



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100731544-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	JJF Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Joe	Building Name:	
Last Name: *	Fitzpatrick	Building Number:	35
Telephone Number: *	07974426615	Address 1 (Street): *	Aytoun Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Burntisland
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY3 9HS
Email Address: *	joe.fitzpatrick390@gmail.com		

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Burton	Building Number:	
Last Name: *	Millar	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *	joe.fitzpatrick390@gmail.com		

Site Address Details

Planning Authority:	Perth and Kinross Council
Full postal address of the site (including postcode where available):	
Address 1:	
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	
Post Code:	

Please identify/describe the location of the site or sites

Achomer, Commercial Lane, Comrie, Crieff PH6 2DP

Northing	721998	Easting	277421
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of fence (in retrospect) Achomer Commercial Lane Comrie Crieff PH6 2DP

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see submitted Notice of Review Statement

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

DOCUMENT 1: Planning Application Form. DOCUMENT 2: Decision Notice DOCUMENT 3: Delegated Report of Handling
DOCUMENT 4: Perth & Kinross Council Conservation Officer relating to 25/00584/FLL. DOCUMENT 5: Consultation response
from Perth & Kinross Council Conservation Officer relating to St Kessogs Sq. DOCUMENT 6: Delegated Report of Handling -
19/00685/FLL Also, the plans etc submitted with the application have been included.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

25/00584/FLL

What date was the application submitted to the planning authority? *

23/04/2025

What date was the decision issued by the planning authority? *

04/08/2025

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Joe Fitzpatrick

Declaration Date: 31/10/2025

Payment Details

Pay Direct

Created: 31/10/2025 15:11

JJF Planning
Joe.fitzpatrick390@gmail.com
07974426615
01592874360

NOTICE OF REVIEW

Application for Planning Permission 25/00584/FULL – Erection of fence (in retrospect) At
Achomer Commercial Lane Comrie Creiff PH6 2DP

28th October 2025

INTRODUCTION

I act on behalf of Mr and Mrs Millar of Achomer Commercial Lane Comrie (the applicant), in submitting this Notice of Review relating to Application for Planning Permission 25/00584/FUL – Erection of Fence (In Retrospect). A copy of the planning application form is included with this submission as Document 1.

On 4th August 2025 the application was refused by Perth & Kinross Planning & Development Department acting under delegated powers granted by Perth & Kinross Council. The Decision Notice issued on 4th August 2025 is included with this submission as Document 2. The Decision Notice stated the following reasons for refusal:

1. The proposal, by virtue of its design, height and siting, has a detrimental impact on the character and environmental quality of the application property and the surrounding area. Approval would therefore be contrary to Policy 16(g)(i): Quality Homes of National Planning Framework 4, contrary to Policies 1A and 1B(c): Placemaking of the Perth and Kinross Local Development Plan 2, and contrary to the Perth & Kinross Placemaking Supplementary Guidance 2020.

2. The proposal, by virtue of its design, height and siting, is detrimental to the character and appearance of the Comrie Conservation Area. Approval would therefore be contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which requires planning authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas; contrary to Policy 7(d): Historic Assets and Places (Conservation Areas) of National Planning Framework 4; and contrary to Policy 28A: Conservation Areas of the Perth and Kinross Local Development Plan 2. 2

3. The proposal, by virtue of its design, height and siting, restricts the view of road users and is detrimental to road safety. Approval would therefore be contrary to Policy 60B: Transport Standards - New Development Proposals of the Perth and Kinross Local Development Plan 2.

The assessment carried out by Planning & Development in seeking to justify the above reason for refusal is set out within the Officers Report of Handling (RoH), a copy of which is included as Document 3 under this submission.

Under the terms of the RoH, it will be noted that the above reasons for refusal based on the effect on the character and appearance of the Comrie Conservation Area and road safety have been offered by the Planning & Development Department without advice being obtained or any objection being raised by the Councils appointed officers in these matters, the Conservation Officer and Transportation Services respectively.

TERMS OF ASSESSMENT

Under the terms of the Town and Country Planning (Scotland) Act 1997 (As Amended) (the Act), Perth & Kinross Council, as planning authority, are required to reach a decision on an application for planning permission in accordance with the terms of Section 25 of the Act which states:

Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan.

In addition, Section 37(2) of the Act States:

In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

In relation to an assessment under Section 25 of the Act the development plan relating to the application site comprises the National Planning Framework 4 (NPF4) and the Perth & Kinross Local Development Plan 2. The policies set out within the RoH are agreed as the relevant development plan considerations against which the application should be assessed. However, it is considered that the Case Officers interpretation of these policies fails to take account of wider material issues.

Crucially in relation to this Notice of Review, Section 25 of the Act also provides for other material considerations to be taken into account when reaching a determination of this application. In this regard, it is considered that the Council's interpretation of development plan policy has failed to take into account the immediate context of the Conservation Area at the site and the wider development history within Comrie whereby other fences of a similar design, at higher profile locations, have been deemed acceptable by the Council in terms of the effect on the character and appearance of the Comrie Conservation Area.

GROUND'S FOR APPROVAL

Although the retrospective nature of this application is not a material consideration under Section 25 of the Act, it is nevertheless considered appropriate to offer comment on the circumstances which led to the works being undertaken without planning permission. In this regard, Mr & Mrs Millar acted in good faith based on a misinterpretation of the Town & Country Planning (General Permitted Development) (Scotland) Order 1992 in which it had not been appreciated that the location within the Conservation Area effectively removed the permitted development rights that would apply elsewhere. The erection of the fence without planning permission was in no way intended to circumvent the planning process. Had Mr and Mrs Millar been aware then an application would have been submitted prior to erection of the fence.

On becoming aware that planning permission was required, Mr & Mrs Millar cooperated fully with the Council. In this regard they were invited by the Council's Planning Enforcement Officer dealing with the case at that time to submit an application for planning permission and fully complied with this request.

The first two reasons for refusal focus on design and the visual impact of the fence in general terms with regard to the application property and surrounding area as well as in more specific terms relating to the effect on the character and appearance of the Comrie Conservation Area.

In considering this matter it is crucial to note that the interpretation of Development Plan policy relating to design is a highly subjective process. A development design which is considered acceptable to one person may be considered wholly unacceptable to another person. Therefore, in seeking to apply a degree of objectivity to the design assessment process, it is considered expedient to assess proposals within the wider context within which they are set.

In relation to the first reason for refusal, this focuses on the visual impact of the fence on the property and surrounding area in general terms without reference to the more specific considerations relating to the Comrie Conservation Area under the second reason for refusal. In this regard, it will be noted that the fence is of a standard design and is fabricated in timber, an approach which is widely accepted/

as an appropriate means of enclosure for a private garden area, including many examples within the Comrie Conservation Area, a number of which occupy much more prominent sites, as detailed in the photographs below.



*Figure 1: South
Corner of Queen
Street*



*Figure 2: North Corner of Queen
Street*



Figure 3: Glenbuckie Drummond Street

These fences, and many more within the Conservation Area, have been accepted by the Council at the time they were originally erected on the basis that weathering of the bright unseasoned timber will occur over time. As can be seen, such weathering has occurred and the fencing has been deemed by the Council to be consistent with preserving the character and environment of the properties involved, as well as their surroundings. In view of this it is considered that the first reason for refusal is unsupported.

