

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT
1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW
PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name Dawn Clarke
Address Flat 1, The Old Rectory
61 Main Street, Invergowrie, Dundee

Postcode DD2 5BA

Contact Telephone 1 [REDACTED]
Contact Telephone 2 [REDACTED]

E-mail* [REDACTED]

Agent

Name
Address

Postcode

Contact Telephone 1
Contact Telephone 2

E-mail*

Mark this box to confirm all contact should be
through this representative:

*Do you agree to correspondence regarding your review being sent by e-mail? Yes

Planning Authority

Perth and Kinross

Planning authority's application reference number 25/01404/FLL

Site address Flats 1 & 2, The Old Rectory, 61 Main Street and 63A Main Street, Invergowrie,
Dundee, DD2 5BA

Description of proposed development

Retrospective planning permission for 3 fences at the above locations

Date of application 21/11/2025

Date of decision (if any) 19/01/2026

Note. This notice must be served on the planning authority within three months of the date of the
decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application)
2. Application for planning permission in principle
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
4. Application for approval of matters specified in conditions

Reasons for seeking review

1. Refusal of application by appointed officer
2. Failure by appointed officer to determine the application within the period allowed for determination of the application
3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may mark more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions
2. One or more hearing sessions
3. Site inspection
4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

We would be very happy if the Local Review Body wanted to have a site inspection to see the fences for themselves. Alternatively we would be happy to attend a Local Review Body meeting to state our case for the fences and answer any questions.

Site inspection

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

1. Can the site be viewed entirely from public land? No
2. Is it possible for the site to be accessed safely, and without barriers to entry? Yes

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

We can ensure that the gates on the fences are fully open to allow full unaccompanied access.

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review.

Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please see accompanying documentation and photos.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

N/A

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Joint Appeal Document, 4 maps and 5 photos.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

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

Signed: Dawn Clarke

Date: 14 April 2026

APPLICATION: 25/01404/FLL

This is a joint Appeal on behalf of the following residents:

Neil & Dawn Clarke, owners of Flat 1, The Old Rectory, 61 Main Street, Invergowrie

John Thomson & Jillian Wallace, owners of Flat 2, The Old Rectory, 61 Main Street, Invergowrie

Gordon MacFarlane, owner of 63A Main Street, Invergowrie

We would like to appeal against the decision to refuse our retrospective planning application for the erection of three fences.

Your reasons for refusal are:

1 - Visual Clutter. We dispute this. All three fences are to the south of the building ie the back area. We fully intended to make adjustments to the fences, to paint them and have foliage growing over them, which would blend them into the surroundings.

2 – Detrimental Impact on the character of property and surrounding area – again this would have been addressed by decorative adjustments. The garden would have been enhanced with more flowering bushes, climbing plants and shrubbery, making it more and not less appealing.

The south side of the garden, where the fences are, is only part of the garden and there is still a full garden which is open. The south side is to the back of the property and only one of the fences is visible when looking from the driveway/church. This fence can be adapted as above.

Our reasons for appealing are:

Security – all appellants live on the ground floors of both properties and all have a back door that leads out to the garden which are unseen from the front of the properties. All properties have either young children, dogs or both. In recent times Invergowrie has been experiencing anti social behaviour and we strongly feel the need to ensure the security of our properties. These fences do this and give us peace of mind.

Families – as above, families live in this shared property. At the time of building the Old Rectory, this was one house but it was renovated into 5 flats. All of the appellants own more land than the other owners and want to have the fences to ensure that the young children and dogs can be contained within a secure area. The fenced area is to the back of the property where no one should be who does not live there.

Flat 1 has a young grandchild under 2 and a dog.

Flat 2 has a young child of 2.

63A has a young child of 4 and a dog.

Other local properties have been given planning permission to build upon their land ie Fresh Inc at the Old School House on Errol Road and the old school on Errol Road. Both made large changes and received permission. We feel we have been very strongly punished by this refusal when we were and are happy to compromise and accommodate any alterations. Refusal for this application because a stranger may look from the church car park and see a fence seems very harsh for the residents who live there permanently.

Additional to this, on viewing the application documentation on your website, we note that there were 40 properties who received notification of our retrospective planning application. There was only one objection from our neighbour which shows that the wider area residents of Invergowrie have no issue with the fences at all.

It is pertinent to point out that the objector to our planning application was in agreement for us to erect the fences and happy for us to go ahead. They had put this in writing to us but later backtracked and complained to the Council after the fences were up. At no point did we make a land grab but had their full agreement to the installations. The objector lives predominantly in another country and only resides in their flat within the property for a few weeks a year, with the flat laying empty for the rest of the year. We are all full time residents and owners. The fences are not locked, they just have a bolt on them which can be opened for access. The objector is very aware of this and has never been denied access. We realise this is a civil matter but felt it important to make you aware of this information.

Development Plan

We understand the desirability of preserving the building and its setting. We wouldn't have bought our properties if we were not aware of the beautiful setting.

