



Town Planning Consultants

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Date: 23rd March 2025

Lisa Simpson

Clerk to the Local Review Body

Perth + Kinross Council

2 High Street

Perth

PH1 5PH

Sent by email: Planninglrpb@pkc.gov.uk

Dear Ms Simpson,

Town and Country Planning (Scotland) Act 1997 (as Amended)
Planning Application Ref: 24/01518/FLL – Erection of a dwellinghouse, Land
55 Metres South East Of Ashlea, Middlebank Farm, Errol, Perth PH2 7SX

We act on behalf of Ms Jane Elder [REDACTED] who lives to the northeast of the site. Ms Elder OBJECTED to the Planning Application and has attached as Appendix 1 her original letter in support of overturning this appeal.

In addition, Ms Elder supports PKC's reasons for refusing this Application attached as Appendix 2, together with the justification for doing so as described in the Planning Officer's Report of Handling attached as Appendix 3.

Before turning to the planning reasons justifying the refusal of this appeal, Ms Elder would be grateful if the Local Review Body (LRB) will also take into account the background the proposal and the following misleading information and actions of the Appellant in refusing this appeal.

Background to Proposal

The Applicant's supporting statement submitted with the original Application stated:

“The Planning Application proposes a new residential dwelling. Although a separate application, this house has been proposed as an addition to an application for a new HGV service and repair building in the adjacent land. The applicant (Mr Ramsay) has an established business (RMS Redgorton Garage) operating from Redgorton near Luncarty. However due to its expansion, purpose made facilities are now required. Mr Ramsay is hoping to construct a house and business premises within close proximity of each other.”

The Application for the new HGV service and repair building on the adjacent land was submitted under Application Ref: 24/01520/FLL was subject to consideration on its own planning merits, independent of this Application (and now Appeal) for the house referred to. It has in any case been refused by PKC for 7 no reasons, as identified in the Reason for Refusal Ref: 24/01520/FLL attached as Appendix 4, not only as the principle was unacceptable, but the proposal also failed to comply with detailed policy considerations.

Whilst no link was made by the Applicant in submitting both proposals, by combining into a single Application, the refusal of the new HGV service and repair building further dilutes any need for a new house to operate this business.

Inconsistency of Information Provided by the Appellant/New Information

It is clear from the Applicant's supporting statement submitted with the original Application referred to above that the original Application sought to imply a link between the proposed new house and proposed HGV service and repair building adjacent (now refused).

However, the submitted appeal by the Applicant now states a different 'economic' reason for the proposed house, as follows:

“Mr Ramsay owns a large area of land surrounding the site which; is used for agricultural purposes (see attached plans, additional land owned by Mr Ramsay is outlined in blue). In addition, Mr Ramsay's brother owns the neighbouring Golf driving range and additional farm land which both brothers actively work and operate as an existing business. Currently, the applicant is having to commute a significant distance to operate this business.”

The suggested need for the house appears to have changed between the submission of the Application and this appeal. The new information should not be relied upon in the determination of this appeal, having regard to Section 43B of the Act which restricts the ability of parties to introduce new matters at the review stage unless they are material to the determination of the case.

Additional Actions by Appellant Since Refusal

Since refusal of permission, the Appellant has cut back the trees, installed fencing and gates and have also started spreading hardcore at the entrance to the field. They have split the field in two and installed bushes.

The Enforcement Officer at PKC has been contacted to clarify what further planning applications may now be required from the Appellant.

Other Matters of Concern

The Report of Handling confirms that there were 2 no. letters of objection to the Planning Application. No letters of support were received, during the determination of the Application. The 3 no. letters of support attached to the Appeal submission are new and as such having regard to Section 43B of the Act should not be taken into account.

That said, Ms Elder would also wish to highlight that they are unlikely to have a tangible neighbour interest since the owner of the barn does not use or occupy these premises. They may have items stored in the barn but they have been doing modifications to the roof so aren't using it as such. The second letter of support is from the Appellant's brother and the third letter is from Mr Sands who has the farm at the top of the road and therefore does not live immediately adj. to the site.

For information, the Appellant has recently put sheep in the field next to the proposed house. Whilst this does not need consent, Ms Elder only wishes to document that this is a recent and new activity and may in the future lead to an Application for justification for the house based on the need for an 'agricultural' worker's house. Albeit that this is not a justification currently being promoted.

Support for PKC's Reasons for Refusal

- 1. The proposals are contrary to National Planning Framework 4 (2023), Policies, 9: Brownfield, Vacant & Derelict Land and Empty Buildings, 17: Rural Homes and Perth & 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.*

Ms Elder supports the Planning Officer's analysis in their Report of Handling justifying non-compliance with the above, concluding:

"Policy 17: Rural Homes, of NPF4 is also of note as it seeks to encourage and promote and facilitate affordable and sustainable homes in the right locations. It provides a key criterion whereby proposals for appropriately scaled and designed new rural homes may be accepted. As in section v. whereby housing "is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work."

