

<b>Issue 12</b>	<b>The Historic Environment</b>	
<b>Development plan reference:</b>	HE2 - Listed Buildings, page 38 HE3 - Conservation Areas, page 39 HE4 - Gardens and Designed Landscapes, page 39	<b>Reporter:</b> Hugh M Begg
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Cleish & Blairadam Community Council (00048) David Barbour (00215) Mr & Mrs Ian Rawson (00222) Grandtully & Strathtay Conservation Trust (00306) Bill Jackson (00432) Christopher Dingwall - Guidelines (00483) Mr & Mrs W Bright (00502) The Trustees of St Mary's Monastery (00529) Ruth Stone (00592) Portmoak Community Council (00638) Ian Dunsire (00692)	Councillor Michael Barnacle (02633) Perth & Kinross Tree Warden Network (08556) The Gleneagles Hotel (09004) Scone Palace & Estate (09163) Methven & District Community Council (09221) Mr & Mrs John Michie (09732) Michael Jackson (09919) Blairgowrie & Rattray Community Council (10002) Mike Hally (10105) Homes for Scotland (10214)	
<b>Provision of the development plan to which the issue relates:</b>	The Historic Environment Policy group	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>HE2 Listed Buildings</u> Homes for Scotland (10214/1/019): Policy wording to include enabling development of new build properties to ensure retention and protection of listed building or those on the 'at risk' register.</p> <p>The Trustees of St Mary's Monastery (00529/2/001): Considers Policy HE2 to be silent in relation to proposals for 'enabling' development to facilitate repairs/improvements to listed buildings and encourage their long-term active use.</p> <p>Considers that the Proposed Plan fails to provide clear guidance in relation to 'enabling' proposals, which will mean any future applications, will be determined in a 'policy vacuum'. (SPP paragraph 114) (S4_Doc_086) and (Supporting Document) (Core_Doc_141)</p> <p>Scone and Palace and Estate (09163/4/010): Objection to Policy HE2:</p> <ul style="list-style-type: none"> <li>- vital new uses are found for redundant traditional buildings of historic merit in order to ensure they survive and adapt</li> <li>- should be more positive support for such proposals</li> <li>- policy should be more explicit in its support</li> </ul> <p>Methven &amp; District Community Council (09221/1/007): Support for Policy HE2.</p> <p><u>HE3 Conservation Areas</u> David Barbour (00215/2/001): New Policy HE3 broadly promotes development in</p>		

conservation areas, which will actively encourage development, which may be detrimental.

Reference to Policy 88 of the Kinross Local Plan 2004 (S4\_Doc\_173) where there is a presumption against built development to safeguard the setting of villages.

Michael Jackson (09919/1/002): Refers to the Grandtully and Strathtay Conservation Area for the most part. Makes reference to the current adopted Highland Area Local Plan Policy 96 (S4\_Doc\_473), suggesting that it has resulted in '*some undesirable and speculative development*' in the conservation area. Continues that the Settlement Strategy Considerations section of the Plan for Strathtay (paragraph 6.15.2, page 182) (S4\_Doc\_416) should be amended to refer to limited further infill development of individual houses, and that any future development should not result in the subdivision of gardens.

Mr & Mrs Ian Rawson (00222/1/002), Mr & Mrs W Bright (00502/1/002), and Mr & Mrs John Michie (09732/1/002): Object to change of emphasis from '*presumption against*' to a '*presumption in favour*' as considers that it is not in keeping with the purpose, intention and spirit of a conservation area. Believes that:

- it significantly diminishes the ability and strength of people wishing to oppose inappropriate developments, and
- sees the change as alteration of power in favour of developers who are likely to wield significant and strong resources to make their case at the expense of the local community

Grandtully & Strathtay Conservation Trust (00306/1/001): Policy HE3A states that there is a presumption in favour of development within a conservation area that preserves or enhances its character or appearance - this statement needs clarification to avoid the sort of development that has been agreed in Strathtay in the last few years (3 identical houses permitted and built and a further 3 agreed).

The existing draft of the policy may unintentionally support development within a conservation area but outwith the settlement boundary.

Bill Jackson (00432/1/001): Policy HE3A should clarify that it does not support development which is within a conservation area but which is outside the settlement boundary.