Turning to the second reason for refusal, which focuses on the effect of the proposals on the character and appearance of the Comrie Conservation Area. It is widely recognised within the built heritage conservation fraternity that within any designated conservation area there are zones of higher quality which form the primary reason for designation and areas which are of no particular heritage value. The latter not meriting conservation area status in their own right but which have simply been included by virtue of geographical expedience.

When assessing the impact of a particular proposal on the overall character and appearance of the conservation area it is crucial to have an understanding of this variation in quality. A development which would be wholly unacceptable in a high quality zone of a conservation area, a zone which provided the justification for the designation, may nevertheless be completely acceptable in an area within the same conservation area which has no particular merit and which does not provide any justification for the overall designation.

In this regard, the application site is located in a portion of the conservation area characterised by relatively modern residential development which lacks any significant heritage preservation value. Within this immediate context the relative visual impact of the fence on the overall character and appearance of the conservation area is considered to be insignificant.

With regard to the assessment process relating to the effect of the fence on the character and appearance of the conservation area, it is noted that comments from the Perth & Kinross Council Conservation Officer, (Document 4) state:

The case officer will assess the proposal and its impacts on the character and appearance of the Comrie Conservation Area.

No explanation has been given regarding the reason why assessment of the effect of the proposals on the character and appearance of the Comrie Conservation Area has been deferred to the Case Officer alone when it is the Conservation Officer who holds the expertise and is specifically appointed by the Council to offer such comment. It is considered that this unusual approach lacks the necessary checks and balances to ensure that the most objective level of assessment is achieved in what is an otherwise inherently subjective process.

In this regard, there are a number of examples where timber fencing of a similar design, at much more prominent locations within the Conservation Area, have been approved. Of particular note is the approval of planning permission 18/00804/FLL for the redevelopment of St Kessogs Square, an extremely high profile public location within the Comrie Conservation Area. St Kessogs Square is located immediately opposite Commercial Lane.



Figure 4: Fencing approved at St Kessogs Square – immediately adjacent to Commercial Lane.

It will be noted from the photographs that the proposals include the erection of timber fencing along the northern and western boundary of the site which is of a similar design and height but much more extensive scale to that erected at Commercial Lane. Document 5 sets out the Conservation Officers comments in relation to the proposals. Specifically, the response states:

The proposed site is centrally located in the Comrie Conservation Area, with listed buildings on either side (Ballacraine and Assynt), and directly opposite on Drummond Street.

I am content that the proposed works protect the setting of the adjacent listed buildings and the wider conservation area.

The inconsistency in the interpretation of Development Plan Policy relating to the effect on the character and appearance of the conservation area between the fencing at Commercial Lane and that at Kessogs Square is all the more striking given that the fence at St Kessogs Square is much more prominent within the Conservation Area than the fence at Commercial Lane.

Although the fence at St Kessogs Square has now weathered, thereby reducing it's visual prominence, when initially erected by the Council in 2019 it was of a similarly bright unseasoned finish to the fence at Commercial Lane. As previously commented, the weathering process will similarly reduce the prominence of the fence at Commercial Lane.

As a further example, the redevelopment of the property at Combruith on Field of Refuge, a very high profile location within the Conservation Area, includes the erection timber fencing which is of a similar design and height but which is again, of a much more extensive scale to that at Commercial Lane, as detailed in the photographs below.



Figure 5: Fencing approved at Combruith



The fencing was approved under planning permission 19/00685/FLL with the Report of Handling (Document 6) advising that there were no issues in terms off the effect on the character and appearance of the Comrie Conservation Area.

As is the case with the fencing at St Kessogs Sq, the visual impact of the fencing has been tempered by weathering compared to the very bright unseasoned appearance it had when first erected. This balanced and reasonable basis for assessment reflects the pragmatic approach taken by the Council throughout the conservation area.

This weathering effect is further demonstrated at a variety of sites within the vicinity, as detailed in the photographs below. It will be noted that the fencing on Ancaster Lane in particular is just round the corner from Commercial Lane, within the same portion of the conservation area. Again, the fencing at Commercial Lane will similarly diminish in prominence once weathered.



Figure 6: Sites on Ancaster Lane

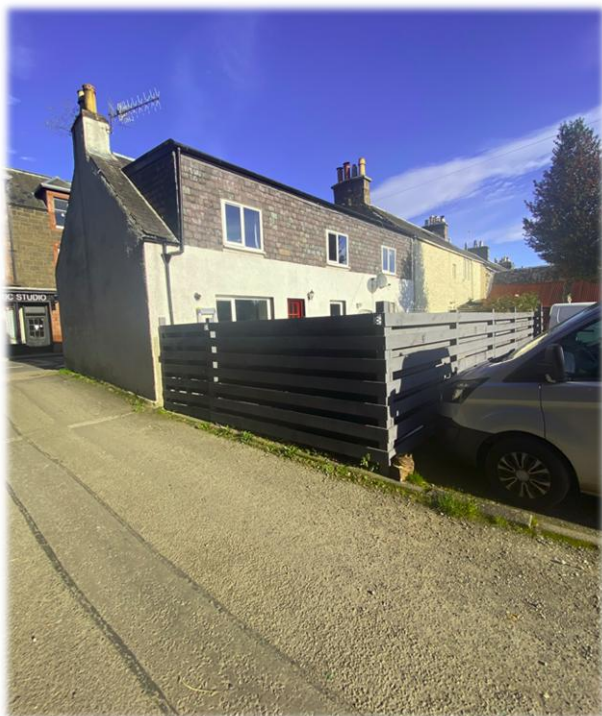


*Figure 7: Site Off Burrell Street
Opposite The Parish Church*



Figure 8: Site Opposite Farnock Dalginross

All the above sites are considered to display fencing on equally, if not more, prominent sites than the fence at Commercial Lane but which are clearly not considered by the Council to be detrimental to the character and appearance of the conservation area.



However, more immediate mitigation of the visual impact of a newly erected fence can be achieved through painting. This photograph demonstrates how a relatively new fence on Ancaster Lane has been absorbed visually through sensitive painting.

As with other fencing on Ancaster Lane, this newly erected fence is just round the corner from Commercial Lane, and located within the exact same portion of the Comrie Conservation Area.

Mr & Mrs Millar are more than happy to paint the fence at Commercial Lane whatever colour the Council wishes, if this is seen by the Review Body as a solution which can also be applied to their private garden area.

Figure 9: Fence recently erected at Ancaster Lane - the Lane immediately next to Commercial Lane.

Turning to the third reason for refusal relating to road safety matters, it has previously been noted that this reason for refusal has been offered without any comment from the Council's experts in road safety matters, Transportation Services.

However, given that the road in question is a private road, it is anticipated that this is the reason for not consulting Transportation Services. Therefore, as an objective means of bridging the gap in professional advice, can I invite the Review Body to undertake a test of the road safety issues raised by Planning & Development and negotiate this corner themselves in a vehicle.