It is noted that a separate planning application 24/01520/FLL relates to the applicant's business proposal, in a nearby field. This activity is not considered essential in such a rural location and is also being recommended for refusal. Given the lack of connection

to any viable established rural business nearby, there is no supporting economic justification or requirement to live at the site. Accordingly, part 3, Economic Activity exemption is not applicable.

The principle of the rural development as a result cannot be supported as it is contrary to the Policy 19 of LDP2 and NPF4 Policy 17."

- 2. The proposals are contrary to National Planning Framework 4 (2023) Policy 14: Design, Quality & Place and Perth & Kinross Council Local Development Plan 2 (2019) Placemaking Policies: 1A & 1B (parts a, b, c, d and f), Policy 39: Landscape; and associated supplementary guidance (2020), as the proposals by reason of tree removal, site location, juxtaposition and lack of cohesion with existing buildings and absence of any landscape containment, would not contribute positively to the quality of the surrounding area, resulting in adverse visual amenity and landscape impacts.*

Ms Elder supports the Planning Officer's analysis in their Report of Handling justifying non-compliance with the above, concluding:

"The layout of the house towards the rear of the plot (5m from boundary) however creates an unnecessary substandard level of private amenity space and potential of conflict with adjoining uses to the rear. The unit will because of its setting, loss of trees and relationship to other buildings, appear out of keeping with the established landscape character and visually intrusive within the surrounding area, contrary to the aims of the placemaking criteria set out in LDP2 Policies 1A & 1B, Landscape 39 and NPF4 Policy 14: Design, Quality and Place...

The proposals as a result are considered to have adverse landscape impacts over the wider Carse and are contrary to policy 39 of LDP2."

- 3. The proposals are contrary to NPF4 Policy 1, 3 & 5 and Perth & Kinross Council Local Development Plan 2 (2019) Policies 40A, 40B and 50 which seeks to protect prime agricultural land, trees, biodiversity and wildlife habitats and requires a detailed tree and ecology survey to be undertaken in order to demonstrate the presence and any potential impacts on trees and protected species which may be contained within such habitats. No tree or ecology survey has been submitted with the application.*

Ms Elder supports the Planning Officer's analysis in their Report of Handling justifying non-compliance with the above, concluding:

"The proposals have the potential for negative impacts due to the loss of prime agricultural land, removal of the field edge and mature trees. Policy 50 of LDP2 states that development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need.

No tree or ecological survey has been undertaken to assess potential impacts, nor scope for protection, mitigation or enhancement measures. The proposals as a result,

are contrary to the objectives of NPF4 policies 1, 3 & 5 as well as 40A, 40B, 41 & 50 of LDP2 in respect of nature crisis, biodiversity, forestry, woodland & trees and soils."

Additional Comments on Appellant's Statement

Reason 1

As stated by the Planning Officer the building does not fall within an 'existing group' within defined topography, but rather unnaturally extends outwards and southerly from the established group further to the north and outwith established and existing defined landscape features.

Reason 2

The Appellant seeks to justify that this is an infill development stating that "the site is bound by buildings either side". However, the location plan only illustrates existing building to the north and northeast and therefore does not fulfil this definition.

Reason 3

The Appellant's justification for a house in the countryside is based on need for a house associated with economic activity, however, as stated above, the Appellant has changed this reason from the submitted Application, where it was required in association with the proposed (and now refused) HGV vehicle repair unit to a need associated with the neighbouring Golf driving range and additional farm land which both brothers actively work and operate as an existing business. Currently, the applicant is having to commute a significant distance to operate this business.

There is an inconsistency in the submission and a business justification report has not been submitted in support. As a result, there is no objective justification under this policy for a house for economic purposes.

Legislative Requirements in Determining the Planning Applications

It is considered that the proposal conflicts with the requirements of the Development Plan and therefore with Section 25 of the Act which requires that an application for planning permission shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In conclusion, Ms Elder respectfully requests that the Planning Appeal is REFUSED by the LRB, for the reasons provided.

Yours sincerely,



Emelda Maclean MRTPI
About Planning Ltd

APPENDIX 1

Name: Jane Elder

Address: [REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

Date: 8/12/2024

Perth & Kinross Council
Community Services
Pullar House
Perth
PH1 5GD

Sent by email: developmentmanagement@pkc.gov.uk

Dear Ms Bendall,

Town and Country Planning (Scotland) Acts Planning Application Ref: 24/01518/FLL -
Erection of a dwellinghouse Land 55 Metres South East Of Ashlea Middlebank Farm
Errol Perth PH2 7SX

I reside at [REDACTED] and live adjacent to the site, where the new dwellinghouse is proposed. Approval of this application could set a concerning precedent for developments in this rural area, potentially leading to further erosion of the countryside's character and the amenity of existing residents.

