

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

**Alterations and conversion of existing steading to create 8 dwellinghouses  
and erection of 16 residential units with associated parking at the  
Horn Farm, Errol, PH2 7SR**

Ref No: 09/01355/FLM  
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 the Council's Housing in the Countryside Policy (2005).

**BACKGROUND AND DESCRIPTION**

- 1 The application site is Horn Farm, which sits south of the A90 trunk road within the Carse of Gowrie. The site comprises the former farmhouse, a traditional steading, several traditional outbuildings and a series of modern agricultural buildings over a large 2ha area. The farmhouse dates from the late 18<sup>th</sup> century and with the steading and implement shed is specifically included in the Council's statutory list of listed buildings. Several outbuildings to the west and south are also mention 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 essentially comprises three principal elements,
  - the conversion of the former farmhouse into two units
  - the conversion of the steading and implement shed into six units and
  - the demolition of a number of existing buildings and the erection of sixteen new build units
- 3 An application for listed building consent for the conversion of the farmhouse, steading and implement shed and the proposed demolition of other buildings which are covered by the listing, is subject of a separate report to this committee.

**NATIONAL PLANNING POLICY AND GUIDANCE**

- 4 The Scottish Government expresses its planning policies through The National Planning Framework 1 & 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.

## **Designing Places – A policy statement for Scotland**

- 5 *NPPG1 (Revised 2000) The Planning System* emphasises the importance of design considerations in reaching planning decisions. Whilst Planning Advice Notes on subjects such as the Siting and Design of Housing in the Countryside, Small Towns and Town Centre Improvement had been published this was the first general statement setting out the Government's aspirations for design and the role of the planning system in delivering these.
- 6 This document fills that gap. This statement sits alongside the policy on architecture, which was launched in October 2001, and it is a material consideration in decisions in planning applications and appeals. It will also provide the basis for a series of Planning Advice Notes dealing with more detailed aspects of design.

## **Scottish Planning Policy 3: Planning for Homes**

- 7 This SPP sets out The Scottish Government's policy on the role of planning in the identification of housing requirements and the delivery of quality housing in the right locations. It sets out The Scottish Government's policy on how local authorities should make provision in development plans for new housing, taking account of identified need and demand.

## **Scottish Planning Policy 23: Planning and the Historic Environment**

- 8 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.

## **Planning Advice Note 67: Housing Quality**

- 9 *Designing Places*, published November 2001, sets out the Scottish Governments aspirations for design and the role of the planning system in delivering them. This Planning Advice Note explains how *Designing Places* should be applied to new housing.

## **Planning Advice Note 76: Designing new residential streets**

- 10 The PAN has been produced in line with the Scottish Governments drive to promote the design agenda. It follows on from *Designing Places* and forms part of the design based series of PANs. In particular, it complements, and should be read in conjunction with, *PAN 67 Housing Quality*. The advice

applies to everyone engaged in the planning, design and approval of streets in new residential developments including planners, road engineers, architects and developers. In particular, it means that planners and engineers should work more closely together.

### **Planning Advice Notice 74: Affordable Housing**

- 11 This Planning Advice Note sets out how the planning system can support the Government's commitment to increase the supply of affordable housing. It provides advice and information, including existing examples of better practice. It seeks to speed up the development of both market and affordable housing by ensuring that any affordable housing requirement included in the development plan is realistic and that the planning contribution is set within the wider housing policy context.

### **Scottish Historic Environment Policy**

- 12 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.

### **DEVELOPMENT PLAN**

- 13 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**

- 14 As the application site lies in the lowland area of Perth and Kinross, **Sustainable Communities Policy 6** is applicable to this proposal. The policy states that In the Lowland area, housing allocations will be made:
- in the former Burghs.
  - in smaller settlements, subject to their scale, landscape fit and impacts on the environment being acceptable Local Plans will develop housing in the countryside policies for rural housing development which reflect the need to support the rural economy while preventing commuting, is well sited and is of a scale and standard of design appropriate to its location.
- 15 **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) (PALP)**