David Barbour (00215/1/001): Policy HE3 does not make implicit statements referring to specific conservation areas, with particular reference to conservation areas in Cleish, Wester Balgedie and the proposed conservation area in Scotlandwell.

Councillor Michael Barnacle (02633/1/078): Policy HE3 only covers existing conservation areas but contains no new ones notably Back Crook, Keltybridge and Maryburgh. Refers to page 11 of MIR representation (S4\_Doc\_174).

Methven & District Community Council (09221/1/008); Portmoak Community Council (00638/1/011): Support Policy HE3.

#### HE4 Gardens and Designed Landscapes

Christopher Dingwall (00483/1/001); Perth & Kinross Tree Warden Network (08556/1/003): Considers the Plan to be inadequate with regard to gardens and designed landscapes. Comments that designed landscapes play a crucial role in determining

landscape character throughout Perth and Kinross therefore considers Policy HE4 to be a limited and poorly worded commitment. Therefore calls for a revision to Policy HE4 to align it with national policies.

The respondent proposes the following modifications:

- acknowledge the contribution made by all designed landscapes, both Inventory and non-Inventory, to the character and quality of the county's landscape; in line with paragraph 3.79 of Scottish Historic Environment Policy (SHEP) (S4\_Doc\_170) and paragraph 3.80 of SPP 23 (as this has been revoked it is presumed that the respondent means paragraphs 122 and 124 of SPP (S4\_Doc\_087).
- include a commitment by the Council to identify significant non-Inventory designed landscapes within the county, in line with SHEP (paragraph 3.79) (S4\_Doc\_170) with a view to protecting their integrity and enhancing their character as far as possible, within the evolving rural and urban landscape.
- state that '*applicants may be required to submit management plans*' as part of any application for development with an Inventory landscape.
- contain a statement to the effect that permission may be refused, or conditions may be attached to any grant of permission for development, where this is seen to adversely affect a designed landscape, whether Inventory or non-Inventory.
- contain a commitment by the Council to draw up its own supplementary guidance on the management and restoration of designed landscapes within Perth and Kinross, to complement that available from the Forestry Commission.

The respondent also makes reference to a number of other publications in support of their representation regarding the identification of non-Inventory sites; these are:

- Inventory of Gardens and Designed Landscapes in Scotland (Core\_Doc\_027)
- European Landscape Convention (2000) Article 5 and 6 (S4\_Doc\_171)
- Scotland's Landscape Charter 2010 (SNH) (S4\_Doc\_172)
- Scotland's Future Landscapes: Encouraging a Wider Debate (2003) (SNH) (Core\_Doc\_113)
- Forestry Commission - Conserving and Managing Trees and Woodlands in Scotland's Designed Landscapes: Practice Guide (2011) (Core\_Doc\_114)

The Gleneagles Hotel (09004/4/001); Councillor Michael Barnacle (02633/1/012); Methven & District Community Council (09221/1/009): Support Policy HE4.

#### Blairgowrie Conservation Area

Blairgowrie & Rattray Community Council (10002/1/003): Proposes that Blairgowrie Conservation Area (Core\_Doc\_073) is withdrawn for the following reasons:

- to facilitate development within town centre sites should be made easier and more attractive for potential developers to consider them
- due to the problem faced by developers in Blairgowrie town centre is that most of the sites are either covered by the conservation area or listed buildings or both
- Developers should be encouraged and incentivised to consider town centre sites over green field sites

#### Cleish Conservation Area

Cleish & Blairadam Community Council (00048/1/003): Cleish Conservation Area appraisal was carried out in 1980 but not identified as Supplementary Guidance in the Plan (Appendix 1, page 310) (S4\_Doc\_417).

- the 1980 appraisal remains both relevant and necessary to provide the appropriate level of protection to the village and its environs (Cleish Conservation Area Written Statement 1980) (S4\_Doc\_198)

Crieff Conservation Area

Ruth Stone (00592/2/001): Extend conservation area boundary to include the two historic properties of Barnoak and Barnkittock (S4\_Doc\_479).

Forgandenny Conservation Area

Ian Dunsire (00692/1/001): Extend conservation area boundary to include the entire settlement boundary for Forgandenny (S4\_Doc\_480) to allow for greater control of any proposed development where changes might cause an imbalance of existing structure.