I OBJECT to the above Application, on the following grounds:

The Planning Application Conflicts with the DEVELOPMENT PLAN

In summary I **OBJECT** to planning application 24/01518/FLL on the grounds that it fails to accord with the development plan for the following reasons:

- **OBJECTION No. 1: The Principle of Development on Agricultural Land in the Countryside is Unacceptable**
- **OBJECTION No. 2: Adverse/Detrimental Impact on Residential Amenity**
- **OBJECTION No. 3: The Proposal fails to secure Biodiversity Enhancement and Climate Change Policy Objectives**
- **OBJECTION No. 4: The site in question is prime agricultural land**
- **OBJECTION No. 5: New house does not support an existing business**

I respectfully request that the Planning Application is REFUSED by PKC, having regard to the following legislative requirements for decision-making and the above PLANNING OBJECTIONS, for the following reasons.

Legislative Requirements in Determining the Planning Applications

It is considered that the proposal conflicts with the requirements of the Development Plan and therefore with Section 25 of the Act which requires that an application for planning permission shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The relevant Development Plan context is provided by:

- National Planning Framework 4 (NPF4), adopted 2023;
- The Perth and Kinross Local Development Plan 2 (PKCLDP2), adopted 2019.
- Housing in the Countryside Supplementary Guidance March 2020

It is relevant that NPF4 Policies will take precedent over PKCLDP2 and Housing in the Countryside Supplementary Guidance March 2020, where inconsistencies, may apply.

Objection No. 1: The Principle of Development on Agricultural Land in the Countryside is Unacceptable

PKCLDP2 identifies that the site is located outside a defined settlement boundary within open countryside. The following Development Plan policies do not support the change of use of the land from agricultural to Class 9: Houses of The Town and Country Planning (Use Classes) (Scotland) Order 1997

NPF4

Policy 9(b): Brownfield, vacant and derelict land and empty buildings states:

“Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP”

Policy 29: Rural Development states:

“a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:

- i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;*
- ii. diversification of existing businesses;*
- iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;*
- iv. essential community services;*
- v. essential infrastructure;*
- vi. reuse of a redundant or unused building;*

- vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;*
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;*
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or*
- x. improvement or restoration of the natural environment.*

b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.”

Compliance Assessment

- The proposal fails to comply with Policy 9(b) as the site is Greenfield in status and not allocated for development.
- The proposal fails to comply with Policy 29(a) as it does not support the local community or economy and is not within one of the listed categories. The Applicant does not operate an existing business and currently operates from Luncarty, as noted in supporting statement report
- The proposal fails to comply with Policy 29(b) as it is not of a scale or character compatible with the adjoining area and this particularly applies to the relationship of the proposed site, with my domestic dwellinghouse, which lies immediately adjacent. The proposal fails to contribute to local living as also required by this Policy.

The Principle of this Proposal fails to comply with Policies 9 and 29 of NPF4

PKCLDP2

Policy 6: Settlement Boundaries states:

“For those settlements which have a boundary defined in the Plan, built development will be contained within that boundary. Development on sites that adjoin these settlement boundaries will only be permitted where the proposal is:

(c) required to address a shortfall in housing land supply in line with Policy 24:

Maintaining an Effective Housing Land Supply: and

(d) will not result in adverse effects, either individually or in combination, on the integrity of a European designated site(s)”.

The Proposal fails to comply with Policy 6 of PKCLDP2.

Objection No. 2: Adverse/Detrimental Impact on Residential Amenity

Planning Land Use Classification

The Application form identifies that the Application relates to development on an “existing field”. In planning terms, however, the established use of the site is agricultural and there is no evidence that the site has ‘brownfield’ status.

NPF4

Policy 14: Liveable Places states:

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women’s safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in [Annex D](#).

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Compliance Assessment

The Proposal fails to comply with Policy 14 of NPF4 as it has not been designed to improve the quality of this rural area and fails to illustrate compliance with the six qualities of successful places. The proposal directly conflicts with part (c) as the proposal will also have a detrimental impact on the amenity of the surrounding area.

The Proposal fails to comply with Policy 14 of NPF4.

PKCLDP2

Policy 1A: Placemaking states:

“Development must contribute positively to the quality of the surrounding built and natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also

incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.”

Policy 39: Water, Environmental and Drainage requires that applications should demonstrate compliance with this Policy requirement.

Policy 55: Nuisance from Artificial Light and Light Pollution states:
“Consent will not be granted for proposals where the lighting would result in obtrusive and/or intrusive effects. The Council may secure the regulation of lighting installations and their maintenance through the use of conditions attached to the granting of planning permission.”

Compliance Assessment

The proposal fails to demonstrate compliance with Policy 1A Placemaking criteria. The proposal fails to demonstrate that it has had regard to the landscape considerations required by Policy 39.

Given the scale of the proposed dwelling, security lighting and the capacity for the accommodation of vehicles it is considered that this will give rise to light pollution to our client’s property, to the detriment of their amenity, in conflict with Policy 55.

The Proposal fails to illustrate compliance with Policies 1A, 39 and 55 of PKCLDP2.