- 16 **Policy 32 (Housing in the Countryside)** is the Council wide policy on Housing in the Countryside which applies within most of the Landward Area. The policy outlines a number of categories for opportunities for new housing in the open countryside, providing that specific siting criteria can be achieved. Of relevance to this application are categories c) renovation of abandoned houses and e) conversion of non-domestic buildings.
- 17 Category c) allows for the restoration of abandoned houses providing that the house is structurally sound and is capable of rehabilitation without substantial rebuilding. Category e) allows for the conversion of non-domestic buildings subject to a number of criteria, most notably if the existing building makes a positive contribution to the landscape and its retention is considered to be beneficial to its surroundings.
- 18 **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**

- 19 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**

#### **Housing in the Countryside Policy 2009**

- 20 Members will be aware of the existence of the approved 2009 Housing in the Countryside Policy (HITCP), which effectively superceded the older HITCP policy of 2005. However, as this application was submitted to the Council prior to the approval of the 2009 policy, this application should be considered against the 2005 policy only, as per the current protocol of the Council. Members should therefore note the existence of the 2009 policy, but give limited weight to its contents in the consideration of this application.

## **Housing in the Countryside Policy 2005**

- 21 This policy was the most recent expression of Council policy towards new housing in the open countryside when the application was submitted, and is applicable across the entire landward area of Perth & Kinross. This policy effectively superseded the HITCP contained the Local Plans and recognises that most new housing will continue to be in or adjacent to existing settlements, and states that the Council will support proposals for the erection of single houses in the countryside which fall into certain specified categories. The relevant categories in this instance are Categories 4 (renovation or replacement of houses), 5 (conversion or replacement of non-domestic buildings) and 6 (Brownfield sites)
- 22 In terms of Category 4, the policy states that consent will be granted for the restoration of vacant or abandoned houses if the building is of a traditional form and is of architectural merit. Category 5 of the policy states that consent will be granted for the conversion of redundant buildings (such as steadings) to form dwellinghouses largely when the existing building is of traditional form, is of architectural merit and makes a positive contribution to the character of the local area. Lastly, Category 6 of the policy states allows for favourable consideration to the re-use of brownfield sites in the countryside, which have ceased to be required for their existing use.

## **Affordable Housing Policy 2005**

- 23 This policy is applicable to all new housing sites (even ones identified in the local plans) with the exception of those with existing consents or an approved development brief. This policy seeks a 25% allocation of affordable housing; preferably on site however for developments of less than 10 units commuted payments maybe acceptable.

## **Planning Guidance Note: Primary Education and New Housing Development 2009**

- 24 This Developer Contributions Policy was approved by the Council on 6 May 2009. The policy applies over the whole local authority area of Perth and Kinross. This guidance sets out the basis on which Perth and Kinross Council will seek to secure contributions from developers of new homes towards the cost of meeting primary education infrastructure improvements necessary as a consequence of development. All new housing from the date of adoption including those on sites identified in adopted Local Plans will have the policy applied.

## **SITE HISTORY**

- 25 There has been no previous proposals relating to this site.

## **CONSULTATIONS**

- 26 **Scottish Water** have raised no concerns.

- 27 **Perth and Kinross Heritage Trust** have raised no concerns subject to appropriate conditions.
- 28 **The Environmental Health Manager** has commented on the application and indicated that at present, insufficient information has been submitted to demonstrate that this site is suitable for the proposed development in terms of noise arising from the nearby trunk road.
- 29 **The Executive Director (Education & Children Services)** has indicated that the local primary school (Errol) is operating at 80% capacity and therefore the requirements of the approved Planning Guidance Note on Primary Education and New Housing Development should be applied.
- 30 **Scottish Environmental Protection Agency** have raised no concerns, although they have highlighted the proximity of the nearby watercourse.

## REPRESENTATIONS

- 31 No letters of representations have been received.

### 32 **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

- 33 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.
- 34 In terms of the Development Plan, the key policies are contained in the adopted Local Plan, which is the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000). The key determining issue for this application is ultimately whether or not the proposal accords with the aims of Policy 32 (HITCP), which refers to new housing in the countryside. In addition, the 2005 HITCP is a significant material consideration. For reasons stated elsewhere in the report, I consider this proposal to be contrary to the Development Plan, and to the 2005 HITCP.