Scotlandwell Conservation Area

Mike Hally (10105/4/001): Conservation area should be extended around and outside the settlement, in particular to the south in the same way it extends over the adjacent hillside to the north (S4\_Doc\_481).

Welcomes the Scotlandwell designation but has no confidence in recent planning decisions, which are considered to be obtrusive, out of scale and detract from the appearance of the village from the south:

- weakness of current designation as only applies to the more historic buildings and hills and not the foreground.

**Modifications sought by those submitting representations:**HE2 Listed Buildings

Homes for Scotland (10214/1/019): Change wording to include enabling development of new build properties.

The Trustees of St Mary's Monastery (00529/2/001): Inclusion of a new policy that clearly establishes assessment criteria for the determination of applications for 'enabling' development to facilitate works to listed buildings and ensure their active use.

Scone Palace & Estate (09163/4/010): Change wording to go on to state that: *'There is support for new uses to keep listed buildings in active use'*.

HE3 Conservation Areas

David Barbour (00215/2/001): Wording should be changed back to presumption against development rather than promotion of development.

Michael Jackson (09919/1/002): Change the wording of paragraph 6.15.2 of the Plan (page 182) to limit the further development of individual houses and to state that any future development should not result in the subdivision of gardens.

Mr & Mrs Ian Rawson (00222/1/002) Mr & Mrs W Bright (00502/1/002); Mr & Mrs John Michie (09732/1/002): Change wording from *'presumption in favour'* to *'presumption against'* or altered to restore protection of the historic environment.

Grandtully & Strathtay Conservation Trust (00306/1/001): Policy needs to clarify what it means by *'a presumption in favour of development within a Conservation Area that preserves or enhances its character or appearance'*.

Bill Jackson (00432/1/001): Change wording of Policy HE3A to indicate that it would not support development which is within a conservation area but outwith a settlement boundary.

David Barbour (00215/1/001): Should be implicit statement referring to specific conservation areas.

Councillor Michael Barnacle (02633/1/078): Policy HE3 should be modified to include proposals for new conservation areas (Back Crook, Keltybridge and Maryburgh).

#### HE4 Gardens and Designed Landscapes

Christopher Dingwall - Guidelines (00483/1/001); Perth and Kinross Tree Warden Network (08556/1/003): Revise Policy HE4 to align itself with national policies, proposed the following modifications:

- acknowledge contribution made by all designed landscapes, both Inventory and non-Inventory, to the character and quality of the county's landscape.
- include a commitment by the Council to identify significant non-Inventory designed landscapes within the county, in line with Scottish Historic Environment Policy (2011) with a view to protecting their integrity and enhancing their character as far as possible, within the evolving rural and urban landscape.
- state that '*applicants may be required to submit management plans*' as part of any application for development with an Inventory landscape.
- contain a statement to the effect that permission may be refused, or conditions may be attached to any grant of permission for development, where this is seen to adversely affect a designed landscape, whether Inventory or non-Inventory.
- contain a commitment by the Council to draw up its own supplementary guidance on the management and restoration of designed landscapes within Perth and Kinross, to complement that available from the Forestry Commission.

#### Blairgowrie Conservation Area

Blairgowrie & Rattray Community Council (10002/1/003): Revoke Blairgowrie Conservation Area.

#### Cleish Conservation Area

Cleish & Blairadam Community Council (00048/1/003): Identify Cleish Conservation Area Appraisal as Supplementary Guidance.

#### Crieff Conservation Area

Ruth Stone (00592/2/001): Modify Crieff Conservation Area boundary.

#### Forgandenny Conservation Area

Ian Dunsire (00692/1/001): Amend Forgandenny Conservation Area boundary.

#### Scotlandwell Conservation Area Appraisal

Mike Hally (10105/4/001): Extend Scotlandwell Conservation Area boundary.

### **Summary of responses (including reasons) by planning authority:**

#### HE2: Listed Buildings

Homes for Scotland (10214/1/019); The Trustees of St Mary's Monastery (00529/2/001); Scone Palace & Estate (09163/4/010): The issues raised in the representations refer to the need for enabling development and the re-use of listed buildings. However, it is considered that Policy HE2 makes adequate provision for this as it sets out that there is a presumption in favour of the retention, sympathetic restoration, correct maintenance and sensitive management of listed buildings to enable them to remain in active use, as sought by representation (09163/4/010); provided that any such development is

appropriate to the listed building and its character, appearance and setting through its layout, design, materials, scale, siting and use. As such, the policy does not discourage development but merely seeks to ensure that appropriate development is enabled.

