

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

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

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 No
☐ y ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

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) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 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) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

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

- | | |
|---|-------------------------------------|
| 1. Further written submissions | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input checked="" type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

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:

The assumption of the Planning officer that the application site was not suitable for development due to too much emphasis being placed on protecting the interests of the adjoining site. As a result the application was not given proper consideration.

Site inspection

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

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

None

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.

Separate statement attached.

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.

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.

Separate statement attached.

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. (Included in statement)

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/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

DOUGLAS THOMSON
for GILBERTS

Date

18.07.25

Notice of Review Statement

Planning Application Ref 25/00286/FLL

Erection of a Dwelling House, Land 75 metres West of 8 Landside Drive Comrie PH6 2HR

gilberts

architects

1.0 Reason for Notice of Review Application

The applicant considers that the reasons given for refusal are not merited by the application proposals. Too much emphasis has been placed on protecting the interests of the site immediately to the north at the expense of a fair and proper assessment of the proposal submitted.

2.0 Background

The applicants are a young couple who have been given the opportunity to build a new home on part of the ground owned by relatives at 8 Landside Drive. This ground was previously granted consent for housing as part of a larger development, so its residential use status is established. It is within the established Comrie settlement area. The relatives wish to retain part of the ground for their own garden use and so the application is for the western part only. This applicant site area is 582m² which is still a good-sized plot for a single dwelling.

The proposed access and parking arrangement were considered acceptable. Nor were there any drainage or flooding issues. The applicant was happy to accept the recommendations for archaeological investigations.

The criticism of the proposal stems from the neighbouring property on which consent for 3 houses was granted consent in 2021. A notice of initiation of development was submitted for these in March 2024 but to date no houses have been built.

3.0 Reasons for Refusal

The reasons given for refusal are that the proposals are:

- Poorly designed.
- The design density and siting fails to respect the character and amenity of the place.
- They do not take into account the local context.
- Will have a negative impact on the visual amenity and local character

In addition, the proposal is:

- Not consistent with the six qualities of successful places set out in the national planning policy NPF4 Policy 14 Design, Quality and Place.
- Contrary to LDP2 Policy 1 Placemaking and associated Supplementary Guidance
- Contrary to LPP2 Policy 17 Residential Areas



SITE LOCATION

4.0 Comment on the Report Handling

The Report of Handling betrays an inappropriately negative attitude to the application proposals which undermine the perfectly reasonable desire of the applicants to develop their land for residential use. It gives undue weight to the consent for the unbuilt site to the north and, presumably, their objections to the application.

The main issues:

The Report refers to the application site as a paddock on the basis that it was referred to as such in the application for the plots to the north. It should not be relevant what land use is noted outside the boundary of another application. The application site is within the Comrie settlement boundary and has previously been granted consent for residential use. It is clearly a suitable residential site. The Report later describes the application site as an attractive buffer between the field to the south and plots to the north. This is also irrelevant. The application site is not a designated buffer for another development. The applicant and owners should be entitled to reasonably develop the land should they wish. In any case, the proposals specifically retain the established copper beech hedging and the small scale of the house will not significantly alter the visual approach to Comrie along the B827 so the visual buffer will be maintained.

The Report correctly identifies that the proposed house sits closer to the B827 than the nearest house in the unbuilt consent for the site to the north. It therefore concludes that the proposals do not respect the broad building line. The proposed house does however sit at the same distance to the road as the second house and further away than the third one. The building line is therefore not a consistent design factor.

The Report notes as a criticism that the application plot is smaller than the three plots in consent for the adjoining site. It later goes on to state that the proposals do not respect the density and layout of the approved plot to the north. It is not clear why this is relevant. The proposed building footprint is 114m². The plot area is 582m². This is well in excess of recognised recommendations for both plot size and footprint to plot ratio. It is noticeable that the Report does not refer to this. It is not clear why a proposal for a smaller house on a smaller plot should not be acceptable or encouraged.



EXTRACT FROM APPLICATION SITE PLAN SHOWING THE PROPOSED NEW HOUSE

4.0 Comment on the Report Handling - continued

The Report prejudicially comments that the proposed house is “crammed” into the site. It is not. The house is placed at one end of the plot to minimise any impact on the site to the north and to maximise the benefits of the plot aspect. The Report also refers to the proximity of part of the proposed house only 1m from the boundary as demonstration of the house being “crammed” in. This is only a small single storey element that could easily have been reviewed as part of the application process. Most of the house is 2.5m from the boundary. i.e. the same distance as the proposed house next door. This is indicative of the desire of Planning to rush to refuse the application rather than providing a balanced and proactive service to the applicant.

The Report refers to the Placemaking Supplementary Guidance which states “ All new houses should benefit from private garden space, for drying clothes, accommodating pets, children’s play, quiet enjoyment etc. Front gardens do not constitute private garden space”. The proposals do include a private area to the rear and clothes drying area. Obviously, the balance of ground is weighted to the front. In mitigation, this is not a typical arrangement with an open driveway up to the front of the house. The proposed large garden is screened from road by a mature hedge along the whole of the west boundary and will therefore be adequately private. The house is deliberately designed with doors opening to a seating area within this garden area to take advantage of the south/west aspect and magnificent views. The garden will provide an excellent play area properly overlooked from the main living spaces in the house. The design is for a bespoke house in a beautiful setting. It does not seem reasonable to use standard estate housing guidelines in this context and some flexibility should have been allowed.