The photograph below should dispel any apprehension over personal safety in doing so. The photos display a private road with a corner which at the speed dictated by the geometry of the road has ample forward visibility. As such, this corner can easily be negotiated by a sensible driver exercising due caution without any road safety danger to other vehicles and pedestrians. In addition, the previously open aspect at the corner encouraged drivers to negotiate it at higher speeds. The erection of the fence should be welcomed by the Council as a traffic calming measure encouraging speed moderation.



Figure 10: The corner at Commercial Lane



Comments On The Report of Handling (RoH).

Turning to the RoH itself, the primary concern in relation to the Comrie Conservation Area Appraisal relates to the preservation of the view from Drummond Street toward the River Earn. In this regard the RoH comments:

In addition, the Comrie Conservation Area Appraisal notes that Commercial Lane provides a key view from Drummond Street to the River Earn. The recently erected fence is visible from Drummond Street and encroaches into the key view of the river, to the detriment of the character and appearance of the Comrie Conservation Area.

The photographs below display the extent to which the fence affects the key view. From the north side of Drummond Street the fence is barely visible behind the telegraph pole. Although more of the fence is visible when viewed from the south side of Drummond Street, to reach a conclusion that the only option open to the Council is to refuse the application is considered unreasonable at best.



Figure 11: View down Commercial Lane from North side of Drummond Street

Even without taking into account the effects of weathering or painting, the fence can hardly be considered of such detriment to the character and appearance of the conservation area that the only option is refusal. With weathering or painting the fence will become even less apparent than it currently is. Why has the Council not considered this? As demonstrated above, the Council has clearly taken such effects into account in relation to other fencing in the conservation area. All Mr & Mrs Millar are asking for is fair and equal treatment.



Figure 12: View down Commercial Lane from South side of Drummond Street

Comments On The Representations.

Five objections have been submitted. A key issues raised relates to the Comrie Conservation Area Appraisal and it reference to the view down Commercial Lane from Drummond Street towards the River Earn. In this regard the objections repeat the issue raised in the RoH relating to the adverse effect of the fence in preserving this view. However, as detailed in the section above, the fence is barely visible and with weathering or painting, will become completely indistinguishable from the telegraph pole and surrounding visual context it sits within.

An objection has been raised on the basis of the precedent that will be set. However, as demonstrated in this statement, the Council has already set a strong precedent based on a pragmatic and reasonable approach whereby timber fencing can be accepted within the conservation area, and at much higher profile locations than this, while also preserving the character and appearance of the conservation area. Therefore, if precedent is to be considered a factor in this matter, it is very much the case that it favours approval.

It is regrettable that one objection questions the motives of Mr & Mrs Millar in erecting the fence for security and privacy purposes. It has to be stressed that security and privacy concerns are a very real issue for a young family, especially so given the location of the private garden away from the associated dwellinghouse. Also, contrary to the comments offered, the garden area is entirely secure. Although the lower section of fence along the south boundary does enable some views back into the garden area, vehicles parking in front of this lower section of fence serve to ensure privacy is maintained without making the small garden space oppressive. The fence as erected serves to achieve a very high degree of privacy compared to the previous completely open aspect, with the lower section of fence to the south boundary serving to preserve an open view towards the River Earn.

Another issue raised relates to loss of open space. In response, it has to be stressed that although this area has previously been open to view, it is not open space. This misconception is considered to be at the root of concern whereby it is felt that the area belongs to the public domain. However, this is a private garden area. Mr & Mrs Millar are simply seeking to ensure that what is their private garden area is just that, private, in exactly the same way as the various objectors would wish to maintain their own private garden areas.

A further objection refers to the fencing being contrary to development plan policy. This Notice of Review Statement is considered to fully demonstrate that the narrow interpretation of Development Plan policy applied by Planning & Development is flawed when considered within the wider context of the conservation area. In this regard, the fencing is entirely consistent with Development Plan policy when this more robust and reasonable basis of assessment is adopted.

Comment is also offered within an objection that the fence is out of character with the area. This basis for objection is completely dispelled given the plethora of similar fencing in very close proximity, let alone within the wider conservation area, as demonstrated by the photographs in this statement. Space does not permit within this statement to set out all the examples of similar fencing across the Comrie Conservation Area which the Council has accepted as being consistent with preserving the character and appearance of the conservation area.

Excessive height is also raised as an objection. However, the fence is of a standard height and is entirely consistent with the height of fence normally erected around a private garden area.

As a further consideration, contact with the initial Council Officer dealing with the case indicated that the main concern from the person raising a complaint was with regard to their loss of view. However, as the Local Review Body will be aware, loss of view is a non-material consideration.

Finally, concern is also raised over road safety. This matter has already been addressed above within the main statement. To reiterate the points raised, the geometry of this corner dictates that any sensible motorist will moderate their speed to a level commensurate with the available forward visibility. As such, the fence serves to improve safety by encouraging motorists to exercise caution which they previously would not have applied when the corner was more open.

COMMENTS FROM MR AND MRS MILLAR

Mr and Mrs Millar are anxious to make it clear that they had not anticipated their actions in erecting the fence would cause such a level of concern. They had assumed, given how far the fence is away from their immediate neighbour and there being no impact in terms of overshadowing, that there would be no issues. This is a very unusual situation where the private garden area relating to their property is detached from the property itself. However, it is nevertheless a private garden area which without the fence lacks any privacy whatsoever. Although the previous owner of 26 years chose not to provide privacy for their private garden, with a young family and concerns over security Mr & Mrs Millar hope that the immediate neighbour will understand their concerns.

CONCLUSION

It is fully accepted that the Council needs to ensure that the character and appearance of the conservation area is preserved. The applicants fully support the Council in this objective. However, based on assessments previously carried out by the Council relating to the erection of fencing within the wider conservation area, as detailed in this statement, something is fundamentally wrong with the conclusion that has been reached by the Council in this case.

Within the wider context of the Comrie Conservation Area and previous decisions by the Council relating to fencing, it is considered that the fence at Commercial Lane does not affect the character and appearance of the Comrie Conservation Area.

In particular, apart from the glaring inconsistencies detailed in this statement, no consideration has been given to visual mitigation through weathering or painting that has clearly been accepted by the Council elsewhere within the Comrie Conservation Area. In this regard, Mr and Mrs Millar are more than happy to paint the fence any colour which the Council deems appropriate.

To summarise the key argument, where a particular property has a relatively low public profile in terms of significance within the conservation area then scope exists to accept a fence which would otherwise be unacceptable in a more prominent and valuable portion of the designated area. This statement fully demonstrates that the Council has acted with pragmatic and reasoned justification in approving fencing of a similar design at much higher profile locations within the conservation area. All Mr and Mrs Millar ask is that the Council give them fair and equal treatment based on the approach that the Council has adopted elsewhere within the Conservation Area.

On the above basis I appeal to the Perth & Kinross Planning Review Body to overturn the recommendation offered by Planning Services.

LIST OF DOCUMENTS.

Application for Planning Permission 25/00584/FULL – Erection of fence (in retrospect) At Achomer Commercial Lane Comrie Creiff PH6 2DP

DOCUMENT 1: Planning Application Form.

