This was confirmed by Historic Environment Scotland.

My partner and I have owned the building since 2017, although it has been in the Ritchie family since 1989 when my parents retired there. The family have always lived locally having been farmers in the Carse of Gowrie for many generations. It is our intention to look after and preserve the property as much as we possibly can.

Having informally spoken the planning department and looking at online guidance we realised we would need planning permission and listed building consent for the solar panels so we have followed the required planning application process to date.

Background to the reasons for a Solar Panel system:

The main heating and hot water system for the property is currently a gas combi boiler for central heating and hot water, fuelled by LPG gas which is delivered and stored in an on-site LPG gas tank. The central heating system dates back to the 1990's with narrow microbore piping and with the current boiler being a replacement from back in 2012. This whole system is nearing end of life and has been subject to much recent repair and we are told we will potentially require a new LPG gas boiler in the coming 1 to 3 years.

We want to move away from gas fuel for a number of reasons:

- Firstly, to follow Scottish and UK government advice to move away from fossil fuels to a cleaner and more sustainable energy solution.
- The cost of delivered LPG gas is expensive and has almost doubled in price from 39p to 75p per Litre in the last 5 years so we now ration its use where we can.
- The cost of maintaining the boiler and heating system is increasing with the age of the system.
- There is also the presence of an on-site LPG gas tank requiring protected space around it and heavy delivery tankers having to reverse onto the property to get near to the tank.

When looking at the options for replacing the current LPG heating system within a limited budget we started in 2019 to invest in infrared heating units in several rooms in order to gain the following advantages:

- Firstly, moving away from fossil fuels as mentioned above.
- To use mains electricity from the national grid that should be utilising renewable resources more and more into the future.
- At the time we had an expectation of longer term stable and potentially cheaper electricity prices with national renewables. This has not been the case so far.
- Low unit, installation and maintenance cost of infrared heaters.
- Infrared heaters are ceiling mounted and therefore we can eventually free up space from decommissioned conventional radiators.
- Perceived health benefits from infrared heat together with reduced dust circulation due to the non-convective heating process.

However, with electricity unit prices having more than doubling since 2021, the cost of mains electricity solely from the grid is now very expensive and we turned to looking at our own long term renewable domestic solution hence the solar panel and storage battery application. This kind of system would have the following benefits and characteristics:

- More affordable installation compared to other alternatives (see below*)
- Minimal installation consisting of mainly internal cabling in the attic and several external roof mounting points without altering any structural components of the building.
- The installation would be easily reversible in years to come as no structural changes will have been made. The only external work after solar panel removal would be some slate reinstatement.
- We would have the ability to generate and store our own electricity to power our electric heaters and other electrical needs.
- We would not be so exposed to changes in electricity prices, for example our January 2021 bill was £73 whereas in January 2025 it was £147.
- We would feed back into the national grid any surplus capacity using the government's Smart Export Guarantee therefore *"providing the local grid with more clean, green energy, as the UK bids to become a net zero emissions economy"*.
- We could also benefit from new technology to provide direct hot water using a separate battery storage electric boiler for that purpose.
- Potential for renewable electric car charging in the future when we may eventually get an electric car.

*We had considered other heating options but the following issues made them less cost effective and desirable for us.

For example, air source heating would not just require the external air source heat pump but the complete renewal of the pipe system and the replacement considerably larger radiators. Also, the routing of larger pipes throughout and between the old part of the building and the extension part would require substantial upheaval and some concrete removal just below floor level. Although the cost of installation may be comparable to solar but the invasive nature of the installation throughout the old and new parts of the building made us uncomfortable as did the prospect of relying solely on mains electricity.

Electric storage heaters were also considered but we feel we have already invested heavily in infrared electric heaters for heating purposes. Plus, the storage heaters have a larger radiator footprint like the air source heating radiators mentioned above.

The fallback is to replace the LPG boiler and continue to use LPG tank gas for the foreseeable but we want to avoid this if we can.

It should be noted also that the company we engaged to plan a cost-efficient solar panel installation had stated during the on-site survey that a roof mounted solution was the only suitable efficient option for us. They also informed us that even if there were a suitable ground site, which they could not readily identify on the property, then there would be unknown cost of ground mounting the solar panels and the required earthworks and underground cabling. This may be cost prohibitive for us.

We would also like to point out that we are a couple just a few years away from our retirement ages and have a limited 'working' budget just now and will have less of a 'retirement' budget in the future. So, we are currently trying to plan a sustainable energy strategy for the house and our future.

Our Comments on the Refusal reasons

There appear to be 4 reasons stated in the 24/01954/FLL main application and a single reason in the associated 24/01955/LBC application which duplicates the second reason in the main application.