No modification is proposed to the Plan.

### HE3 Conservation Areas

David Barbour (00215/2/001), Mr & Mrs Ian Rawson (00222/1/002), Grandtully & Strathtay Conservation Trust (00306/1/001), Mr & Mrs W Bright (00502/1/002); Mr & Mrs John Michie (09732/1/002): There is a request to reword the policy from '*presumption in favour*' to '*presumption against*'. The policy does indicate a presumption in favour of development but this is not a stand-alone statement as HE3 goes on to indicate that development would have to preserve or enhance the character or appearance of the conservation area. The policy also gives a list of qualities that the development would need to consider in order to ensure it was appropriate not only within the conservation area but its setting in the surrounding area. Scottish Historic Environment Policy (SHEP) (Core\_Doc\_026) notes that the protection of the historic environment is not about preventing change, but managing it intelligently and with understanding.

The Council considers that there is adequate provision within the policy to ensure suitable and appropriate development within a conservation area.

No modification is proposed to the Plan.

Michael Jackson (09919/1/052) The 2008 Grandtully & Strathtay Conservation Area Appraisal, which was the subject of an extensive public consultation exercise, forms part of the suite of supplementary guidance to the Plan (see Appendix 1, page 310) (S4\_Doc\_417) and will be used to inform decision-making on planning applications for developments within and surrounding the conservation area. Whilst paragraph 4.12 (page 8) of the Appraisal (S4\_Doc\_474) acknowledges that '*there are several well established and attractive gardens of Victorian villas in Strathtay which provide visual interest and amenity from the public street*' and also that there are some gardens of interest adjacent to the main road in Grandtully, the subdivision of garden plots is not identified in the Appraisal as either a negative factor or an opportunity for planning action (Core\_Doc\_074). As such, it is not considered necessary to make the amendments sought to paragraph 6.15.2 (S4\_Doc\_416) of the Plan by the respondent.

No modification is proposed to the Plan.

Grandtully & Strathtay Conservation Trust (00306/1/001); Bill Jackson (00432/1/001): Development that would be proposed within a conservation area but outwith a settlement boundary would still be subject to the requirements of Policy HE3. Policy RD3: Housing in the Countryside (S4\_Doc\_418) and the corresponding supplementary guidance (Core\_Doc\_064) provide the criteria for what would be considered an appropriate development.

The Council considers there to be adequate provision within the Plan to cover this issue.

No modification is proposed to the Plan.

David Barbour (00215/1/001): The Settlement Strategy Considerations sections for Cleish (Proposed Plan paragraph 7.6.2) (S4\_Doc\_419), Scotlandwell (Proposed Plan paragraph 7.17.2) (S4\_Doc\_420) and Wester Balgedie (Proposed Plan paragraph

7.18.2) (S4\_Doc\_421), and for any other settlements where there is a Conservation Area, indicate that Conservation Area designations are present at these locations, and the relevant settlement maps show the extent of their boundaries. Policy HE3, supported by the specific Conservation Area Appraisals, provides the Development Plan policy framework against which development proposals within and adjacent to these designated areas will be assessed. It is not considered necessary to identify all of the Conservation Areas across Perth and Kinross explicitly within the Policy as this list may be subject to review during the Plan period.

No modification is proposed to the Plan

Councillor Michael Barnacle (02633/1/078): Evidence for the special historic and architectural interest of these specific areas has not been submitted; therefore the viability of these proposals for designation cannot be assessed. They cannot be included explicitly as proposals at this stage as they may not be suitable candidates. Equally, other potential candidate settlements may emerge. The Council's regular review process for conservation areas would be the most appropriate vehicle to have these areas considered for designation in preparation for the next LDP cycle.

No modification is proposed to the Plan.

#### HE4 Gardens and Designed Landscapes

Christopher Dingwall - Guidelines (00483/1/001); Perth & Kinross Tree Warden Network (08556/1/003): Protection and enhancement of the cultural and historic environment is a key objective of the Plan (Section 2.3, page 18) (S4\_Doc\_422). Policy HE4 refers specifically to Inventory sites but Policy ER6 (S4\_Doc\_397) covers landscapes generally, and requires development proposals to conserve and enhance the landscape qualities of Perth and Kinross.