## **Housing in the Countryside Policies**

- 35 In terms of land use, the key test of the acceptability of this proposal is whether or not it complies with the Councils HITCP's, as contained in the Local Plan and the updated policy of 2005. As a preamble, the aim of both policies in broad terms, is to facilitate the opportunity for the erection of new dwellinghouses in rural areas within either existing groups of buildings or logical infill sites between established landscape features, or the allow for conversions / replacement of redundant domestic or non-domestic buildings, which may allow for slightly higher numbers of dwellinghouses to be supported. It was not envisaged that either policy would allow for the numbers proposed here (24), as typically, any more than 15 new units in the open countryside is unsustainable and should be considered through the Local Plan progress. Nevertheless, the proposal is within the landward area of the PALP, and the only applicable land use policies that it can be assessed against are the HITCP. As such, it will be assessed against the HITCP on its own merits. As the proposal involves essentially three different elements of build, these will be assessed separately.

## **Renovation of Farmhouse**

- 36 Both Policy 32 of the PALP and the 2005 HITCP are supportive of proposals for the renovation of abandoned houses that are of some architectural merit. As the farmhouse is of architectural merit and as the scheme proposed for its renovation is acceptable in design terms, this element of the proposal complies fully with Council policies.

## **Steading/Implement Shed Conversions**

- 37 Both Policy 32 of the PALP and the 2005 HITCP are supportive of proposals for the conversion of non-domestic buildings that are of architectural merit. Both the steading and the implement shed are of architectural merit, and as the scheme for their conversion is generally acceptable in design terms, this element of the proposal complies fully with Council policies.

## **Demolition of existing out buildings and proposed new build**

- 38 Policy 32 of the PALP makes no allowances for opportunities to replace non-domestic buildings with new build residential units. The all new build proposal are therefore in clear conflict with policy 32 of the PALP. In terms of the 2005 policy and Brownfield opportunities, proposals will be supported by the 2005 policy providing a number of specific criteria's are met. All buildings which are to be replaced must be redundant, with all working activities ceased prior to the submission of a planning application. As recently as 21 January 2010, the majority of the buildings which are proposed to be demolished were clearly still being utilised for farming activities, largely associated with cattle, with other building being used for general storage of agricultural equipment. The applicant has argued that the all the buildings are now not fit for purpose, however the majority of the larger buildings, still appear to be capable of use for their intended purpose i.e. farming activities.

- 39 Secondly, although not specifically stated in the policy the Council's position regarding the extent of new build is largely determined by the location of the existing buildings. I accept that a clear comparison could be made between the level of floor space of the buildings which are proposed to be demolished, and cumulative floor space of new build; however what there is not a comparison on is the location of the existing buildings and the proposed new build. The majority of the new build is outwith the footprint of the existing buildings, and approval of this application could set an undesirable precedent for other similar large Brownfield sites.
- 40 Despite elements of the proposal (conversions) being inline with policy, ultimately the majority of the proposal is clearly in conflict with the requirements of policy 32 and the housing in the countryside policy of 2005 and can not be supported in its current form.

### **Impact on listed buildings**

- 41 The renovation of the farmhouse and the conversions of the steading and implement shed are all generally acceptable in isolation. As stated previously, any building which adjoins a listed building is 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 building to the south of the implement shed which is proposed to be demolished that the Council considers to be of special interest.
- 42 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.
- 43 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 buildings 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.

### **Impact on the setting of the listed buildings.**

- 44 The proposed new build will have a marked impact on the setting of the listed buildings. When approaching the site from the north, the new build will clearly be inter-visible with the listed coachhouse and steading. Although I acknowledge the new build to the north is to be single storey, the overall number of buildings and their mass, in combination with the parking/turning areas, garden layouts and boundary treatments will have a significant negative impact on the listed buildings.

### **Economic Justification**

- 45 The applicant has indicated that the new build units are required to enable the conversion of the listed buildings to physically happen. Although I accept that conversions do have a heavy financial burden, particularly when they are listed, it is unlikely that the cost of the redevelopment of the listed buildings required the level of income which would be generated by the proposed enabling new build, however no specific costing details have been tabled by the applicant to suggest otherwise. I therefore do not consider at the present time that a genuine economic argument has been tabled for approving the development contrary to the Development Plan.

### **Sustainability**

- 46 A large percentage of greenhouse gas emissions comes from the transport sector, which could be reduced by planning and building in such a way that travel is reduced, and where necessary can be achieved by walking, cycling or public transport. Significant housing such as this proposal should be directed to existing settlements, perhaps through Local Plan allocations, where there is easy access to employment, services and public transport links. This proposal can therefore not be considered in line with the thrust of the Development Plan sustainable development agenda, which seeks to concentrate larger developers within or adjacent to existing towns and villages with the purpose to maximising the use of existing facilities and reducing the dependency of the car.