Reasons 1 and 2 - Detriment to the traditional character of the building:

Using the main 24/01954/FLL application the first two 2 reasons for refusal were for the similar reason that the Solar panels on the roof would be detrimental to the traditional character of the application property. The first reason appears not to do with the fact that the building is listed whereas the second reason directly references it as a category B listing building. Given that we are aware that the planning permission application for a solar panel installation would not have been required for a non-listed building then we are struggling to understand why there is a first reason at all?

The second reason is due to the fact that this is a category B listing building and we do appreciate the nature of such a building and the need to protect its original features and character. Both my partner and myself are currently working or have worked in the government heritage sector and are more than sympathetic to this point. However, we hope to show by making the following points that there is a balance to be struck in this case and that this installation can be progressed without adversely affecting the traditional character or indeed the fabric of any part the building, original or otherwise.

- As shown on the application plans the site of the panels would be on the modern extension part of the building and would not affect any part of the original lodge and therefore the listing description would remain accurate: *Single-storey harled with stone dressings; porch and bay window features; upper sashes have arched tops with radial glazing bars; low pitched roof octagonal shafted chimneys; tapered gatepiers.*
- On approach via the public road from Inchtute, the solar panels would not be visible from the front south facing aspect of the original listed property (see Pic_1_view_from_South_approach.jpg). Visitors using the driveway to the Ballindean House estate to the east

of the property can only see the south and east elevations of the lodge so again the solar panels would not be visible (see Pic_2_view_from East_approach.jpg).

- The solar panels would only be partially visible from the public road to the west, depending on the time of year and vegetation (see Pic_3_view_from_west_approach.jpg).
- The installation of mounting points on the slate roof would be non-structural and completely reversible in the future, possibly at a time of decommissioning or replacing of the system.
- The low profile and dark colouring of the panels gives minimal contrast between the installation and the slate roof.
- There is an existing modern white PVC conservatory already attached to the external wall of the extension. It would to us seem strange to conclude that dark low profile, low contrast solar panels on the roof would be more of a detriment to the traditional character of the building than this previously approved conservatory. (see Pic_4_view_from_in_garden_west.jpg)
- There are two other residential buildings approximately 350 metres North West of this property which, although not listed themselves, have been built to be in keeping with their adjacent B-listed walled gardens (LB13463 and LB13480). These properties have low profile solar panel installations that are also visible from the public road. (see Pic_5_Neighbours_Solar_panels_to_NW.jpg)

Reasons 3 - Lack of a bat survey:

Our original application was compiled by our architect as we were advised by Perth and Kinross planning that accurate professional plans would be required. We also engaged the architect act as agent to submit the application as we had no experience of planning and applications. However, the necessity for bat welfare was not relayed to us although I can now see that it is clearly stated in the pre-application's guidance notes.

Therefore, in hindsight and given that if a bat survey is required, we would be happy to commission one. We are already aware that we have had bat activity around the house in the summer months in recent years.

However, we would respectfully ask if the bat survey itself could be a required condition for an otherwise potentially successful appeal. We ask this as the cost of a bat survey appears to range from hundreds of pounds to several thousand pounds depending on requirements.

Reason 4 – Summary of the above refusal reasons:

The 4th Reason for Refusal appears to be a combination of the above reasons but with 2 different policy references. I assume these references refer to the previous historic and biodiversity reasons in a 'combined' sense, hence the sole need for this 4th reason.

In summary:

We would hope that these above points, in conjunction with our domestic and national green energy aspirations, would give us hope that in this case a compromise could be reached to allow us to proceed with our installation.

I would like to add that we were disappointed that no actual visit was made to the property as part of the planning decision as we believe that submitted maps, plans and any online resources can only go so far as to understanding the nature of this property in its environment. We do understand and respect that it is a building of historic significance but we also think it now has modern aspects and future sustainability needs that we want to address and maintain. This is so that we can be part of the preservation of the building to ensure that ourselves and the generations to come can enjoy both the benefits of the building's history and also its environmentally responsible future.

As mentioned previously, and now in hindsight, it may be that we should have been more involved in the initial planning application especially if any of the above contextual information would have made the application clearer to planners when given more of the background detail. However, as our planning application knowledge was limited, we felt at the time that an agent would be able to provide the level of detail, beyond plans and maps, that would be required.

Thank you for your consideration.

Picture 1 – View from south approach



Picture 2 – View from east approach



Picture 3 - View from west approach



Picture 4 - View from in garden west



Picture 5 – Neighbours solar panels to NW