The Council has not at present sufficient resources to commit to identifying significant non-Inventory designed landscapes. This is a discretionary function and other similar recommendations in Scottish Historic Environment Policy (Core\_Doc\_026) (such as the production of character appraisals for conservation areas) are carried out as part of the Council's management of the historic environment but are not considered to require a specific policy in the Plan.

The requirement for submission of a management plan with any application for development within designed landscapes is considered overly onerous. In specific circumstances where management of the wider landscape would be appropriate to the planning consideration of the site, the ability to request such a plan is not precluded under current planning legislation. Similarly, the refusal of permission or the application of conditions to address proposals adversely affecting designed landscapes is not prevented by the proposed policy, in instances where it would be considered reasonable and appropriate.

The Council considers that there is adequate policy provision to protect significant designed landscapes in its area. The production of supplementary guidance on landscapes has been identified as a priority in the next phase of proposed guidance to be produced and consulted upon during 2013 (Draft LDP Action Programme 2012-2024, page 11) (S4\_Doc\_475).

No modification is proposed to the Plan.

Blairgowrie Conservation Area

Blairgowrie & Rattray Community Council (1002/1/003): Blairgowrie Conservation Area was first designated in 2007, following extensive public consultation. The Community Council were consulted during this process but no representation was made.

The designation of conservation areas seeks to recognise the historic importance of an area within the urban environment. It also seeks to ensure that future development not only protects the historic environment, but through planning policies and supplementary guidance, provides an opportunity to provide development of a high quality and design including innovative contemporary design as well as more traditional design styles. The Conservation Area policy and guidance documents do not include restrictions on empty, disused and derelict buildings and would in fact encourage their redevelopment. Therefore, the conservation area within Blairgowrie should be retained.

In respect of the respondents comment that *'developers should be encouraged and incentivised to consider town centre sites over green field sites'*, it is considered that the Plan currently does this through its policy framework, particularly the Retail and Commercial policies and the section preamble (pages 29-30) (S4\_Doc\_423), and Residential Development policies (pages 31-32) (S4\_Doc\_424). Furthermore, where effective brownfield sites exist within settlements they have been identified as site proposals within the Plan.

It should also be noted that a report on the Local Development Plan Supplementary Guidance Phase 1 (Core\_Doc\_160), which dealt with those representations received in respect of individual conservation areas and their appraisals, and also provided the Council's proposed response to those comments (pages 82-84) (S4\_Doc\_476), was approved by the Council's Enterprise and Infrastructure Committee on 7 November 2012.

No modification is proposed to the Plan.

Cleish Conservation Area

Cleish & Blairadam Community Council (00048/1/003): Cleish Conservation Area will be reviewed and an updated appraisal produced in due course as part of the Council's regular review cycle of conservation areas. The Cleish Conservation Area Written Statement (1980) (S4\_Doc\_198) is the relevant available document, but requires updating. It already has the status of a material consideration in any application affecting the conservation area. The Council therefore does not propose specifically adding this document as supplementary guidance to the Plan.

No modification is proposed to the Plan.

Crieff Conservation Area

Ruth Stone (00592/2/001): Crieff Conservation Area (S4\_Doc\_479) was first designated in 2009, following extensive public consultation. No representations were made at the time regarding this specific area. The survey carried out prior to designation assessed all streets/areas around the current boundary, but this was not considered suitable for inclusion.

The designation of the conservation area in Crieff seeks to recognise the historic importance of the area within the urban environment. The properties referred to in the representation are immediately north of the conservation area boundary between Comrie Road and Milnab Street. Given the development within the grounds of the properties the integrity of the historic environment has been compromised and it is not considered that

there is a justification for the extension of the conservation area to include these properties. Given that properties are adjacent to the conservation area, Policy HE3: Conservation Areas in relation to the setting is appropriate.

No modification is proposed to the Plan.