### **Visual Impact**

- 47 As the location is relevantly remote it is unlikely to have any significant visual impact on the area.

### **Impact on Residential Amenity**

- 48 There will be no adverse impact on the residential amenity of the existing properties to the west of the application site.

### **Drainage**

- 49 The site lies outwith a sewered area therefore foul drainage will be by means of a private system. Although parts of the Carse of Gowrie have in the past

raised issues over poor ground conditions, I am not aware of any reason why this site cannot be suitably drained.

### **Flooding Matters**

50 Although the site is within a flood risk area, SEPA have commented on the proposal and raised no concerns.

### **Road related issues**

51 I have no concerns relating to vehicular or pedestrian safety.

### **Affordable Housing**

52 A minimum of 25% affordable housing will be provided on site. I therefore consider there to be no affordable housing issues with this proposal at the present time.

### **Education**

53 As a result of Errol Primary School presently operating at its 80% capacity, financial contributions are now being sought for all new housing developments within the catchment of this school for main stream residential applications made post 5 May 2009. An educational contribution of £109,890 (18 units (24 minus 6 affordable) x £6,105), would therefore be required.

### **Noise**

54 The Environmental Health Manager has indicated that insufficient information has been submitted to demonstrate that noise from the nearby trunk road can be mitigated to a level which will ensure that noise will not adversely affect future occupiers of proposed dwellings.

### **Pre-Application Advice**

55 Prior to the submission of the application, the applicant's agent was informed by the Council that the proposal was unlikely to be supported by the Council as Planning Authority, on the grounds that the proposal would be contrary to a number of Development Plan policies. The applicant's agent was also advised that a more appropriate vehicle for progress the scheme would be through the emerging Local Development Plan, as opposed to submitting a formal planning application. Advice was also given in respect of what was necessary for 'general' compliance with the 2005 HITCP (specifically Brownfield sites) which was that all sites that were to be considered as 'Brownfield' must be redundant and that new build would be strictly limited to the footprint of existing buildings.

### **LEGAL AGREEMENTS**

56 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 57 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**

- 58 It is regrettable that the applicant did not take cognisance of the advice offered at pre-application stage, as the overall proposal is clearly contrary to a host of Council policies, despite the merits of the conversion elements and is simply not sustainable in this rural location. As there are no material reasons for supporting the application, the application should be refused.

## **RECOMMENDATION**

### **A Refuse the application on the following grounds**

- 1 The proposed new build (plots 9- 24) is contrary to Policy 32 of the Perth Area Local Plan 1995 (Incorporating Alteration No1 Housing Land 2000) where it relates to new housing in the countryside, as it does not meet any of the criteria relating to [a] development zones [b] building groups [c] renovation of abandoned houses [d] replacement houses [e] conversion of non domestic buildings [f] operational need
- 2 The proposed new build (plots 9-24) is contrary to the Council's Policy on Housing in the Countryside (2005) as it does not meet any of the acceptable categories of development relating to (1) Building Group (2) Infill Sites (3) New houses in the open countryside (4) Renovation or Replacement of houses (5) Conversions or Replacement of Redundant Non-Domestic buildings (6) Rural Brownfield Sites.
- 3 As the proposal would result in 24 new dwellinghouses being created in the open countryside, the proposal is contrary to policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000) which seeks to ensure that all new developments within the landward area are compatible with the surroundings and accord with the existing pattern of development.
- 4 The proposal is contrary to Sustainable Policy 6 of the Perth and Kinross Structure Plan as the development is liable to have an adverse impact on the local rural environment.
- 5 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.

- 6 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.
- 7 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.
- 8 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.
- 9 As no details have been submitted in relation to noise arising from the nearby Trunk Road, it has not been fully demonstrated that noise mitigation can be adequately achieved on this site. The proposal is therefore contrary to Policy 1 of the Perth Area Local Plan 1995 (Incorporating Alteration No1, Housing Land 2000), which seeks to ensure that all new sites are compatible with their surroundings.