Objection No. 3: The Proposal fails to secure Biodiversity Enhancement and Climate Change Policy Objectives

NPF4

Policy 1: Sustainable Places requires:
“When considering all development proposals significant weight will be given to the global climate and nature crises.”

Policy 2: Climate Mitigation and Adaption requires:

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy 3: Biodiversity requires of relevance:
“Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible”. The stated criteria are of relevance.

Policy 4: Natural Places states:

“a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.”

Policy 5: Soils states:

b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;

iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;

iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

Policy 12: Zero Waste states:

“a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.”

Compliance Assessment

The Proposal fails to address Policies 1, 2, 3, 4, 5 and 12 of NPF4.

The Applicant has failed to demonstrate that the Proposal complies with Policies 1, 2, 3, 4, 5 and 12 of NPF4.

PKCLDP2

Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development states:

“Proposals for all new buildings will be required to demonstrate that at least 10 of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement.”

Policy 41: Biodiversity states:

“The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area.... Proposals that have a detrimental impact on the ability to achieve the guidelines and actions identified in these documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. In particular, developers may be required to:

(a) ensure a detailed survey is undertaken by a qualified specialist where one or more protected or priority species is known or suspected. In accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, development proposals that could have a significant impact on the environment may require an Environmental Impact Assessment;

(b) demonstrate all adverse effects on species and habitats have been avoided wherever possible. A Landscape Plan may be required to demonstrate the impact of the development and how good design and site layout can enhance the existing biodiversity;

(c) include mitigation measures and implementation strategies where adverse effects are unavoidable;

(d) enter into a Planning Obligation or similar to secure the preparation and implementation of a suitable long-term management plan or a site Biodiversity Action Plan, together with long-term monitoring.”

Policy 42: Green Infrastructure states:

“The Council will require all new development to contribute to green infrastructure”.

Policy 50: Prime Agricultural Land states:

“Outside the identified settlements, development on prime agricultural land will not be permitted, unless it is necessary to meet a specific established need, such as a major infrastructure proposal and only when there is no other suitable site available on non-prime land. Small scale development directly linked to rural business, including housing, may also be acceptable on prime agricultural land, providing it is compatible with all other aspects of the policy framework of the Plan and there are no other suitable non-prime land sites available, and it does not adversely affect the viability of the agricultural unit.”

Relevant to Policy 50, Policy 51: Soils states:

“The Council seeks to protect soils from damage such as erosion or compaction. Developments located on areas of good quality agricultural soils will only be supported where they satisfy stated criteria”.*

*Defined for the purposes of this policy as Land Capability for Agriculture (LCA) Classification 1, 2, 3.1 and 3.2.

Compliance Assessment

The proposal fails to demonstrate compliance with Policy 32 in terms of how it integrates Embedding Low and Zero Carbon Generating Technology.

The proposal fails to address how it addresses biodiversity and ecological enhancement, noting that a survey has not been submitted, as required by Policy 41. It is also relevant that a statement on Biodiversity Net Gain has not been submitted.

No details have been provided on the contribution of the proposal to Green Infrastructure, as required by Policy 42. The site is currently in agricultural use and no information has been submitted by the Applicant to address Policy 50 and 51.

The Proposal fails to address Policies 32, 41, 42, 50 and 51 of PKCLDP and demonstrate compliance.

Objection No. 4: The site in question is prime agricultural land

The site in question is prime agricultural land, as noted in **Scottish Planning Policy (SPP)**: Encourages the protection of prime agricultural land (Classes 1, 2, and 3.1) for food production. Development on such land is generally discouraged unless:

- There is no suitable alternative site.
- The development is essential for agriculture or rural housing.
- The site in question is prime agricultural land, class 2, as referenced on Scotland's environment website.

Scotland's environment - https://map.environment.gov.scot/Soil_maps/?layer=5

Objection No. 5: New house does not support an existing business

PKC - Housing in the Countryside Supplementary Guidance March 2020

Category 3 - New Houses in the Open Countryside, New house to support an existing business states:

“Non-farming business – Where a new house is to be associated with an existing non-farming business, applicants must be able to satisfactorily demonstrate that the provision of a house is essential to the continued operation of the business. This will normally be through the submission of a business plan, prepared by an independent expert, which demonstrates that the business is financially sound and economically viable, that it genuinely contributes to the local economy and that there is a need for an additional worker to live on-site”.

SUMMARY + CONCLUSION

I OBJECT to the proposal as it fails to accord with the Development Plan, for the following reasons:

OBJECTION No. 1: The Principle of Development on Agricultural Land in the Countryside is Unacceptable

OBJECTION No. 2: Adverse/Detrimental Impact on Residential Amenity

OBJECTION No. 3: The Proposal fails to secure Biodiversity Enhancement and Climate Change Policy Objectives

OBJECTION No. 4: The site in question is prime agricultural land

OBJECTION No. 5: New house does not support an existing business

The Planning Application conflicts with the following policies of the DEVELOPMENT PLAN, either directly or through a lack of information provision to demonstrate compliance:

- NPF4: Policies - 1, 2, 3, 4, 5, 9b, 12, 14 and 29
- PKCLDP2 Policies - 1A, 6, 32, 39, 41, 42, 50, 51, 52 and 55

- PKC - Housing in the Countryside Supplementary Guidance March 2020
Category 3

In summary, I respectfully request that the Planning Application is REFUSED by PKC, having regard to the legislative requirements for decision-making, required by S25 of the Act, and the above reasons for OBJECTION.