#### Forgandenny Conservation Area

Ian Dunsire (00692/1/001): Extension of a conservation area should be on the grounds that the proposed area is of special architectural and historic interest, not purely to control development. There is not considered to be justification on these grounds for the proposed extension. There are sufficient policies such as the setting of the conservation area (Policy HE3) and those related to development within the countryside (RD3: Housing in the Countryside and corresponding Supplementary Guidance) (S4\_Doc\_418) and (Core\_Doc\_068) that would be appropriate for future development.

No modification is proposed to the Plan.

#### Scotlandwell Conservation Area

Mike Hally (10105/4/001): The designation of the conservation area in Scotlandwell not only includes the historic urban environment but the historic merit of the rigg system to the north of the settlement. There is no justification for the extension of the conservation area to the south, which would include new development and agricultural land (S4\_Doc\_481). There are sufficient policies such as the setting of the conservation area (Policy HE3) and those related to development within the countryside (RD3: Housing in the Countryside and corresponding Supplementary Guidance) (S4\_Doc\_418) and (Core\_Doc\_064) that would be appropriate for considering future development.

No modification is proposed to the Plan.

#### Crieff, Forgandenny and Scotlandwell Conservation Areas

Ruth Stone (00592/2/001); Ian Dunsire (00692/1/001); Mike Hally (10105/4/001): Evidence is not supplied to establish the special architectural and historic interest of the areas proposed for extension. They cannot be included explicitly as proposals at this stage as the areas may not be suitable for inclusion. Equally, other potential candidates for extension may emerge. All conservation areas will be re-appraised as part of a regular cycle in future. This will be the opportune time to raise and consider possible amendments to boundaries.

As per the above response to representation Blairgowrie and Rattray Community Council (1002/1/003), it should also be noted that a report on the Local Development Plan Supplementary Guidance Phase 1 (Core\_Doc\_160), which dealt with those representations received in respect of individual conservation areas and their appraisals, and also provided the Council's proposed response to those comments (pages 82-84) (S4\_Doc\_476), was approved by the Council's Enterprise and Infrastructure Committee on 7 November 2012.

No modification is proposed to the Conservation Area Appraisals.

### **Reporter's conclusions:**

#### Policy HE2 Listed Buildings

1. Statutory and policy guidance on Listed Buildings is provided by: The Planning (Listed

Buildings and Conservation Areas) (Scotland) Act 1997 notably at section 59; Scottish Planning Policy (SPP) notably at paragraphs 111 and 114; Scottish Historic Environment Policy (SHEP); and Managing Change in the Historic Environment which is issued as a part of Historic Scotland's guidance note series. Accordingly, the notion that applications for development involving listed buildings will be determined within a "policy vacuum" is without foundation. Policy HE2 as drafted is perfectly compatible with that framework. However, having proper regard to the approach that is set out in statute and national policy and guidance, rather than the presumption in favour of development within a conservation area which the council has incorporated within the text of Policy HE3A, it is more appropriate simply to require, in accordance with the terms of section 61 of the Act, that development within a conservation area must preserve or enhance its character or appearance.

2. Paragraph 114 of SPP confirms that enabling development may be acceptable where it can be shown to be the only means of retaining a listed building. It requires that the resulting development is of a high design quality, protects the listed building and its setting and is the minimum necessary to enable its conservation and re-use. The design of the new development is required to retain and enhance the special interest, character and setting of the listed building. Although the final sentence of Policy HE2 echoes the essence of paragraph 114 of SPP, it makes no specific mention of enabling development. There is no need for a new policy to cover this omission; and a minor modification can remove any doubt about the reach of Policy HE2.

#### Policy HE3A Conservation Areas

3. Section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a statutory duty on the council from time to time to determine which parts of its area are of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. This statutory requirement is supported by a suite of policies issued in SPP, in Scottish Government guidance and by Historic Scotland. At the heart of the policy package is the conviction that the listing of buildings and designation of conservation areas requires a rather different approach to managing the historic environment than that which applies elsewhere.

4. The SHEP emphasises at paragraph 1.8 that the protection of the historic environment is not about preventing change and that change should be managed intelligently and with understanding. There are numerous representations which, in essence, take the view that managing the historic environment, including conservation areas, intelligently and with understanding requires special care to be taken to preserve those characteristics which led to the designation of the conservation area in the first place and, where possible, to enhance them. Of course, that special care does not amount to placing an embargo on new development; nor should it discourage beneficial change within an area identified as worthy of careful stewardship for the benefit of this and future generations. There need be no impediment to development provided that it can meet the criteria set out in statute: to preserve or enhance the character or appearance of the area identified as being of special architectural or historic interest.

