

Perth and Kinross Council
Development Control Committee –17 February 2010
Report of Handling by Development Quality Manager

Alterations and conversion of existing Farmhouse, steading and outbuilding to create 8 dwellinghouses and demolition of outbuildings at Horn Farm, Errol, PH2 7SR

Ref No: 09/01356/LBC
 Ward No: 1 - Carse of Gowrie

Summary

This report recommends refusal of the application on the grounds that the proposal is contrary to the Development Plan and guidance offered by the Scottish Historic Environment Policy 2008.

BACKGROUND AND DESCRIPTION

- 1 The application site is Horn Farm within the Carse of Gowrie. The site comprises of a former farmhouse, a traditional steading, several traditional outbuildings and a series of modern agricultural buildings over a 2ha area. The farmhouse dates from the late 18th Century. The steading and implement shed are specifically included in the statutory list of listed buildings. Several outbuildings to the west and south are also mentioned in the listing description, however all buildings which are physically connected to the farmhouse, steading or the other named buildings are also considered to be covered by the listing.
- 2 The proposal is part of a larger scheme for the re-development of the Horn Farm (subject of a separate report to this committee) which includes the
 - the conversion of the former farmhouse into two units
 - the conversion of the steading and implement shed into six units and
 - the demolition of existing buildings and the erection of sixteen new build units
- 3 For clarification, this application refers to the conversion of the farmhouse, steading and implement shed as well as the demolition of the buildings which are either physically attached to the aforementioned buildings or considered to be within their curtilage.

NATIONAL PLANNING POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through The National Planning Framework 1 and 2, a series of National Planning Policy Guidelines (NPPG) which are currently being replaced by Scottish Planning Policy (SPP) and Planning Advice Notes (PAN) which are practice statements.

Scottish Planning Policy 23: Planning and the Historic Environment

- 5 This Scottish Planning Policy supersedes and consolidates National Planning Policy Guidelines - NPPG 18 Planning and the Historic Environment and NPPG 5 Archaeology and Planning. It sets out the national planning policy for the historic environment with a view to its protection, conservation and enhancement and indicates how the planning system will contribute towards the delivery of Scottish Ministers' policies as set out in the Scottish Historic Environment Policy (SHEP) series produced by Historic Scotland. This SPP complements and should be read in conjunction with the SHEP series, together with the Memorandum of Guidance on Listed Buildings and Conservation Areas. Associated planning advice can be found in PAN 71 Conservation Area Management and PAN 42 Archaeology.

Scottish Historic Environment Policy

- 6 This document, produced by Historic Scotland provides guidance to Planning Authorities on how to deal with planning applications which affect both Listed Buildings and Conservation Areas, and the settings of both. The application has been advertised as potentially affecting the setting of a listed building(s).

DEVELOPMENT PLAN

- 7 The Development Plan for the area comprises the approved Perth and Kinross Structure Plan 2003 and the adopted Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000).

Perth & Kinross Structure Plan 2003

- 8 **Environment and Resources Policy 8** seeks to ensure that the rich and varied cultural heritage resources of Perth and Kinross are recognised, recorded, protected and enhanced as appropriate. New development which would adversely affect Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, Historic Gardens and Designed Landscapes or their settings will not be permitted unless there is a proven public interest where social, economic or safety considerations outweighs the cultural interest in the site. The same protection will be afforded to sites proposed for designation. Other important archaeological sites or landscapes will also be protected from

inappropriate development. Local Plans will bring forward policies for their protection and enhancement.

Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000)

- 9 **Policy 25 (Listed Buildings)** states that there will be a presumption against planning consent for the demolition of Listed Buildings and a presumption in favour of consent for development involving the sympathetic restoration of Listed Buildings, or other buildings of architectural value. The setting of Listed Buildings will also be safeguarded.

Perth Area/Central Area Draft Local Plan 2004

- 10 Members will be aware that on the 30 January 2008 the Council's Enterprise and Infrastructure Committee took the decision not to progress this plan to a finalised stage, therefore although the contents of the Draft Plan should be noted, I consider the weighting which is given to its policies and proposals should be limited at this point in time.