Please confirm receipt of this objection. I would appreciate being informed of any further developments regarding this application.

Yours sincerely,

Jane Elder

APPENDIX 2



Mr Jamie Ramsay
c/o OSA
Paul O'Shea
Hill Tops
Dalcapon
Pitlochry
PH9 0ND

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **18th December 2024**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **24/01518/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to **refuse** your application registered on 21st October 2024 for Planning Permission for **Erection of a dwellinghouse Land 55 Metres South East Of Ashlea Middlebank Farm Errol Perth PH2 7SX**

David Littlejohn
Strategic Lead (Economy, Development and Planning)

Reasons for Refusal

1. The proposals are contrary to National Planning Framework 4 (2023), Policies, 9: Brownfield, Vacant & Derelict Land and Empty Buildings, 17: Rural Homes and Perth & 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 & Place and Perth & Kinross Council Local Development Plan 2 (2019) Placemaking Policies: 1A & 1B (parts a, b, c, d and f), Policy 39: Landscape; and associated supplementary guidance (2020), as the proposals by reason of tree removal, site location, juxtaposition and lack of cohesion with existing buildings and absence of any landscape containment, 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 NPF4 Policy 1, 3 & 5 and Perth & Kinross Council Local Development Plan 2 (2019) Policies 40A, 40B and 50 which seeks to protect prime agricultural land, trees, biodiversity and wildlife habitats and requires a detailed tree and ecology survey to be undertaken in order to demonstrate the presence and any potential impacts on trees and protected species which may be contained within such habitats. No tree or ecology survey has been submitted with the application.

Justification

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

Informatives

There are no relevant informatives.

Notes

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

01

02

03

04

05

06

07

NOTES

1. If the applicant is aggrieved by the decision to refuse planning permission or an application for approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to:

The Secretary
Local Review Body
Perth and Kinross Council
Committee Services
Council Building
2 High Street
Perth
PH1 5PH

Email planninglr@pkc.gov.uk

The 'Notice of Review' form together with guidance notes for completion can be obtained from Perth & Kinross Council website www.pkc.gov.uk

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 5 of the Town and Country Planning (Scotland) Act 1997.

The foregoing notes are explanatory only and reference must be made to the Town and Country Planning (Scotland) Acts and the appropriate Regulations or Orders for their full context.

APPENDIX 3

REPORT OF HANDLING

DELEGATED REPORT

Ref No	24/01518/FLL	
Ward No	P1- Carse Of Gowrie	
Due Determination Date	20th December 2024	
Draft Report Date	18th December 2024	
Report Issued by	Alma Bendall	Date 18/12/24

PROPOSAL: Erection of a dwellinghouse

LOCATION: Land 55 Metres South East of Ashlea Middlebank Farm
Errol Perth PH2 7SX

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

Application site relates to the northernmost section of a rectangularly shaped, parcel of unused agricultural land, located adjacent to the Golf Driving Range at Middlebank, within the Carse of Gowrie.

The local area is characterised by interspersed traditional agricultural holdings and an associated variety of storage buildings of differing ages, materials and uses. A line of poplar trees run down either side of the driving range and make a prominent feature in the otherwise, flat landscape.

The A90 Trunk Road exists further to the north. A shared private access road exits from/leads onto the southbound section of the dual carriageway, serving the buildings at Middlebank Farm. It borders the northern and eastern sides of the site, running southwards before linking with the minor public road network that leads eastwards to The Grange or westwards towards the Horn Milk Bar.

This submission is seeking approval for a detached dwellinghouse with accommodation on two levels. A separate application has been submitted in the field to the northeast, for a vehicle service and repair workshop, formation of hardstanding and associated works – 24/015201FLL refers.

SITE HISTORY

None for this location, extensive elsewhere at the farm.

PRE-APPLICATION CONSULTATION

Pre application Reference: None undertaken.