DOCUMENT 2: Decision Notice – 25/00584/FLL.

DOCUMENT 3: Delegated Report of Handling – 25/00584/FLL

DOCUMENT 4: Consultation response from Perth & Kinross Council Conservation

Officer relating to 25/00584/FLL.

DOCUMENT 5: Consultation response from Perth & Kinross Council Conservation

Officer relating to St Kessogs Sq.

DOCUMENT 6: Delegated Report of Handling - 19/00685/FLL Combruith Dalginross.



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100709175-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Remove existing fencing which is in poor order and replace existing fence line along curtilage of property. New fence to be a screening fence of 1.8 m high and of wooden construction. Purpose of fence is to increase security and privacy to occupants including young children.

Has the work already been started and/ or completed? *

☐ No ☐ Yes - Started ☒ Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

15/04/2024

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

There are young children in residence and increased traffic in Commercial Lane, a privately maintained lane, from the current flood prevention construction works including excavators and site transport, crosses through the property and creates a hazard. On the householders initial reading of the online planning guidance it was understood that permission was not required, this turned out an incorrect interpretation on further reading by which time the fence was partially complete.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *
Other Title:		Building Name:
First Name: *	Burton	Building Number:
Last Name: *	Millar	Address 1 (Street): *
Company/Organisation	Burton Millar Limited	Address 2:
Telephone Number: *		Town/City: *
Extension Number:		Country: *
Mobile Number:		Postcode: *
Fax Number:		
Email Address: *		

Site Address Details

Planning Authority:	Perth and Kinross Council
Full postal address of the site (including postcode where available):	
Address 1:	ACHOMER
Address 2:	COMMERCIAL LANE
Address 3:	COMRIE
Address 4:	
Address 5:	
Town/City/Settlement:	CRIEFF
Post Code:	PH6 2DP

Please identify/describe the location of the site or sites

Northing	722017	Easting	277387
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☐ Meeting ☒ Telephone ☐ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

The Planning enforcement Officer visited site whilst work was in progress and spoke with the fencers building the fence. The Planning officer was given the applicants mobile number by the fencers and then contacted the applicant (myself) The officer advised over the phone that the works did require a planning application and advised on the process that should be followed, laying out the key steps and information required.

Title:

Mr

Other title:

First Name:

Edward

Last Name:

Jordan

Correspondence Reference Number:

Date (dd/mm/yyyy):

11/04/2025

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☐ Yes ☒ No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mr Burton Millar

On behalf of:

Date: 23/04/2025

☒ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * ☒ Yes ☐ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ☒ Yes ☐ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * ☒ Yes ☐ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ☒ Yes ☐ No
- e) Have you provided a certificate of ownership? * ☒ Yes ☐ No
- f) Have you provided the fee payable under the Fees Regulations? * ☒ Yes ☐ No
- g) Have you provided any other plans as necessary? * ☒ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- ☐ Existing and Proposed elevations.
- ☐ Existing and proposed floor plans.
- ☐ Cross sections.
- ☒ Site layout plan/Block plans (including access).
- ☐ Roof plan.
- ☒ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ☐ Yes ☒ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

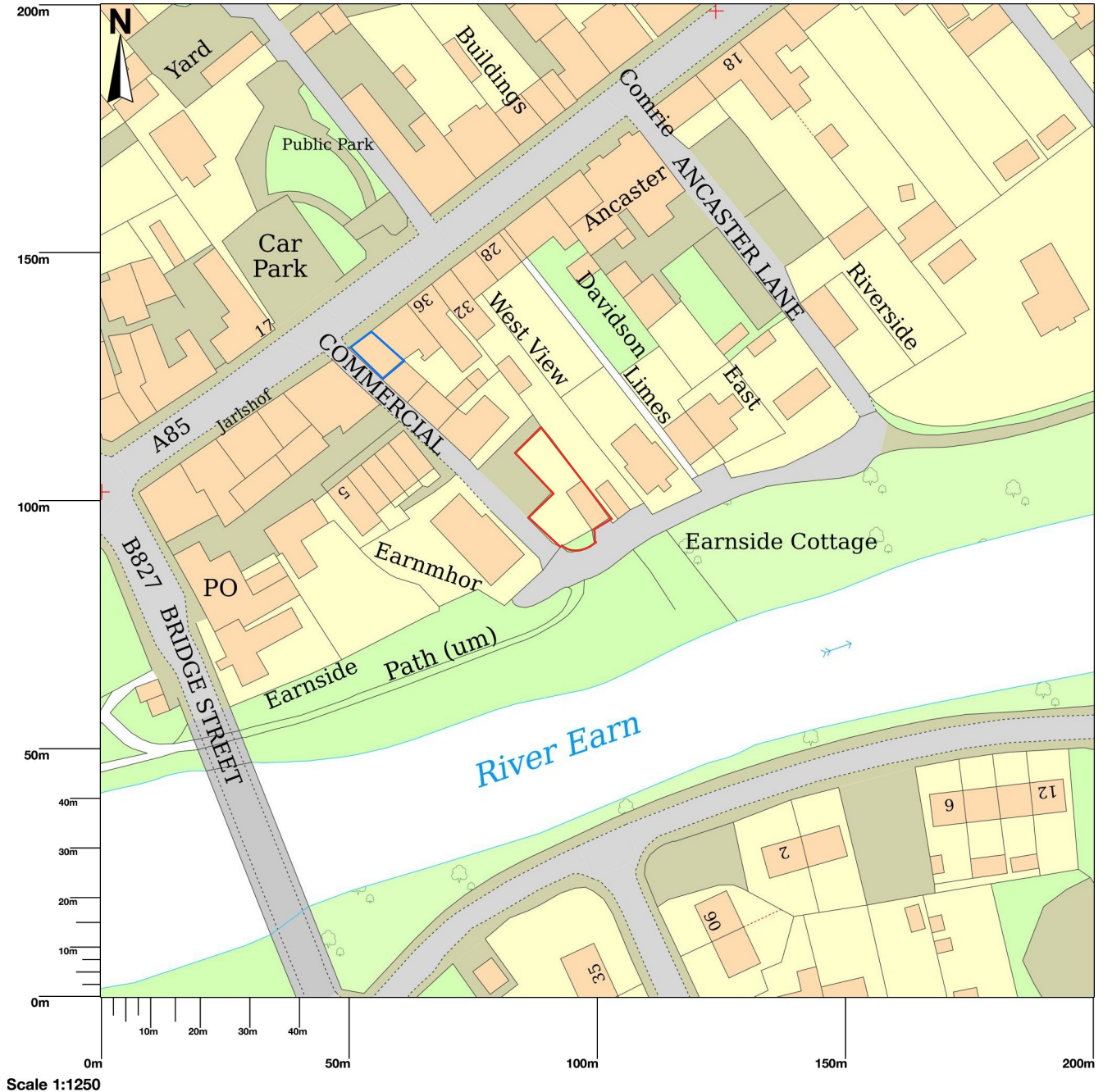
I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

