

Review Decision Notice

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

Site Address: Erection of dwellinghouse (in principle)

Description: Land 40 metres west of 8 Langley Place, Perth, PH2 7XB

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

Application Ref: 24/01732/IPL

Application Drawings: 24/01732/1 - 24/01732/4

Date of Review Decision Notice – 1 December 2025

Decision

The PKLRB overturned the decision to refuse planning permission for the reasons given below and allowed the review, subject to the imposition of appropriate conditions.

1 Introduction

- 1.1 The above application for planning permission was first considered by the PKLRB at a meeting held on 26 May 2025. The Review Body resolved that:
- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
 - (ii) the policy team be requested to comment on the open space element in relation to National Planning Framework 4, the Council's Open Space Strategy and to provide information as to why this site is designated as open space.
 - (iii) the applicant to provide further information on the proposed entrance to the site and its physical acceptability and the plans regarding the trees on the site.
 - (iv) the Roads Authority and Tree Officer be requested to provide comment on the further information provided by the applicant in (iii) above.
 - (v) the applicant be given the opportunity to comment on the further information provided in regard to (ii) above.
 - (vi) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body.
- 1.2 Following receipt of the requested information, the PKLRB convened on 22 September 2025. The Review Body comprised Councillor B Brawn, Councillor G Stewart and Bailie M Williamson.

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

Also attending:

M Pasternak and R Ramsay (both Legal and Governance); C McLaren (Planning).

2 Proposal

- 2.1 The proposal is for the erection of a dwellinghouse (in principle) on land 40 metres west of 8 Langley Place, Perth, PH2 7XB. The application was refused consent in terms of a decision letter dated 10 January 2025.

3 Preliminaries

- 3.1 The PKLRB was provided with copies of the following documents:
- (i) the drawings specified above;
 - (ii) the Appointed Officer's Report of Handling;
 - (iii) the refusal notice dated 10 January 2025;
 - (iv) the Notice of Review and supporting documents.
 - (v) consultation responses and representations to the planning application;
 - (vi) representations to the Notice of Review;
 - (vii) further information from the Roads Authority, the Tree Officer and the applicant, as requested by the PKLRB on 26 May 2025.
- 3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, and the grounds for the Notice of Review.
- 3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.
- 3.4 Having regard to the material before them, the PKLRB resolved that the review of the decision to refuse could be determined without further procedure.

4 Findings and Conclusions

- 4.1 The PKLRB, by majority decision, decided that although this proposal is contrary to the Development Plan, it is a material consideration that the site is not a functional area of open space or area of play, and does not contribute positively to the amenity of the area. It is a further consideration that the development would ensure that the surrounding streetscape would be a continuation of Mount Tabor Road, thereby ensuring a positive contribution to the amenity of the area. These are considered to be material considerations which justify approving the application, contrary to the Development Plan.

4.2 The minority opinion of Councillor Brawn was that he considered the proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan. Therefore, the Appointed Officer's decision should be upheld.

4.3 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB determined to uphold the application and grant planning permission subject to the following conditions:

- (1) This planning permission in principle will last only for five years from the date of this decision notice, unless the development has been started within that period.

Reason - This is a Planning Permission in Principle in terms of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

- (2) The development shall not commence until the following specified matters have been the subject of a formal planning application for the approval of the Council as Planning Authority: the siting, design and external appearance of the development, the hard and soft landscaping of the site, all means of enclosure, means of access to the site, vehicle parking and turning facilities, site levels, drainage (including surface water disposal), and waste / recycling presentation provision.

Reason - This is a Planning Permission in Principle under Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of the Planning etc. (Scotland) Act 2006).

- (3) Notwithstanding the terms of Condition 1 of this decision notice, the specific matters which shall be subject of a formal planning application must include details of a suitable vehicle access route which can safely accommodate both deliveries and fire and rescue vehicles from the public road to the site, and which allows them to enter and leave the site (and the dead end of the road) in a forward gear. For the avoidance of doubt, this means the vehicle access arrangements must comply with the requirements of both Building Standards and the National Roads Development Guide 2015, and that the safety of users of the core path shall not be compromised in the delivery of this. The required vehicular access details must include details of existing/proposed access widths, proposed surface water drainage details and surfacing specification details.

Reason - In the interest of protecting road and pedestrian safety, and to ensure the site can be accessed safely.