However times have changed from when the property was built and as with all multiple occupied buildings, the needs of the residents have changed with the modern times.

Flat 1 residents have lived at this property for 19 years. When purchasing their property, the Old Rectory was a very different place to live with a more elderly population. Now there are young families who make much more use of the garden which make the fences much needed.

The owners of 63A have only recently bought their property and this was sold to them with the fences in place and no knowledge of this retrospective planning issue.

All adaptations would have been sympathetically undertaken – the fences which are in situ were not finished but any works were put on hold when planning application submitted. Whilst there was an objection under the heading of 'visual impact contrary to NPF4 Policy 7, it is our belief that future remedial works to the fences would enhance the visual impact of the garden with additional flowers and foliage growing.

It is important to state that the garden CAN be and is opened up. There are large gates which were purposefully put in place to ensure that this could and does happen.

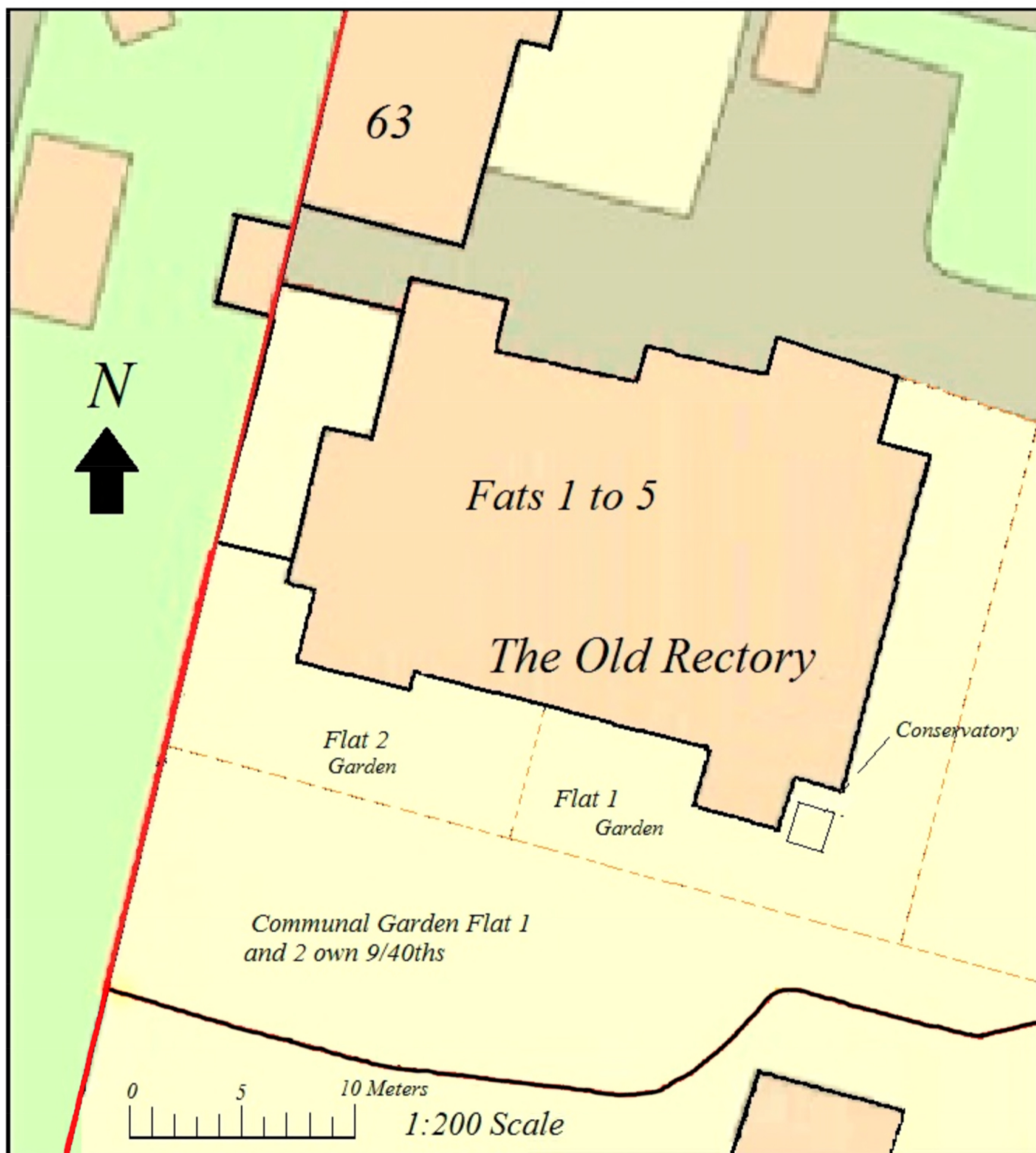
Any parts of the fences which are attached to the building will be removed to ensure it is freestanding if this appeal is granted.

We are very willing to work with Perth & Kinross Council to adapt the fences to a mutually agreeable outcome. As above, we are happy to compromise on height, colour and camouflage of the fences.