5. Policy HE3A Conservation Areas (as modified in the manner discussed above) will apply to all conservation areas in Perth and Kinross including the Grandtully and Strathtay Conservation Area. Policy RD3: Housing in the Countryside will apply to all areas identified as lying within the countryside. Accordingly, any development proposed for a site within the countryside which is also within a conservation area must pass the tests incorporated within both of these policies. The modification to Policy HE3A will

overcome any apparent conflict between the terms of that policy and the terms of Policy RD3.

6. Policy HE3A makes specific reference to new development within a conservation area, and to development outwith a conservation area that will impact upon its special qualities. As modified, it offers no presumption in favour of development and, hence, will give no less protection to the setting of the conservation areas in Cleish, Wester Balgeddie and Scotlandwell than is afforded in the current adopted local plan.

7. With respect to the Grandtully and Strathtay Conservation Area the relevant Conservation Appraisal (2008) does not identify infill development of individual houses or the subdivision of gardens as a particular problem. Any application for planning permission for development within the conservation area must be treated by the planning authority on its merits in accordance with the policies of the local development plan and, in particular, Policy HE3 Conservation Areas. At that stage the character of the conservation area, including the references to well established Victorian villas and the garden grounds in Strathtay and Grandtully, must be taken into account. It will be open to any person, including the respondent, to lodge representations to any future application which, in his opinion, does not preserve or enhance the character or appearance of the conservation area. There is no justification for the modification to the text of 6.15.2 as proposed by the respondent.

8. With regard to the proposal for the designation of new conservation areas, the policy of Scottish Ministers is to be found in the SHEP. This confirms that Scottish Ministers expect local authorities to designate as conservation areas, only those areas which they consider to be of special architectural or historic interest. As part of this process they are encouraged to undertake a thorough appraisal of any area before designation, to ensure that its character and appearance are properly understood. The criteria to be taken account of in designation are set out in Annex 3 of the SHEP. Scottish Ministers consider it important that before designation all planning authorities should give the public ample opportunity to comment, either through responses to local plans or, where no local plans are in preparation, through another convenient consultation process.

9. No proposals for the designation of new conservation areas are set out in the Proposed Plan. Neither is there any evidence that the thorough appraisals to which Ministers refer have been undertaken for areas at Black Crook, Keltybridge, or Maryburgh. If the Council is minded to designate conservation areas at these or other areas within Perth and Kinross in the future it will require to take a number of preliminary steps. These include: conducting a thorough appraisal leading to an understanding of the character and appearance of the area identified as being of historic or architectural interest; consulting the public by way of a convenient process; and, thereafter, reviewing the merits of the proposal before deciding whether to move towards a designation. In short, any proposal for the designation of new conservation areas at Black Crook, Keltybridge, or Maryburgh is premature.

#### Policy HE4 Gardens and Designed Landscapes

10. Policy HE4 is a bald statement of intent which is restricted to the current Inventory of Gardens and Designed Landscapes. Policy ER6 covers landscapes generally, and requires development proposals to conserve and enhance the landscape qualities of Perth and Kinross. However, it is understandable that some respondents regard this as a limited commitment which fails to reflect the Government's policy as set out in SPP and the SHEP.

11. SPP confirms that planning authorities have a role in protecting, preserving and enhancing gardens and designed landscapes included in the current Inventory and gardens and designed landscapes of regional and local importance. It requires that relevant policies are included in local development plans and that the effect of a proposed development on a garden or designed landscape is a consideration in decisions on planning applications. Change is required to be managed to ensure that the significant elements justifying designation are protected or enhanced. This must be read alongside the Policy on Gardens and Designed Landscape in the SHEP, which confirms Scottish Ministers' expectation that planning authorities have careful regard for the specific qualities, character and integrity of gardens and designed landscapes. Planning authorities are required to continue to extend protection to designed landscapes through the inclusion of appropriate policies in their development plans. And in recognition of the importance of sites which do not meet the criteria set for national importance but nevertheless make an important contribution to the local historic environment and landscape character of the area, planning authorities are encouraged also to develop policies within their development plans for the identification and future management of non-Inventory sites.