**B JUSTIFICATION**

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

**C PROCEDURAL NOTES**

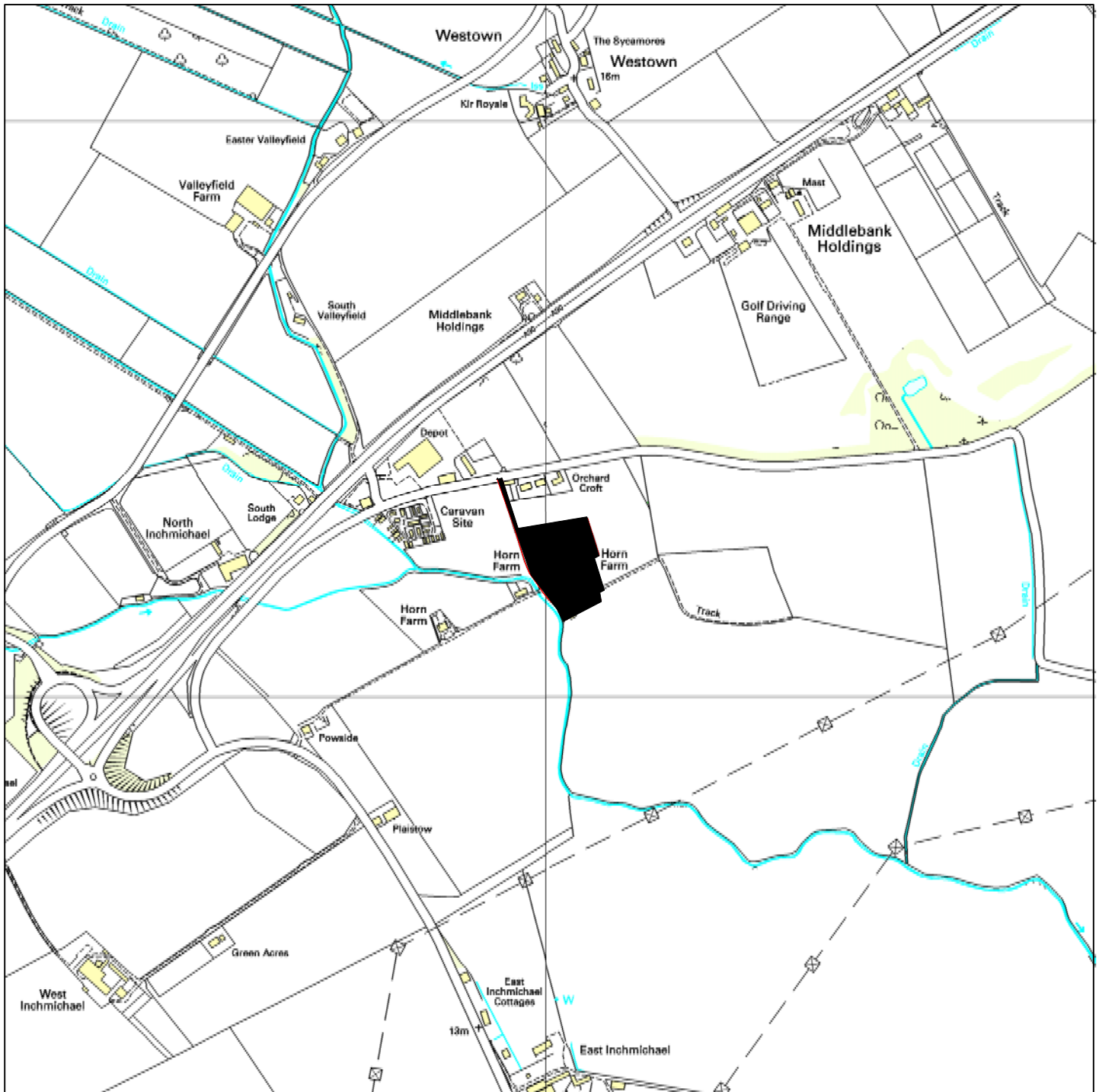
The application is considered to be a departure from the Development Plan and any proposed approval should include a justification for Departure from the Plan.

**D INFORMATIVES**

None

Background Papers: None  
Contact Officer: Andy Baxter Ext 75339  
Date: 26 January 2010

**Nick Brian**  
**Development Quality Manager**



Scale : 1:10000

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<b>Organisation</b>	Perth & Kinross Council
<b>Department</b>	Planning
<b>Comments</b>	
<b>Date</b>	21 January 2010
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