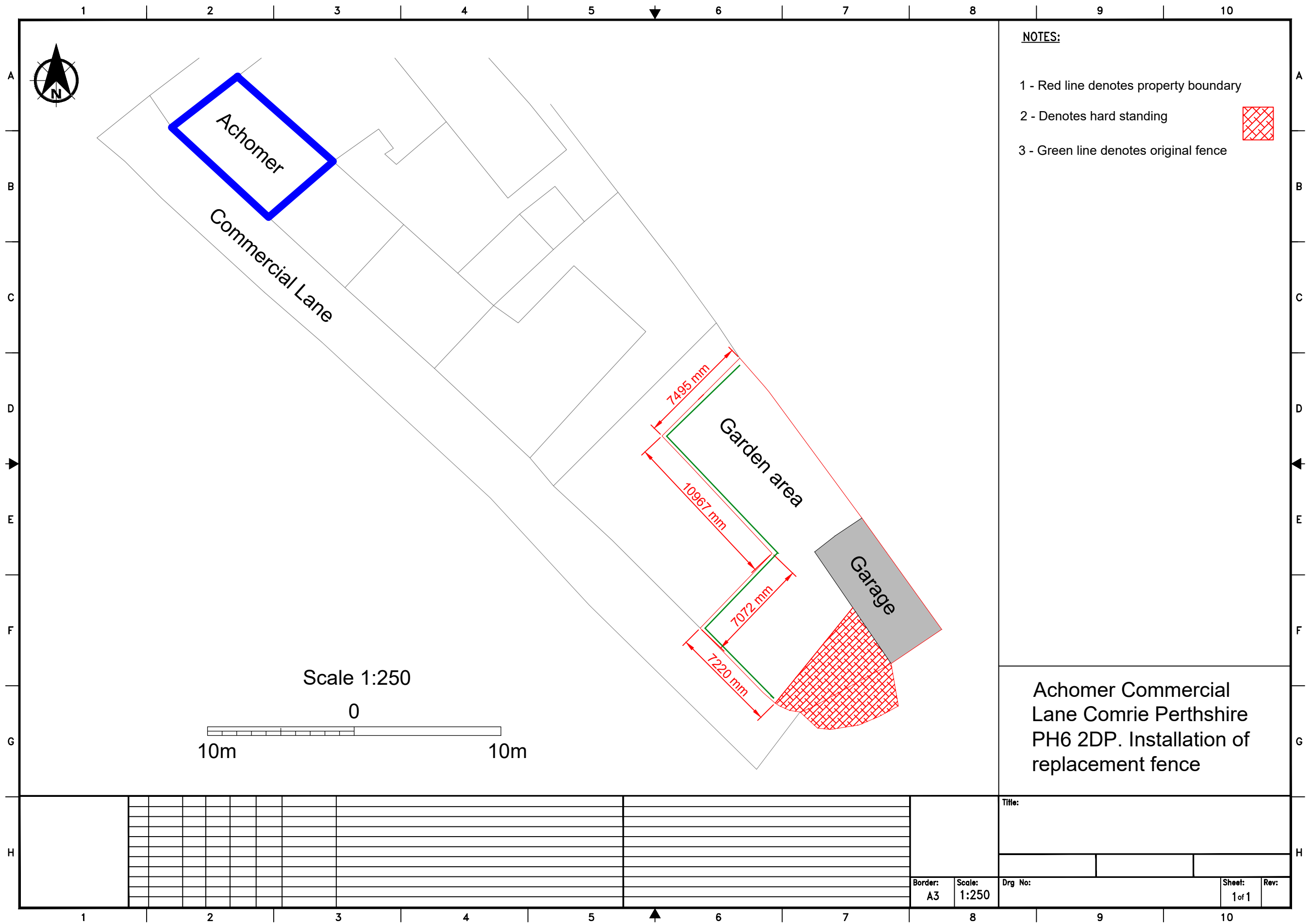
Declaration Name: Mr Burton Millar

Declaration Date: 23/04/2025

Payment Details

Achomer, Commercial Lane, Comrie, Crieff, PH6 2DP

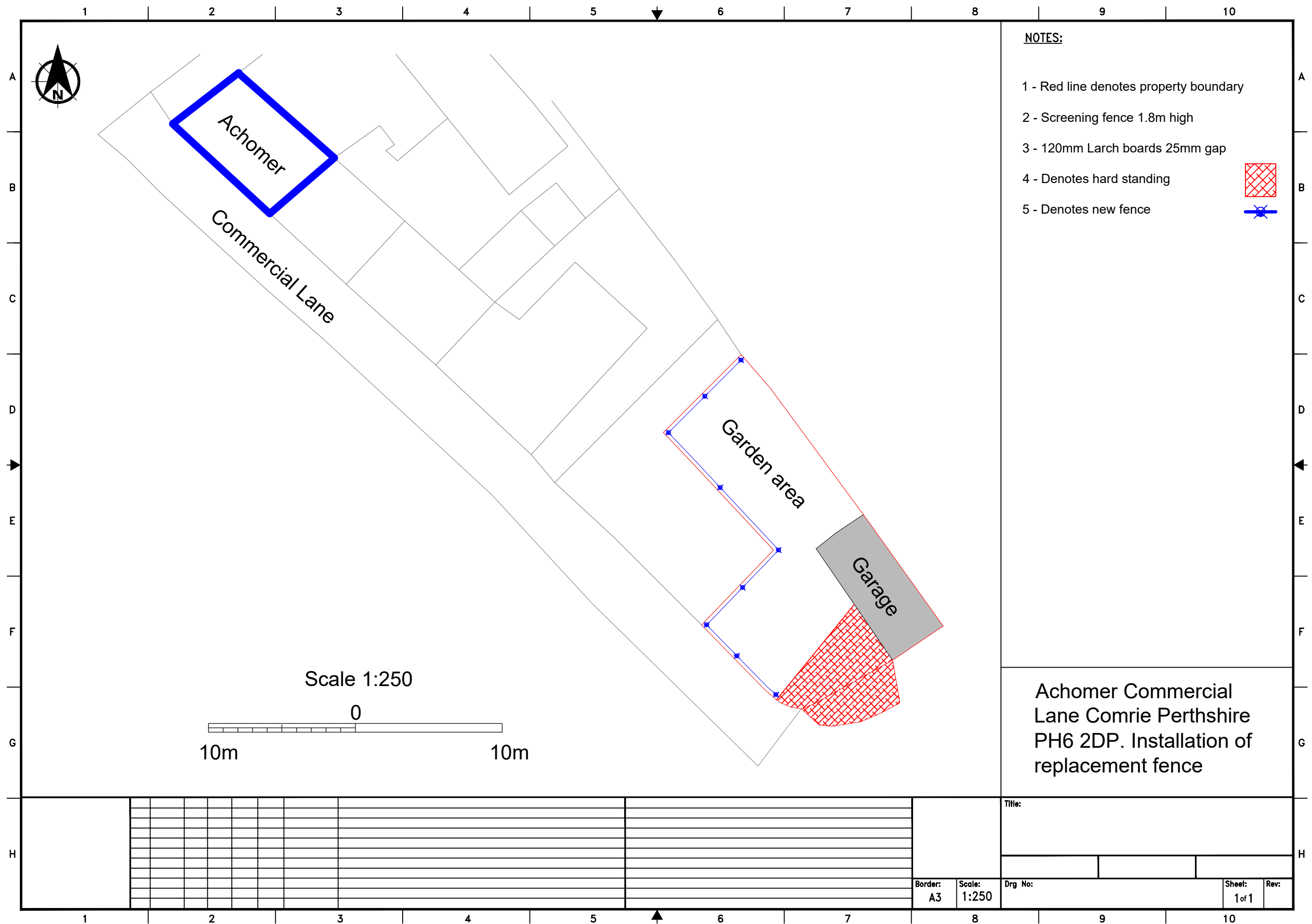




- NOTES:**
- 1 - Red line denotes property boundary
 - 2 - Denotes hard standing
 - 3 - Green line denotes original fence