OTHER COUNCIL POLICIES

- 11 None

SITE HISTORY

- 12 There have been no previous proposals relating to this site.

CONSULTATIONS

- 13 **Perth and Kinross Heritage Trust** have commented on the proposal and raised no concerns subject to appropriate conditions.

REPRESENTATIONS

- 14 At the time of writing, no letters of representations had been received.

15 Additional Statements

Environmental Statement:	Not required
Screening Opinion:	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment:	Not required
Design Statement or Design and Access Statement:	None
Report on Impact or Potential Impact:	None submitted

APPRAISAL

Policy

- 16 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

- 17 In terms of the Development Plan, the two policies of relevance are Environment and Resource Policy 8 of the Perth and Kinross Structure Plan 2003 and Policy 25 of the Perth Area Local Plan 1995 (Incorporating Alterations No1, Housing Land 2000), both of which relate to Listed Buildings. For reasons stated elsewhere in the report, it is considered that the proposal is contrary to both these policies

Design

- 18 The conversion of the farmhouse, steading and implement shed causes no concern, although details of specific matters should be subject to appropriate conditions.

Demolitions

- 19 As stated previously, any buildings which adjoin a listed building are considered to be part of the listing. However, it is accepted (despite the lack of justification) that the more modern structures that are adjoining the listed buildings are not of a special interest and their removal is not opposed on conservation grounds. Nevertheless, there is one notable linear building to the south of the implement shed which is proposed to be demolished which the Council considers to be of special interest.
- 20 The Scottish Historic Environmental Policy 2009 (para 3.50) clearly outlines the circumstances when the demolition of a Listed Buildings can be supported. These include:
- the building is not of special interest; or
 - the building is incapable of repair; or
 - the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
 - the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.
- 21 The supporting information which has been submitted by the applicant does not contain sufficient detail, or sufficient factual and/or analytical evidence to clearly demonstrate that one or more of the above tests have been satisfied or that every effort has been made to find a way of retaining this listing building by means of conversion. The proposal is therefore contrary to the SHEP and also to Policy 25 of the PALP, both of which seek to secure listed buildings are retained.

LEGAL AGREEMENTS

- 22 None required.

DIRECTION BY SCOTTISH MINISTERS

- 23 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASON FOR RECOMMENDATION

- 24 Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that the Planning Authority (in making a decision on a listed building application) shall 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. In this case, there is no justification to support the demolition of a building which is of special interest, and therefore the application should be refused.

RECOMMENDATION

A Refuse the application on the following grounds

- 1 A recommendation of approval by Perth and Kinross Council for the demolition of a listed building without clear and reasoned justification, is contrary to the requirements of section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which states that the Planning Authority (in making a decision on a listed building application) shall 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. If Perth and Kinross Council supported this application, the Planning Authority would not have had due regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 2 As there is not a clear and reasoned justification for the demolition of the listed building, the proposal is contrary to Environment and Resources Policy 8 of the Perth and Kinross Structure Plan 2003 which aims to protect listed buildings.
- 3 As there is not a clear and reasoned justification for the demolition of the listed building, the proposal is contrary to Policy 25 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which states that there will be a presumption against demolition of listed buildings and a presumption in favour of sympathetic restoration of listed buildings.
- 4 As there is not a clear and reasoned justification for the demolition of the listed building, the proposal is contrary to the Scottish Historic Environment Policy 2008 (para 3.40), which states that the Scottish Ministers policy on listed building consents is that there will be a presumption against demolition of listed buildings.
- 5 As there is not a clear and reasoned justification for the demolition of the listed building, the proposal is contrary to the aims of Scottish Planning Policy 23: Planning and the Historic Environment as the loss of this listed building will not contribute to the conservation and management of the historic environment of Perth and Kinross.

B JUSTIFICATION

The proposal is contrary to the Development Plan and there are no material reasons to support this application.