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4 :

Policy 1: Tackling the Climate and Nature Crises
Policy 2: Climate Mitigation and Adaptation
Policy 3: Biodiversity
Policy 4: Natural Places
Policy 5: Soils
Policy 6: Forestry, Woodland & Trees
Policy 9: Brownfield, Vacant & Derelict Land and Empty Buildings
Policy 12: Zero Waste
Policy 13: Sustainable Transport
Policy 14: Design, Quality and Place
Policy 17: Rural Homes
Policy 18: Infrastructure First
Policy 19 Heating and Cooling
Policy 26: Business and Industry
Policy 29: Rural Development

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking
Policy 1B: Placemaking
Policy 5: Infrastructure Contributions
Policy 6: Settlement Boundaries
Policy 19: Housing in the Countryside
Policy 39: Landscape
Policy 40A: Forest, Woodland and Trees
Policy 40B: Trees Woodland and Development
Policy 41: Biodiversity
Policy 51: Soils

Policy 53B: Water Environment and Drainage: Foul Drainage
Policy 53C: Water Environment and Drainage: Surface Water Drainage
Policy 56: Noise Pollution
Policy 58A: Contaminated and Unstable Land: Contaminated Land
Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Air Quality](#) (adopted in 2020)
- [Supplementary Guidance - Airfield Safeguarding](#) (adopted in 2020)
- [Supplementary Guidance - Delivering Zero Waste](#) (adopted in 2020)
- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Forest & Woodland Strategy](#) (adopted in 2020)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Housing in the Countryside](#) (adopted in 2020)
- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER POLICIES

Non Statutory Guidance

- [Planning Guidance - Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC](#)
- [Planning Guidance - Planning & Biodiversity](#)
- [Supplementary Guidance - Renewable & Low Carbon Energy](#) (draft)

NATIONAL GUIDANCE

The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements

- PAN 69 Planning and Building standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

Creating Places 2013

Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

CONSULTATION RESPONSES

Internal:

Community Waste Advisor (Environment Service) – no comments received.

Transportation And Development, have raised no objections, but noted that layout does not meet with Building Warrant requirements in respect that the WWTP is located over 25 metres away from the shared access and will require access for desludging lorries.

Development Contributions Officer – has advised that the site is within the catchment area of Inchtute Primary School which is operating over the prescribed marker and as such Education contributions of £6 300.00 would be required.

External:

Transport Scotland – have made no objections to the proposals.

REPRESENTATIONS

Two representations have been received, one from a neighbouring resident. Both parties have raised similar concerns in respect of:

- loss of agricultural prime land
- adverse residential impacts
- incompatibility with policy or objectives
- lack of established business
- loss of trees
- out of character with the area

The points raised will be covered in the subsequent appraisal.

Additional Statements Received:

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

The proposed development area is outwith any defined settlement boundary and, as such, background policy considerations are therefore applicable. The most relevant policies being those relating to new housing in the countryside, landscape and placemaking considerations, which collectively seek to protect and enhance local environments and guide development to appropriate locations thereby avoiding any, on or off-site, adverse impacts.

Policy 19: Housing in the Countryside of LDP2 acknowledges that opportunities do exist for housing in rural areas which support the viability of communities and meet development needs in appropriate locations, subject to safeguarding the character of the countryside, as well as ensuring that a high standard of siting and design is achieved.

The Council would as a result, support proposals for the erection, or creation through conversion, of single houses and groups of houses in the countryside which fall into at least one of the following categories as outlined within the Supplementary Guidance (SG):

- Building Groups
- Infill site
- New houses in the open countryside on defined categories of sites as set out in section 3 of the Supplementary Guidance
- Renovation or replacement of houses
- Conversion or replacement of redundant non-domestic buildings
- Development on rural brownfield land

The supplementary guidance, "The Housing in the Countryside Guide" which was adopted by the Council in 2020 assists in the assessment of the Policy 19. This highlights that:

Permission may be granted for houses within building groups and permission may be granted, subject to the criteria above, for houses which extend a building group into a readily definable adjacent site. This will be formed by existing topography, roads or well-established existing landscape features such as a watercourse or mature tree belt which will provide a suitable setting.

While there may be a group of buildings at Middlebank Farm, the application site is clearly separate from the nucleus of the built-up areas by reason of the intervening access roads and agricultural land. The site stands alone and lacks any direct relationship to the existing buildings – other than sharing the same access route, and as such is not considered to be “infill” or form part of an established building group. Further, removal of a section of the bordering and highly visible poplar tree avenue to accommodate the house, would only exacerbate the lack of any site containment and enable further as-hoc linear development opportunities elsewhere along this field edge of the roadside.

The site is also not compatible under part (6) Rural Brownfield Land as this only applies to derelict land which was at one time occupied by buildings. National Planning Framework 4, Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings, also states that greenfield sites *will not be* supported unless allocated for development or the proposal is explicitly supported by LDP policies.

As the site forms part of a larger field, away from the building group and consists of Class 2 (Prime) Agricultural land, it does not meet any of the requirements of category 6 of the HitC SG.

The only remaining relevant Category is 3 of LDP2 Housing in the Countryside Supplementary Guidance as it relates to New Houses in the Open Countryside and allows – where there is a genuine need, for favourable consideration of proposals that fall into at least one of the following categories:

- 3.1 Existing Gardens
- 3.2 Houses in Areas of Flood Risk
- 3.3 Economic Activity
- 3.4 Houses for Local People
- 3.5 Houses for Sustainable Living

Parts 1, 2, 4 & 5 of Category 3 SG are not relevant in this instance.

