

Review Decision Notice

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

Site Address: Land 300 metres south east of Dalrannoch Farm, The Ross, Comrie, Crieff, PH6 2LE

Description: Erection of dwellinghouse and associated accommodation unit, erection of poly tunnel, installation of waste water treatment system, installation of water storage and associated works

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

Application Ref: 24/00872/FLL

Application Drawings:	24/00872/1	24/00872/3	24/00872/4	24/00872/5
	24/00872/6	24/00872/7	24/00872/8	24/00872/9
	24/00872/10	24/00872/11	24/00872/13	24/00872/14
	24/00872/15	24/00872/16	24/00872/17	

Date of Review Decision Notice – 28 March 2025

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 and associated accommodation unit, erection of poly tunnel, installation of waste water treatment system, installation of water storage and associated works, land 300 metres south east of Dalrannoch Farm, The Ross, Comrie, Crieff, PH6 2LE. The application was refused consent in terms of a decision letter dated 17 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 17 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 unanimous decision that the review application be refused.

4.2 The PKLRB considered that the visibility requirements of the new access had not been addressed by the application. Therefore, the PKLRB could not be assured that the development could be provided with a safe means of access and they found that the proposal was contrary to National Planning Framework 4 (2023), Policy 13: Sustainable Transport and Perth and Kinross Local Development Plan 2 (2019), Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals. The PKLRB noted the flood risk potential of the development and considered that an appropriate flood risk assessment had not been conducted by the applicant. Therefore, the PKLRB found that the proposal was contrary to National Planning Framework 4 (2023) Policy 22: Flood Risk and Water Management and Perth and Kinross Council Local Development Plan 2 (2019), Policies 52: New Development and Flooding and 53: Water Environment and Drainage. Furthermore, the PKLRB considered that the applicant did not require to live on site permanently to fulfil her sustainability aims and therefore, the proposal was contrary to the National Planning Framework 4 (2023), Policies, 9: Brownfield, Vacant and Derelict Land and Empty Buildings, 17: Rural Homes and Perth and Kinross Council Local Development Plan 2 (2019), Policy 19 and the Council's Housing in the Countryside Supplementary Guidance.

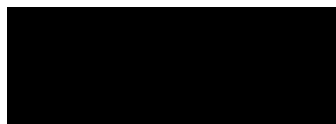
4.3 Accordingly, the PKLRB refused the review application for the following reasons:

- (1) The proposals are contrary to National Planning Framework 4 (2023), Policies, 9: Brownfield, Vacant and Derelict Land and Empty Buildings, 17: Rural Homes and Perth and Kinross Council Local Development Plan 2 (2019), Policy 19: Housing in the Countryside and associated Supplementary Guidance (2020), as the development does not meet any of the relevant criteria which would enable support of new residential units within the countryside.
- (2) The proposals are contrary to National Planning Framework 4 (2023) Policy 14: Design, Quality and Place and Perth and Kinross Council Local Development Plan 2 (2019) Placemaking Policies: 1A and 1B (parts a, b, c and f), Policy 39: Landscape; and associated supplementary guidance (2020), as the proposals by reason of their prominent locations, juxtaposition, lack of cohesion and screening would not contribute positively to the quality of the surrounding area, resulting in adverse visual amenity and landscape impacts.
- (3) The proposals are contrary to National Planning Framework 4 (2023), Policy 13: Sustainable Transport and Perth and Kinross Local Development Plan 2 (2019), Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals, as insufficient information has been provided in respect of the required visibility splays which would verify that the development could be provided with a safe means of vehicular access.
- (4) The proposals are contrary to National Planning Framework 4 (2023) Policy 22: Flood Risk and Water Management and Perth and Kinross Council Local Development Plan 2 (2019), Policies 52: New Development and Flooding and 53: Water Environment and Drainage in that there is a presumption against built development in areas at risk of flooding. Insufficient information has been provided to determine what the on or off-site flood or draining related impacts of the development may be or how they could be mitigated.

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.