12. Policy HE4 meets the minimum requirements of policy as expressed in SPP and the SHEP. Moreover, the production of supplementary guidance on landscapes has been identified as a priority and will be consulted upon during 2013. However, even if the council does not at present have sufficient resources to commit to the discretionary function of identifying significant non-Inventory designed landscapes, that does not allow it to distance itself from the encouragement in the SHEP to develop policies within its local development plan for the identification and future management of non-Inventory sites in Perth and Kinross.

#### Blairgowrie Conservation Area

13. Blairgowrie town centre contains a number of vacant units and retailers who are faced with severe competition in a commercial world in which the trend is to fewer, larger outlets and to shopping on-line. The centre would benefit from refurbishment undertaken as a part of a programme of investment focussed on the regeneration of its core; and there are specific initiatives underway to facilitate reuse of vacant and under-used properties. However, there is no persuasive evidence that the success of such a programme, and the attraction of spend from day visitors and tourists as well as residents on which it would depend, would be encouraged by the removal of a designation which seeks to preserve and enhance the character and appearance of an area of considerable historic and architectural interest.

#### Scotlandwell Conservation Area

14. It appears that it is the setting of the settlement of Scotlandwell as a whole, including the conservation area, which is the focus of concern for this respondent. The current boundaries of the conservation area have been designated in accordance with the terms of section 61 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The area has been identified by the council, and following an appraisal and public consultation, it has been assessed as being of such historic and architectural interest that it has a character and appearance worthy of preservation or enhancement. The setting of the Conservation Area is a matter to be considered under Policy HE3A (as modified) rather than by an extension of the boundaries of the Conservation Area itself.

Forgandenny Conservation Area

15. The planning authority is obliged to give thorough scrutiny to all planning applications which come before it and there is no reason to doubt that this approach will be adopted for any development which may be proposed for site H22 in Forgandenny.

Cleish Conservation Area

16. Cleish Conservation Area Written Statement is a material consideration in any application affecting the conservation area. Accordingly, it is in place to provide “the appropriate level of protection to the village and its environs” which is desired. However, the document was prepared more than three decades ago and an appraisal is not included in the list of *Guidance to be published later* to be found at Appendix 1 at page 311. In its evidence the council has made a commitment that Cleish Conservation Area will be reviewed and an updated appraisal produced in due course. Given the council’s statutory obligations and the vintage of the Cleish Conservation Area Written Statement that commitment should be incorporated into the plan.

Crieff Conservation Area

17. The Crieff Conservation Area was designated as recently as 2009. The council have stated that: “*the associated appraisal included an assessment of the vicinity which accommodates the properties identified by the respondent as Barnoak and Barnkittock; and that no representations were made at the time regarding this specific area.*” These buildings can reasonably be described as being “*of pleasing aspect*”. However, there is no overwhelming reason to adjust the boundaries in order to include these properties within the Crieff Conservation Area.

Crieff, Forgandenny and Scotlandwell Conservation Areas

18. With regard to the proposed modifications to the Blairgowrie, Crieff, Forgandenny and Scotlandwell Conservation Areas the Council is committed to re-appraise all conservation areas as part of a regular cycle. When each of these is being considered, that will be an opportune time to raise possible amendments to the boundaries of the designated areas.

**Reporter’s recommendations:**Policy HE2: Listed Buildings

1. Adjust the final paragraph to read as follows: “*Enabling development may be acceptable where it can be shown to be the only means of retaining a listed building. 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

2. Delete the first sentence of Policy HE3A and replace with the following: “*Development within a Conservation Area must preserve or enhance its character or appearance.*”

Policy HE4 Gardens and Designed Landscapes

3. Delete the text of Policy HE4 and replace with the following:

*“Gardens and designed landscapes make a significant contribution to the character and quality of the landscape in Perth and Kinross. The Council will seek to manage change in order to protect and enhance the integrity of those sites included on the current Inventory of Gardens and Designed Landscapes. The Council may require the submission of a management plan with any application for development within areas included in the current Inventory.*

*As resources permit, the Council will continue with the process of identification of non-Inventory sites in Perth and Kinross and the associated task of devising an approach to their future management.”*

Cleish Conservation Area

4. Include Cleish Conservation Area Appraisal under the heading “*Design Guidance*” within Appendix 1 at page 311.