- (4) Further to Condition 1 above, a detailed protected species survey covering the site shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for

the approval of the Council as Planning Authority. The report shall include appropriate mitigations to protect any identified species, and include biodiversity enhancement measures which are proportionate for the development proposed.

Reason - In order to understand fully the impact on biodiversity and the level of proposed enhancement measures.

- (5) Further to Condition 1 above, a Tree Survey shall be submitted as part of the specified matters requiring to be the subject of a further formal planning application for the approval of the Council as Planning Authority. The Tree Survey shall include:
- (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed; and
 - (b) in relation to every tree identified a schedule listing:
 - i. information as specified in paragraph 4, BS 5837 2012: Trees in Relation to Design, Demolition and Construction;
 - ii. any proposed pruning, felling or other work; and
 - (c) in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
 - i. any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see BS 5837 2012: Trees in Relation to Design, Demolition and Construction) and
 - ii. all appropriate tree protection measures required prior and during the course of development (in accordance with BS 5837 2012: Trees in Relation to Design, Demolition and Construction), and
 - (d) areas of existing landscaping to be protected from construction operations and the method of protection.

Reason - In order to fully understand the impact on existing trees.

- (6) All existing trees and hedging on the application site, along its site boundaries and along the edges of the sites vehicular access shall be retained and their retention or proposed lopping, topping or felling shall be shown in the submission of the matters specified in Condition 1 above.

Reason - In order to clarify the terms of this planning permission.

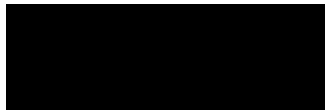
- (7) The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2023 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019)

with particular regard to primary education infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2023)

- (8) The development shall be in accordance with the requirements of Perth & Kinross Council's Developer Contributions and Affordable Housing Supplementary Guidance 2023 in line with Policy 5: Infrastructure Contributions of the Perth & Kinross Local Development Plan 2 (2019) with particular regard to transport infrastructure, or such subsequent Guidance and Policy which may replace these.

Reason - To ensure the development is in accordance with the terms of the Perth and Kinross Local Development Plan 2 (2019) and to comply with the Council's policy on Developer Contributions and Affordable Housing Supplementary Guidance 2023.



Lisa Simpson
Clerk to the Local Review Body

Informatives

The applicant (or any other person(s) taking on this permission should be fully aware that this Planning Permission in Principle may be invalidated by the felling of trees which are required to be retained, if carried out prior to gaining approval of all matters specified in conditions.

Town and Country Planning (Scotland) Act 1997

Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Notice of Initiation of Development



**PERTH &
KINROSS
COUNCIL**

Town and Country Planning (Scotland) Act 1997 (as amended)

A person who has been granted planning permission and intends to start development is required to inform the planning authority of the onsite start date before the development commences. This ensures that the planning authority is aware that development is underway, and can follow up on any suspensive conditions attached to a planning permission. Failure to do so will be a breach of planning control under section 123(1) of the above Act and enforcement action could be taken. Please complete the form below and return to Development Management.

Application reference number	24/01732/IPL
Date works are to commence	
Have you submitted information in relation to suspensive conditions?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
Name & address of applicant, site agent or developer	
Email	
Telephone number	

Send to:

DevelopmentManagement@pkc.gov.uk

**Development Management
Perth & Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD**

HOW WE USE YOUR PERSONAL INFORMATION

The information provided by you will be used by Perth & Kinross Council to process the application. The information will be published on the internet as part of the Council's Planning Portal.

The Council may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties or share your information with them in order to verify its accuracy, prevent or detect crime, protect public funds or where required by law.

For further information, please look at our website www.pkc.gov.uk/dataprotection; email dataprotection@pkc.gov.uk or phone 01738 477933.

Notice of Completion of Development



**PERTH &
KINROSS
COUNCIL**

Town and Country Planning (Scotland) Act 1997 (as amended)

A person who completes a development for which planning permission has been given must give notice of completion to the planning authority. If the planning permission is for a phased development, notice of the completion of each phase must be submitted. Please complete the form below and return to Development Management.

Application reference number	24/01732/IPL
Date works were completed	
Name & address of applicant, site agent or developer	
Email	
Telephone number	

Send to:

DevelopmentManagement@pkc.gov.uk

**Development Management
Perth & Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD**

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The Council may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties or share your information with them in order to verify its accuracy, prevent or detect crime, protect public funds or where required by law.

For further information, please look at our website www.pkc.gov.uk/dataprotection; email dataprotection@pkc.gov.uk or phone 01738 477933.