Achomer Commercial
Lane Comrie Perthshire
PH6 2DP. Installation of
replacement fence

Title:			
Drg No:		Sheet:	Rev:
		1 of 1	



Achomer
Commercial Lane
Comrie
Perthshire
PH6 2DP

Planning Permission for a 1.8m Screening fence to replace existing fence following the same route along the curtilage of the property.

The purpose of the replacement fence is to improve the security and general appearance of the existing fence and help to ensure the safety of the family with young children recently moved into the dwelling house known as "Achomer"

The layout is odd, in that the house is separate from the garden making safety and security moving between dwelling house, garden and garage a priority.

In addition to the house being separate from the garden there is significant traffic in Commercial Lane which is privately maintained is used generally by local people for parking when shopping. Furthermore, the increased site traffic including vans, trucks and excavators from the adjacent ongoing flood prevention works make a normally quiet area very busy.

Fence Description

- Follows route of existing fence along Achmore property boundary.
- Total fence length 32.76m
- Height of fence along route 1.8m
- Fence is post & rail construction, vertically close boarded with 150mm boards & 25mm gap between boards.
- Boards are treated larch & maintenance will be by Achmore householder.



Burton Millar Limited
Mr Burton Millar
Cul Mhor
South Crieff Road
Comrie
PH6 2HF

Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Date of Notice: **4th August 2025**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **25/00584/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 6th June 2025 for Planning Permission for **Erection of fence (in retrospect) Achomer Commercial Lane Comrie Crieff PH6 2DP**

Kristian Smith
Development Management & Building Standards Service Manager

Reasons for Refusal

1. The proposal, by virtue of its design, height and siting, has a detrimental impact on the character and environmental quality of the application property and the surrounding area.

Approval would therefore be contrary to Policy 16(g)(i): Quality Homes of National Planning Framework 4, contrary to Policies 1A and 1B(c): Placemaking of the Perth and Kinross Local Development Plan 2, and contrary to the Perth & Kinross Placemaking Supplementary Guidance 2020.

2. The proposal, by virtue of its design, height and siting, is detrimental to the character and appearance of the Comrie Conservation Area.

Approval would therefore be contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which requires planning authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas; contrary to Policy 7(d): Historic Assets and Places (Conservation Areas) of National Planning Framework 4; and contrary to Policy 28A: Conservation Areas of the Perth and Kinross Local Development Plan 2.

3. The proposal, by virtue of its design, height and siting, restricts the view of road users and is detrimental to road safety.

Approval would therefore be contrary to Policy 60B: Transport Standards - New Development Proposals of the Perth and Kinross Local Development Plan 2.

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

1. Following the refusal of this retrospective application, the applicant should be aware that this matter is now being referred to the Planning Enforcement Team.

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

REPORT OF HANDLING

DELEGATED REPORT

Ref No	25/00584/FLL	
Ward No	P6- Strathearn	
Due Determination Date	5th August 2025	
Draft Report Date	1st August 2025	
Report Issued by	David Rennie	Date 1st August 2025

PROPOSAL: Erection of fence (in retrospect)

LOCATION: Achomer Commercial Lane Comrie Crieff PH6 2DP

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

Full planning permission is sought for the erection of a fence around part of the boundary of a domestic garden in the centre of Comrie. The layout of the site is unusual in that the garden is remote from, and situated 30 metres to the southeast of, the applicant's dwellinghouse.

The site is in the Comrie Conservation Area and there is a listed building to the west of the site.

The application is retrospective as the fence was erected prior to the submission of this application.

SITE HISTORY

None

PRE-APPLICATION CONSULTATION

Pre application Reference: n/a

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 7: Historic Assets and Places

Policy 16: Quality Homes

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 27A: Listed Buildings

Policy 28A: Conservation Areas: New Development

Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Statutory Supplementary Guidance

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

OTHER MATERIAL CONSIDERATIONS

Non-Statutory Guidance

- [Conservation areas](#)

CONSULTATION RESPONSES

Conservation Team

A conservation consultation was undertaken due to the proximity of the development to the Category C listed Former Secession Church on Commercial Lane. Given the physical separation of the subject site from the listed building, it is unlikely that the development would have a negative impact on the special historic or architectural interest of the listed building.

Structures And Flooding

No objection. Recommend an informative relating to flood risk be added to any approval.

REPRESENTATIONS

There were five objections to the application. The concerns raised relate to impacts on:

- Visual amenity
- Conservation area
- Road safety

These concerns are addressed in the Appraisal section below.

Additional Statements Received:

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Not Required
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.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

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

Developments which are incidental to the enjoyment of an existing domestic property are generally considered to be supportable in principle. Nevertheless, consideration must be given to the specific details of the proposed development, within the context of the application site, and whether it would have an adverse impact on visual or residential amenity, the character and appearance of the place, or road safety. Assessment of the proposal against the relevant policies is provided below.

Design, Layout and Visual Amenity

The fence is a 1.8-metre-tall screen fence that has been constructed using 120mm wide larch boards with 25mm gaps between the boards. Despite narrowness of the gaps gives the fence a close boarded appearance when viewed at an angle.

The fence has been erected along the northwestern and southwestern boundaries of the site, with part of the fence running along the boundary with Commercial Lane. To the south of the site, there is a wide area of open space, with the River Earn beyond.

The applicant has stated that the fence is required for safety reasons, including for the safety of children. However, it is noted that the fence as erected does not fully enclose the garden: there is a 7.5-metre-wide opening along the southeastern boundary of the site. The submitted drawings do not include the erection of any additional fencing across this gap.

Based on Street View images, the garden was previously enclosed by chain-link fences (approximately 1 – 1.2 metres in height) and hedges. Whilst there were also taller boundary treatments, these were to the northeast of the site and set well away from the road that bends around the site. Overall, the garden had a pleasant open appearance and was an asset to the area.

Due to its relatively close boarded design and its height, the recently erected fence has a stark appearance. A fence of this design is appropriate between back gardens of houses in a suburban housing development. However, in this location, it has had a detrimental impact on the character of the garden and the character of the area – the pleasant open appearance has been lost.

Due to its design, height and siting, the fence has a detrimental impact on the character and environmental quality of the application property and the surrounding area. As such, the proposal is contrary to Policy 16(g)(i): Quality Homes of National Planning Framework 4, contrary to Policies 1A and 1B(c): Placemaking of the Perth and Kinross Local Development Plan 2, and contrary to the Perth & Kinross Placemaking Supplementary Guidance 2020.