Policy 17: Rural Homes, of NPF4 is also of note as it seeks to encourage and promote and facilitate affordable and sustainable homes in the right locations. It provides a key criterion whereby proposals for appropriately scaled and designed new rural homes may be accepted. As in section v. whereby housing “is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work.”

It is noted that a separate planning application 24/01520/FLL relates to the applicant’s business proposal, in a nearby field. This activity is not considered essential in such a rural location and is also being recommended for refusal. Given the lack of connection to any viable established rural business nearby, there is no supporting economic justification or requirement to live at the site. Accordingly, part 3, Economic Activity exemption is not applicable.

The principle of the rural development as a result cannot be supported as it is contrary to the Policy 19 of LDP2 and NPF4 Policy 17.

Design, Layout and Visual Amenity

Generally, the design and scale of development should respect its surroundings and adhere to Policies 1A and B of LDP2, which relate to placemaking. Further guidance is also provided within the associated Placemaking Supplementary Guidance (SG). The Housing in the Countryside Supplementary Guidance 2020 includes detailed siting criteria which also require to be considered in any proposal.

The layout forwarded for the house does not acknowledge the pattern of existing built layout but has been designed instead to sit in isolation overlooking what would be the access into the business element of the applicants’ proposals. Assuming the principle was excepted, if security was an issue at the site, then this could be controlled remotely via technology allowing for the repositioning or removal of the house, or by any justifiable house forming part of the commercial enterprise compound.

The proposed house type is contemporary in nature and not concerning in terms of scale or appearance, featuring the use of slates, vertical timber cladding, stone and expanses of glazing.

The layout of the house towards the rear of the plot (5m from boundary) however creates an unnecessary substandard level of private amenity space and potential of conflict with adjoining uses to the rear. The unit will because of its setting, loss of trees and relationship to other buildings, appear out of keeping with the established landscape character and visually intrusive within the surrounding area, contrary to the aims of the placemaking criteria set out in LDP2 Policies 1A & 1B, Landscape 39 and NPF4 Policy 14: Design, Quality and Place.

Landscape

No existing block plan has been received. The proposed block plan and absence of any tree survey indicates that it may be the intention to clear all of the mature trees which run along the rear boundary of the site. It is unclear as to who owns the land the trees are on, but it is highly probable that they are outwith the site and were planted by the former owner of Middlebank to screen off the golf driving range. As a result, there is likely to be some form of historic recognition or protection of the trees via planning conditions or inclusion within approved plans. However, even if the applicant were not to remove those trees, the development of the site could place undue pressure on the removal of them as they would undoubtedly have a significant impact on the levels of light obtained in rear garden ground for example.

The loss of the trees would be regrettable and create an unwarranted and unbalanced skyline given the columnar nature of the poplars and characteristic linear planting which is a distinctive local feature and landmark.

No designated landscape plan has been prepared and while there is a specification indicating that a 1m high hedgerow will be planted together with a post and wire fence, that is of limited landscape worth and lacks sufficient detailing in terms of extent, location and relationship to what already exists.

The proposals as a result are considered to have adverse landscape impacts over the wider Carse and are contrary to policy 39 of LDP2.

Residential Amenity

The formation of residential development has the potential to result in overlooking and overshadowing to neighbouring dwellings and garden ground. There is a need to secure privacy for all the parties to the development those who would live in the new dwellings, those that live in the existing house and those that live in adjoining dwellings. Planning control has a duty to future occupiers not to create situations of potential conflict between neighbours.

The Council's guidance generally seeks to ensure there is a minimum distance of 9m from windows to boundaries in order to mitigate overlooking from new development. As noted previously this is not being achieved due to the proximity to the rear site boundary. However, it is noted that there are no residential properties to the west at this time. Notwithstanding, the layout should still seek to meet with established standards so as to future proof development sites, and to ensure the appropriate provision of garden ground.

The standalone nature of the house and surrounding land title within the applicants control is such however that there are no significant residential amenity concerns in respect of overlooking, overshadowing or noise.

A standard condition would be required in relation to the proposed ASHP.

Roads and Access

The layout indicates that the house is to be set towards the rear of the plot with formal parking for 4 vehicles at the end of the access driveway. Due to

the proximity to the trunk road, Transport Scotland were consulted together with Transport Planning Officers. No objections have been made, though comment has been expressed over the proposed layout and lack of compatibility with Building Standard Regulations.

Drainage and Flooding

The application form indicates that the site is to connect to a private drainage system with surface water system catered for through a SUDS system. This is in accordance with Policy 53B and C of the LD2. A suitable surface water drainage system should be secured by condition should any planning permission be granted.

Natural Heritage, Biodiversity & Soils

The proposals have the potential for negative impacts due to the loss of prime agricultural land, removal of the field edge and mature trees. Policy 50 of LDP2 states that development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need.

No tree or ecological survey has been undertaken to assess potential impacts, nor scope for protection, mitigation or enhancement measures. The proposals as a result, are contrary to the objectives of NPF4 policies 1, 3 & 5 as well as 40A, 40B, 41 & 50 of LDP2 in respect of nature crisis, biodiversity, forestry, woodland & trees and soils.