VIEW OF THE APPLICATION SITE FROM THE B827 SHOWING THE COPPER BEECH HEDGE WHICH IS TO BE RETAINED

5.0 Comment on the Specific Reasons for Refusal

The proposals are poorly designed.

This is presumably a criticism of the siting rather than the design of the house which is a modest, modern but respectful, one and half storey house using high quality natural stone and slate. It is of a comparable and compatible standard to other good quality applications in the area.

The design density and siting fail to respect the character and amenity of the place.

In the broader context on the houses along the B827 and Braco Road, the proposals are compatible with the character of the existing houses and amenity of the area.

The proposals do not take into account the local context.

As 3.02.

The proposals will have a negative impact on the visual amenity and local character.

It is difficult to see how this conclusion has been reached. The proposals are for a sympathetically designed modest house, well screened from the public by established hedging. When viewed approaching Comrie from the south it would sit comfortably within the established town edge.



THE PROPOSED ELEVATION FACING THE B827 WITH HOUSES OF SIMILAR SIZE, WITH THE SAME PALATTE OF MATERIALS ON BRACO ROAD.

5.0 Comment on the Specific Reasons for Refusal - continued

The proposals are not compatible with six qualities for successful places (NPF4).

Again, it is difficult to see why the proposals are in contravention of any of the six qualities listed. These are:

Healthy - Supporting the prioritisation of women's safety and improving physical and mental health:

- Lifelong Wellbeing
- Healthy and Active Lifestyle
- Accessibility and Inclusion
- Social Connectivity
- Environmental Positive Places.

Pleasant: Supporting Attractive Natural and Built Spaces.

- Positive social interactions
- Protection
- Connecting with nature
- Variety and quality
- Enjoyment

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

- Active travel
- Connectivity
- Convenient connections
- Pedestrian experience

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted into designs to reinforce identity:

- Scale
- Built form
- Sense of Place

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. Designing for:

- Transition to net-zero
- Climate resilience and nature recovery
- Active local economy
- Community and local living

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can meet the changing needs and accommodate different uses over time. Designing for:

- Quality and function
- Longevity and resilience
- Long-term Maintenance

It is not clear why any of these apply to the application as a reason for refusal.



View From South West



View From North West

IMAGES FROM THE APPLICATION SHOWING A ONE AND A HALF STOREY HOUSE WITH NATURAL STONE WALLS AND A SLATE ROOF.

5.0 Comment on the Specific Reasons for Refusal - continued

The proposals are contrary to LPP2 Policy 1 Placemaking and associated Supplementary Guidance

	The Supplementary Guidance states the proposals should meet all the following placemaking criteria:	Comment
a.	Create a sense of identity by developing a coherent structure of streets, spaces, and buildings, safely accessible from its surroundings.	The proposals continue the urban pattern of standalone properties within a garden setting. The proposed house is compatible with the scale of other buildings on Braco Road/ B827.
b.	Consider and respect site topography and any surrounding important landmarks, views or skylines, as well as the wider landscape character of the area.	The proposals are designed to respond to the location and character of the surrounding built environment.
c.	The design and density should complement its surroundings in terms of appearance, height, scale, massing, materials, finishes and colours.	The design proposals are compatible with scale of neighbouring developments and incorporate natural stone and slate finishes.
d.	Respect an existing building line where appropriate or establish one where none exists. Access, uses, and orientation of principal elevations should reinforce the street or open space	As noted previously, there is not an established building line even if the neighbouring site is developed. The access is already established, and the proposals are properly orientated to respond to both street and field to the south.
e.	All buildings, streets, and spaces (including green spaces) should create safe, accessible, inclusive places for people, which are easily navigable, particularly on foot, bicycle and public transport.	The proposals are within then established Comrie Settlement boundary.
f.	Buildings and spaces should be designed with future adaptability, climate change and resource efficiency in mind wherever possible.	The design proposals meet these criteria.
g.	Existing buildings, structures and natural features that contribute to the local townscape should be retained and sensitively integrated into proposals.	The proposals retain the existing copper beech hedging around the site.
h.	Incorporate green infrastructure into new developments to promote active travel and make connections where possible to blue and green networks	Not specifically relevant to the proposals.
i.	Provision of satisfactory arrangements for the storage and collection of refuse and recyclable materials	A refuse collection area is included within the proposals.
j.	Sustainable design and construction.	The design incorporates solar panelling which will enable it to meet technical standards for sustainability at building warrant stage.

The proposals are contrary to LPP2 Policy 17 Residential Areas

This policy encourages infill development within settlement boundaries and should therefore be supportive the application in principle.

6.0 Conclusion

The Planning department have rushed to refuse this application without giving it proper consideration. The reasons given for the refusal are not sustainable.

This is not fair on the applicants who have submitted a well-considered proposal for a modest high quality family home.

It is understandable that the owners of the neighbouring site would prefer the application property to remain undeveloped. This does not justify, in planning terms, the negative response to the application from Planning.

The underlying rationale of the reasons for refusal is that the application site should remain undeveloped in perpetuity for the benefit of the site next door.

It is hoped that the Notice of Review procedure will give equal weight to the reasonable desire of applicants to develop their own property.