Historic Environment

Due to its design, height and siting as noted above, the proposal is detrimental to the character and appearance of the Comrie Conservation Area.

In addition, the Comrie Conservation Area Appraisal notes that Commercial Lane provides a key view from Drummond Street to the River Earn. The recently erected fence is visible from Drummond Street and encroaches into the key view of the river, to the detriment of the character and appearance of the Comrie Conservation Area.

Accordingly, the proposal is contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which requires planning authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas; contrary to Policy 7(d): Historic Assets and Places (Conservation Areas) of National Planning Framework 4; and contrary to Policy 28A: Conservation Areas of the Perth and Kinross Local Development Plan 2.

Given the distances involved, the proposed fence is not detrimental to the setting of the listed building to the west of the site. As such, the proposal is in accordance with Policy 7(c) of NPF4 and Policy 27A of LDP2.

Road Safety

Part of the fence has been erected adjacent to Commercial Lane where it meets a private road. The private road links to Ancaster Lane and serves a number of properties. On the submitted drawings (which appear to be accurate), it appears that the fence may be set back a sufficient distance from the corner of Commercial Lane and the private road to provide some visibility around the corner.

However, in reality, the fence restricts visibility around the corner. On the site visit, the case officer drove along the road and was forced to stop and reverse back from the corner when another car approached; even though both vehicles were going at slow speeds, the approaching car was not visible until it was at the corner. The combination of the close boarded design, the height and the proximity to the corner makes the fence detrimental to road safety

As such, the proposal is contrary to Policy 60B: Transport Standards - New Development Proposals of the Perth and Kinross Local Development Plan 2.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

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

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 proposal, by virtue of its design, height and siting, has a detrimental impact on the character and environmental quality of the application property and the surrounding area.

Approval would therefore be contrary to Policy 16(g)(i): Quality Homes of National Planning Framework 4, contrary to Policies 1A and 1B(c): Placemaking of the Perth and Kinross Local Development Plan 2, and contrary to the Perth & Kinross Placemaking Supplementary Guidance 2020.

2. The proposal, by virtue of its design, height and siting, is detrimental to the character and appearance of the Comrie Conservation Area.

Approval would therefore be contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which requires planning authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas; contrary to Policy 7(d): Historic Assets and Places (Conservation Areas) of National Planning Framework 4; and contrary to Policy 28A: Conservation Areas of the Perth and Kinross Local Development Plan 2.

3. The proposal, by virtue of its design, height and siting, restricts the view of road users and is detrimental to road safety.

Approval would therefore be contrary to Policy 60B: Transport Standards - New Development Proposals of the Perth and Kinross Local Development Plan 2.

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

- 1 Following the refusal of this retrospective application, the applicant should be aware that this matter is now being referred to the Planning Enforcement Team.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01
02
03
04
05

**Comments to the Development Management & Building Standards
Service Manager on a Planning and/or Listed Building Application**

Planning Application ref.	25/00584/FLL	Comments provided by	Jody Blake IHBC
Service/Section	Conservation	Contact Details	[REDACTED]
Description of Proposal	Installation of replacement fence (in retrospect)		
Address of site	Achomer, Commercial Lane, Comrie, Crieff PH6 2DP		
Comments on the proposal	The subject site is located within the Comrie Conservation Area. A conservation consult was undertaken due to the proximity of the development to the Category C listed Former Secession Church on Commercial Lane. Given the physical separation of the subject site from the listed building, it is unlikely that the development would have a negative impact on the special historic or architectural interest of the listed building. The case officer will assess the proposal and its impacts on the character and appearance of the Comrie Conservation Area.		
Date comments returned	08/07/2025		

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	18/00804/FLL	Comments provided by	Diane Barbary
Service/Section	Conservation	Contact Details	[REDACTED]
Description of Proposal	Permanent retention of village square including installation of street furniture, feature gate, gabion wall and boundary treatments, erection of a shelter/store, alterations to parking area, landscaping and associated works		
Address of site	Comrie Village Square, Drummond Street, Comrie		
Comments on the proposal	The proposed site is centrally located in the Comrie Conservation Area, with listed buildings on either side (Ballacraigne and Assynt), and directly opposite on Drummond Street. I am content that the proposed works protect the setting of the adjacent listed buildings and the wider conservation area.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	29/06/18		

REPORT OF HANDLING

DELEGATED REPORT

Ref No	19/00685/FLL	
Ward No	P6- Strathearn	
Due Determination Date	06.08.2019	
Report Issued by		Date
Countersigned by		Date

PROPOSAL: Change of use, alterations to hostel (class 7) to form 5 flats, formation of parking, bin store, cycle store, landscaping and associated works

LOCATION: Former Hostel Combruith Dalginross Comrie Crieff
PH6 2ED

SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

DATE OF SITE VISIT: 11 June 2019

SITE PHOTOGRAPHS



BACKGROUND AND DESCRIPTION OF PROPOSAL

The Former Hostel was originally built as the Bridgend Temperance Hotel in 1895. It became the War Memorial Institute after WWI before being converted in recent years to a hostel. The building is listed at Category C and occupies a prominent corner location within Comrie Conservation Area. This application seeks planning permission for the change of use of the building to residential,

formation of 5 flats formation of parking, bin store, cycle store, landscaping and associated works.

SITE HISTORY

19/00980/LBC Alterations Pending Consideration

19/01164/FLL Erection of 3 dwellinghouses Pending Validation

19/01272/LBC Demolition of buildings Pending Validation

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

NATIONAL POLICY AND GUIDANCE

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

Paragraph 141 of the SPP states that change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where development will affect a listed building, special regard must be given to the importance of preserving and enhancing the building and its setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2014 – Adopted February 2014

The Local Development Plan is the most recent statement of Council policy

and is augmented by Supplementary Guidance.

The principal policies are, in summary:

Policy HE2 - Listed Buildings

There is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting.

Policy HE3A - Conservation Areas

Development within a Conservation Area must preserve or enhance its character or appearance. The design, materials, scale and siting of a new development within a Conservation Area, and development outwith an area that will impact upon its special qualities should be appropriate to its appearance, character and setting. Where a Conservation Area Appraisal has been undertaken the details should be used to guide the form and design of new development proposals.

Policy RD1 - Residential Areas

In identified areas, residential amenity will be protected and, where possible, improved. Small areas of private and public open space will be retained where they are of recreational or amenity value. Changes of use away from ancillary uses such as local shops will be resisted unless supported by market evidence that the existing use is non-viable. Proposals will be encouraged where they satisfy the criteria set out and are compatible with the amenity and character of an area.

Policy PM1A - Placemaking

Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

All proposals should meet all eight of the placemaking criteria.

Policy NE3 - Biodiversity

All wildlife and wildlife habitats, whether formally designated or not should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the

Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.

OTHER POLICIES

Historic Environment Scotland Policy Statement 2019

This document replaces the 2016 Scottish Historic Environment Policy, and provides guidance to Planning Authorities on how to deal with planning applications which affect Listed Buildings and their settings.