Flat A, 63 Main Street, Invergowrie, Dundee, DD2 5BA

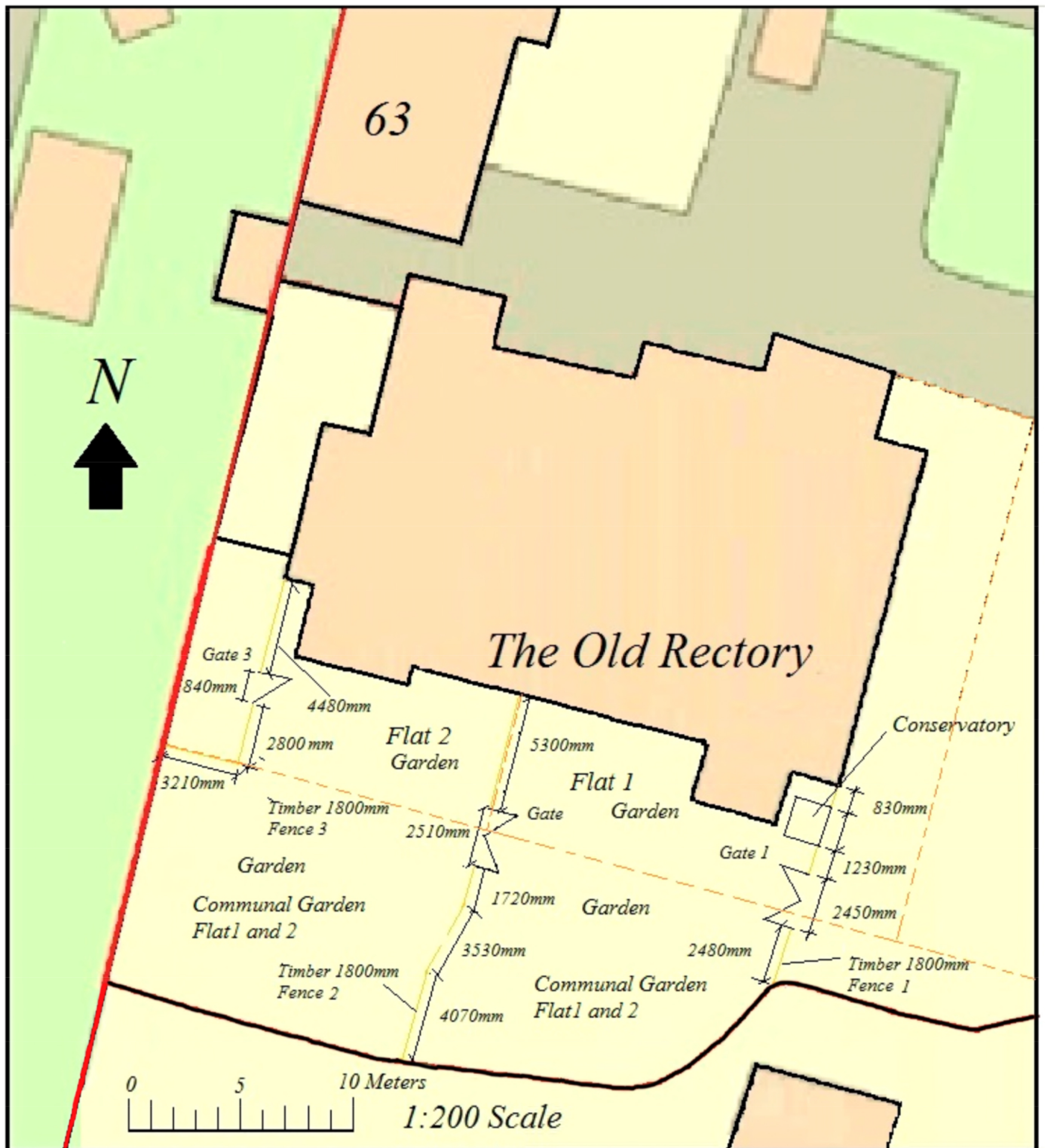


Three new fences , with gates for security , for three flats Flat 1 ,Flat 2 of The Old Rectory and 63A Main Street Invergowrie Dundee DD2 5BA



Partial block plan 1:200

Three new fences , with gates for security , for three flats Flat 1 ,Flat 2 of The Old Rectory and 63A Main Street Invergowrie Dundee DD2 5BA



Partial block plan 1:200 Previous Site Plan

*Three new timber fences , with gates for security, for three flats at
The Old Rectory 61 Main St, Invergowrie, Dundee DD2 5BA*



Fence 1 - from the greenhouse to Three Roofs boundary fence.

Fence 2 - between Flats 1 & 2 up to Three Roofs boundary fence.

Fence 3 - between Flat 2 and the garden of 63A.

See 1:100 layout plan

*All three new fences are the same
Timber boarding 1800mm high
light brown also see photographs*