C PROCEDURAL NOTES

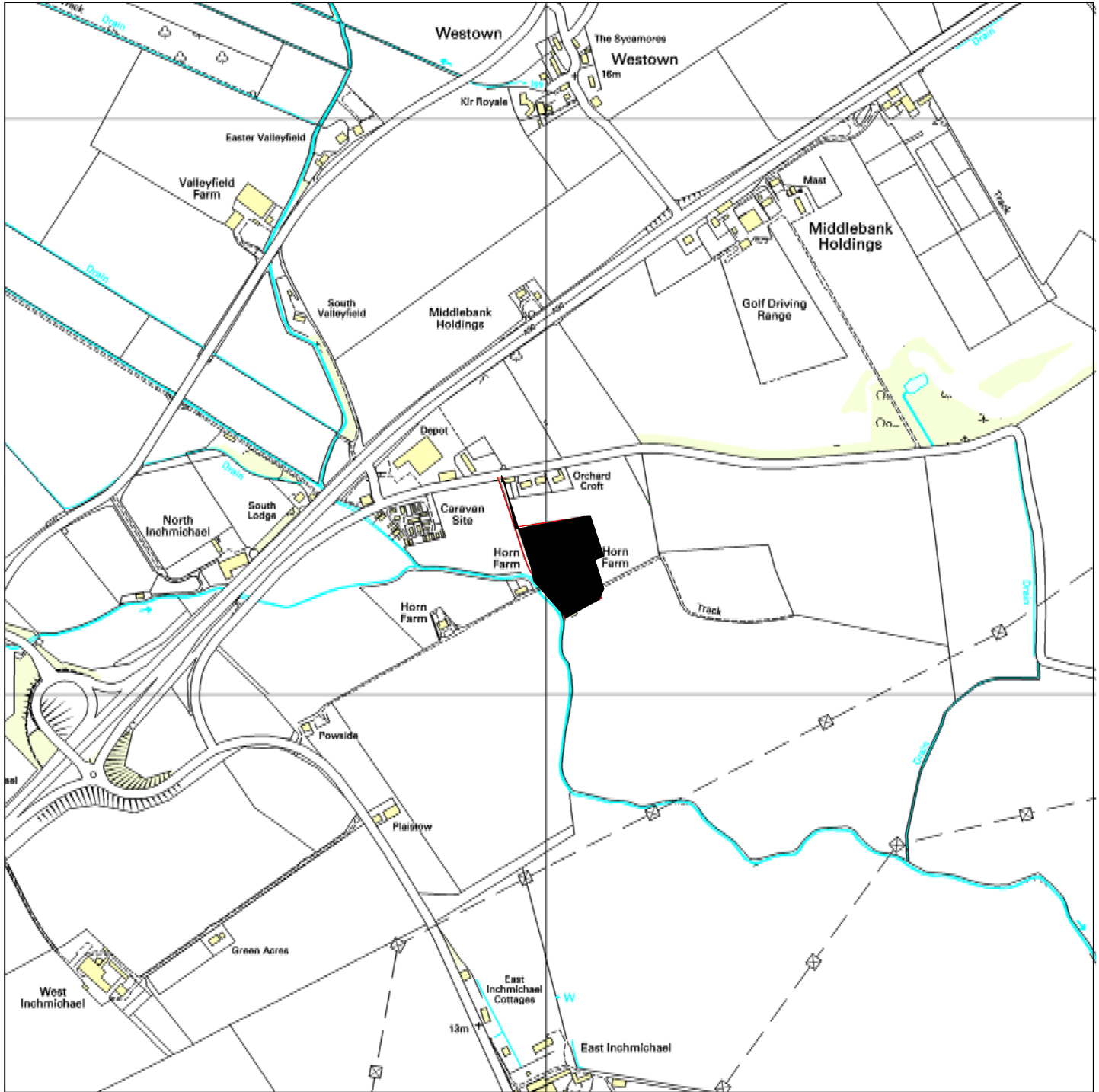
1. As this application involves both a category B listed building and demolition of listed buildings, if members were minded to approve the application formal ratification from Historic Scotland would be required.
2. The application is considered to be a departure from the Development Plan and any proposed approval should include a justification for Departure from the Plan.

D INFORMATIVES

None

Background Papers: One letter of representation.
Contact Officer: Andy Baxter Ext 75339
Date: 27 January 2010

Nick Brian
Development Quality Manager



Scale : 1:10000

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Organisation	Perth & Kinross Council
Department	Planning
Comments	
Date	21 January 2010
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