Developer Contributions

The Developer Contributions Guidance is applicable to this application and contributions would be required if the recommendation was to approve.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended. The variations incorporate changes to

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.

Accordingly, the proposal is refused on the grounds identified below.

Reasons for Refusal

1 The proposals are contrary to National Planning Framework 4 (2023), Policies, 9: Brownfield, Vacant & Derelict Land and Empty Buildings, 17: Rural Homes and Perth & 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 & Place and Perth & Kinross Council Local Development Plan 2 (2019) Placemaking Policies: 1A & 1B (parts a, b, c, d and f), Policy 39: Landscape; and associated supplementary guidance (2020), as the proposals by reason of tree removal, site location, juxtaposition and lack of cohesion with existing buildings and absence of any landscape containment, 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 NPF4 Policy 1, 3 & 5 and Perth & Kinross Council Local Development Plan 2 (2019) Policies 40A, 40B and 50 which seeks to protect prime agricultural land, trees, biodiversity and wildlife habitats and requires a detailed tree and ecology survey to be undertaken in order to demonstrate the presence and any potential impacts on trees and protected species which may be contained within such habitats. No tree or ecology survey has been submitted with the application.

Justification

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

Informatives

Not Applicable.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01
02
03
04
05
06

APPENDIX 4



Mr Jamie Ramsay
c/o OSA
Paul O'Shea
Hill Tops
Dalcapon
Pitlochry
Perthshire
PH9 0ND

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **20th December 2024**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **24/01520/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to **refuse** your application registered on 21st October 2024 for Planning Permission for **Erection of vehicle service and repair workshop, formation of hardstanding and associated works Land 130 Metres East Of 4 Middlebank Holding Errol Perth PH2 7SX**

David Littlejohn
Strategic Lead (Economy, Development and Planning)

Reasons for Refusal

1. The proposal is contrary to Policy 9 Brownfield, vacant and derelict land and empty buildings of National Planning Framework 4 which states that "Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP". The site has not been allocated for development and is not explicitly supported by policies in the LDP.
2. The proposal is contrary to Policy 29 Rural Development of National Planning Framework 4 as it fails to meet any of the relevant categories of development set out within Policy 29a). In particular it is on a greenfield site which is grade 2 agricultural land, is not diversification of an existing business and it does not reuse an existing redundant or unused building.
3. The site is designated as prime agricultural land (Class 2). The proposal is contrary to Policy 5 Soils of NPF4 and Policy 50 (Prime Agricultural Land) of the Perth and Kinross Local Development Plan 2 (2019) both of which does not support development on such land outwith settlement boundaries unless it is necessary to meet a specific established need.

4. The proposal is contrary to Policy 1A Placemaking, of the Perth and Kinross Local Development Plan 2 (2019) and Policy 14, Design, Quality & Place of National Planning Framework 4. The proposed development would not contribute positively to the built and natural environment. Development would detract from the visual amenity and landscape character of the area due to the un-contained and open nature of the site, the scale and design of the proposed development and the proposed extensive area of hardstanding.
5. The proposal is contrary to Policy 8 Rural Business and Diversification of the Perth and Kinross Local Development Plan 2 (2019). Limited justification for the proposal has been submitted. The site is not located in a settlement boundary and does not relate to the diversification of an existing business or relate to an existing site-specific resource or opportunity.
6. The proposal is contrary to National Planning Framework 4 Policy 1 and 3 and Perth & Kinross Council Local Development Plan 2 (2019) Policies 40A and 40B which seeks to protect trees, biodiversity and wildlife habitats and requires a detailed tree and ecology survey to be undertaken in order to demonstrate the presence and any potential impacts on trees and protected species which may be contained within such habitats. No tree or ecology survey has been submitted with the application.
7. The proposal is contrary to Policy 13, Sustainable Transport of National Planning Framework 4 and Policy 60B, Transport Standards and Accessibility Requirements of the Perth and Kinross Local Development Plan 2 (2019) as insufficient information has been provided to assess the transport and traffic impacts of the development and the site is not in a sustainable location which is accessible to modes of sustainable transport such as public transport, cycling and walking.

Justification

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

Notes

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

- 01
- 02
- 03
- 04
- 05
- 06

NOTES

1. If the applicant is aggrieved by the decision to refuse planning permission or an application for approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to:

The Secretary
Local Review Body
Perth and Kinross Council
Committee Services
Council Building
2 High Street
Perth
PH1 5PH

Email planninglr@pkc.gov.uk

The 'Notice of Review' form together with guidance notes for completion can be obtained from Perth & Kinross Council website www.pkc.gov.uk

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 5 of the Town and Country Planning (Scotland) Act 1997.

The foregoing notes are explanatory only and reference must be made to the Town and Country Planning (Scotland) Acts and the appropriate Regulations or Orders for their full context.