CONSULTATION RESPONSES

External Consultees

Scottish Water
No objection

Internal Consultees

Transport Planning
No objection.

Development Negotiations Officer
Contribution of £5,750 required towards affordable housing provision.

Structures and Flooding
No objection.

Community Waste Advisor - Environment Service
No objection. The developer is required to provide 1 x 1280 litre general waste bin and 1 x 1280 litre dry mixed recycling bin which will be collected on alternate weeks.

REPRESENTATIONS

No representations received.

ADDITIONAL INFORMATION RECEIVED:

Environmental Impact Assessment (EIA)	Not Required
Screening Opinion	Not Required
EIA Report	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Bat and Swift Survey Submitted

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 for the area comprises the approved TAYplan 2016 and the adopted Perth and Kinross Local Development Plan 2014.

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

Policy HE2 states that there is a presumption in favour of the retention and sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the building's character, appearance and setting. As the proposed scheme would protect the character and special interest of the listed building it complies with policy HE2.

As the proposed change of use and external alterations would be in keeping with the character and appearance of both the listed building and the conservation area, and would result in the building being brought back into use, they would have a positive impact on the quality of the surrounding built and natural environment and residential amenity. The relevant criteria within policy PM1B are also met. Therefore the proposal is considered to comply with policies HE3A, RD1, PM1A and PM1B.

A bat survey found limited evidence of, or potential for, bats and swifts within the area affected by the proposed development. On that basis the proposal is considered to comply with Policy NE3.

Design and Layout and Conservation Considerations

The proposed change of use is considered compatible with the residential character of the area and would secure a viable use for the building which would ensure its preservation. It was originally proposed to replace the existing timber windows with upvc however following discussion with the applicant this has been revised and timber windows on a like-for-like basis are now proposed. A condition has been included to ensure the detailing of the windows matches the existing.

External changes to the appearance of the building would otherwise be confined to replacement and refurbishment of existing features on a like-for-like basis which would therefore have a positive impact on the character and appearance of both the listed building and the conservation area.

The proposed parking area and bin store are located on the existing car park and as such there would be minimal change in terms of the character of this part of the site. As details of the proposed bin store, boundary treatment, materials and planting have not been included with the application a condition has been included to secure this.

Landscape and Visual Amenity

The impact of the proposed development in terms of landscape and visual amenity would be very minor. The appearance of the parking area would be improved from its present disused and overgrown condition and the restoration works would improve overall visual amenity.

Residential Amenity

As the proposed residential use is considered to be compatible with the predominantly residential character of the area there are no concerns regarding residential amenity arising from the proposal.

Roads and Access

The Transport Planning team have noted that the applicant has shown protection for the street lighting column between the two vehicle accesses; this is required to prevent any manoeuvring vehicles from striking the infrastructure. The applicant must discuss the bollard installation with the Roads Maintenance Partnership to ensure they will provide the necessary protection and an informative has been included to that effect.

Conditions have been included to ensure that the parking and turning facilities would be maintained, street lighting columns protected and vegetation controlled to ensure sight lines are maintained.

It is therefore considered that there would be no concerns regarding roads and access issues resulting from the proposed scheme.

Drainage and Flooding

There are no drainage or flooding issues arising from the proposed scheme.

Ecology

A bat and swift survey has been submitted which found limited potential for disturbance of protected species and nesting birds. Informatives have been included in line with the recommendation of the Biodiversity Officer and there are no further concerns regarding ecology arising from the proposed development.

Developer Contributions

A contribution of £5,750 is required towards affordable housing provision.

Economic Impact

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

Conclusion

In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

APPLICATION PROCESSING TIME

The recommendation for this application has not been made within the statutory determination period as a result of the clock being stopped on the application to allow for the submission of a bat and swift survey and revised drawings.

LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

RECOMMENDATION

Approve the application

Conditions and Reasons for Recommendation

1 The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2 Prior to the development hereby approved being completed or brought into use, the turning facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of acceptable manoeuvring space within the curtilage of the site to enable a vehicle to enter and leave the site in forward gear.

3 Prior to the development hereby approved being completed or brought into use, the car parking facilities shown on the approved drawings shall be implemented and thereafter maintained.

Reason - In the interests of road safety; to ensure the provision of adequate off-street car parking facilities.

4 Prior to the development hereby approved being completed or brought into use, the protection for the street lighting column must be installed to the satisfaction of the Council as Planning Authority.

Reason - To protect the street lighting infrastructure

5 Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted for the further written agreement of the Council as Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented

shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

6 Prior to the commencement of the development hereby approved, details of the proposed boundary treatments for the site including the bin store shall be submitted for the further written agreement of the Council as Planning Authority. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

7 The windows shown on plan 19/00685/5 are not approved. The windows shall be as per drawing 19/00685/12 hereby approved, to the satisfaction of the Council as Planning Authority.

Reason - In order to protect the special character of the Listed Building and the appearance of the Conservation Area.

8 Prior to installation of the replacement windows hereby approved, details at 1:20 scale showing the astragals, glazing bars and trickle vents shall be submitted to and approved in writing by the Council as Planning Authority. The trickle vents shall be concealed and the details of the glazing bars and astragals shall match those of the existing windows to the satisfaction of the Council as Planning Authority.

Reason - In order to protect the special character of the Listed Building and the appearance of the Conservation Area.

9 The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to Section 5.5 Method Statement including General Recommendations and Recommendations: Nesting Birds in the submitted 'Bat roost and nesting Swift Assessment Survey, FDM Ecology, 2 August 2019'.

Reason - In the interests of protecting environmental quality and of biodiversity.

10 Prior to the completion of the development hereby approved 2 integrated bat bricks, 2 swift nest boxes or bricks and 3 house sparrow nest boxes shall be provided to the satisfaction of the Council as Planning Authority.

Reason - In the interests of protecting environmental quality and of biodiversity.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 This is approval of your application Ref no 19/00685/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 19/00980/LBC. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.
- 3 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 4 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 5 The applicant is advised that the granting of planning permission does not guarantee a connection to Scottish Water's assets. The applicant must make a separate application to Scottish Water Planning & Development Services team for permission to connect to the public

wastewater system and/or water network and all their requirements must be fully adhered to.

- 6 The applicant should be aware of the requirements of the Council's Environment and Regulatory Services in relation to waste collection from the site and should ensure adequate measures are provided on site to allow for the collection of waste.
- 7 Due to the nature of the proposed work it is important to keep in mind the possibility of finding bats when doing work on the existing roof. If bats are found during works, the work should stop immediately and you should contact SNH at Battleby immediately for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present you should consult SNH for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
- 8 Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

Procedural Notes

The planning permission decision notice shall not be issued until such time as the required Developer Contributions have been secured or paid in full.

In the event the applicant does not either make the required payment within 28 days from the date the agent/applicant is advised of the need for the contributions, or complete a legal agreement for delayed payment within a 4 month period from the date the agent/applicant is advised of the need for the contributions the application may be refused under delegated powers without any further discussion with the applicant.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

19/00685/1

19/00685/2

19/00685/3

19/00685/4

19/00685/5

19/00685/7

19/00685/10

19/00685/11

19/00685/12

Date of Report 08.08.2019