

## Review Decision Notice

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

Site Address: Land 20 metres south of Hillview, Kinnaird, Blairadam, Kelty, KY4 0JB

Description: Erection of a dwellinghouse

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

Application Ref: 24/01233/FLL

Application Drawings: 24/01233/1 - 24/01233/9

**Date of Review Decision Notice – 28 March 2025**

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### 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 24 February 2025. The Review Body comprised Councillor B Brawn, Councillor I James and Councillor G Stewart.

1.2 The following persons were also present at the meeting:  
C MacLeod, Legal Adviser; L Tierney, Planning Adviser; and A Brown, Democratic Support Officer.

Also attending:  
M Pasternak and R Ramsay (both Legal and Governance)

#### 2. Proposal

2.1 The proposal is for the erection of a dwellinghouse on land 20 metres south of Hillview, Kinnaird, Blairadam, Kelty, KY4 0JB. The application was refused consent in terms of a decision letter dated 10 October 2024.

#### 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 10 October 2024;

- (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 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 majority decision that the review application be refused.
- 4.2 The minority opinion of Councillor James was that as the site is north of the burn and planting will be on the south of the burn this would create the boundary and the new house would fit within the existing housing group. Therefore, the Appointed Officer's decision should be overturned.
- 4.2 The PKLRB considered that the proposal does not meet any of the categories for housing in the countryside. Specifically, it is not part of a building group and the planting of trees to form a site is contrary to the Council's Housing in the Countryside policy and guidance, being policy 19 of the Local Development Plan 2 (2019). Due to the felling of the trees and planting of fast-growing invasive species, the PKLRB considered that the proposal does not enhance the landscape areas, nor the visual amenity of the landscape and would therefore not be in keeping with the character of the area, contrary to Policy 14a) and b), Design, Quality and Place, of National Planning Framework 4 (2023), and Policy 1A and 1Bb), Placemaking, of the Perth and Kinross Local Development Plan 2 (2019).
- 4.3 Accordingly, the PKLRB refused the review application for the following reasons:
  - (1) The proposal is on a greenfield site that is not allocated for development and development on the site is not explicitly supported by policies in the Local Development plan. It is therefore contrary to Policy 9 b). Brownfield, Vacant and Derelict Land and Empty Buildings of National Planning Framework 4 (2023).
  - (2) The proposal is contrary to Policy 17 Rural Homes of National Planning Framework 4 (2023) as it fails to meet any of the 8 criteria listed within Policy 17 a).

- (3) The proposal is contrary to Policy 19, Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) as it fails to comply with any of the 6 categories listed in the policy. In particular the site has been specifically cleared of woodland and the boundaries planted with non-native hedging to specifically create a site for development. This is contrary to the Housing in the Countryside Supplementary Guidance (2020) Category 1, Building Groups. In addition development of the site does not safeguard the character of the countryside and does not ensure that high standards of siting and design are achieved.
- (4) The proposal is contrary to Policy 14a) and b), Design, Quality and Place, of National Planning Framework 4 (2023), and Policy 1A and 1Bb), Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The proposed development would detract from the visual amenity and landscape character of the area and does not contribute to creating a distinctive, pleasant or sustainable place.
- (5) The proposal is contrary to Policy 29, Landscape, of the Perth and Kinross Local Development Plan 2 (2019) as development would conflict with the aim of maintaining and enhancing the landscaping qualities of Perth and Kinross. Such piecemeal development, sited in an area of former woodland, is not appropriate to maintaining and enhancing the landscape qualities of Perth and Kinross.

#### **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.