

Perth and Kinross Council  
Development Management Committee –17 July 2013  
Report of Handling by Development Quality Manager

**Change of use of land from agricultural to garden ground; erection of a timber screen fence subdividing Craigbank House and Craigpark House and relocation of vehicular access (in part retrospect)**

Ref: No: 13/00789/FLL  
Ward No: 8 – Kinross-shire

### **Summary**

This report recommends approval for the proposed change of use of the land from agricultural land to garden ground; relocation of vehicular access and 1.8m screen fence subdivision on the principal elevation of Craigbank House and Craigpark House, which is deemed to be in accordance with relevant development plan policy, with no material considerations constituting a reason for refusal.

### **SITE HISTORY & BACKGROUND**

- 1 The site is located at Cleish Mill, approximately 0.7km east of Cleish. The hamlet at Cleish Mill comprises a loose scattering of predominantly detached dwellings aligning the B9097, with lanes which spur off that route to the north and south, giving rise to a linear characteristic to the built form.
- 2 The site has been developed as part of planning application 07/02632/FLL for two dwellinghouses with associated access, garden ground and landscaping. Vehicular access to the two new dwellings have be taken from a newly formed access road to the south-east of the site, which would also serve the neighbouring steading conversion which is the subject of application 07/02621/FLL. The converted Cleish Mill lies to the west and existing houses are to the south. The eastern edge of the site remains open agricultural ground.
- 3 Following the development of the two dwellinghouses, unresolved matters have been ongoing in relation to the implementation of the original landscaping plan approved and associated boundary treatment. The specific matters, which are now identified to require formal planning assessment include:
  - Vertically aligned, 1.8m timber screen fencing, which exists on the principal elevation, subdividing the two affected properties on a boundary not benefitting from residential permitted development rights.
  - Partially revised landscaping scheme.

- Change of use of agricultural land to additional garden ground serving Craigbank and Craigpark House.
- Amendment to the alignment of the vehicular access.

## **PROPOSALS**

- 4 The current planning submission includes details largely consistent with the original landscaping plan approved (as part of planning consent 07/02632/FLL). In summary, the current application seeks to regulate a 1.8m high screen timber fence, subdividing the two plots (western elevation – plan 13/00789/8), minor re-alignment of the access road into the site (both elements currently unauthorised) and assess a request for a change of use from agricultural land to additional garden ground serving the two individual plots.

## **NATIONAL POLICY and GUIDANCE**

- 5 The Scottish Government expresses its planning policies through the National Planning Framework 1& 2, the Scottish Planning Policy (SPP) and Planning Advice Notes (PAN).

### **The Scottish Planning Policy 2010**

- 6 The SPP is a statement of Scottish Government policy on land use planning and contains:
- the Scottish Government’s view of the purpose of planning,
  - the core principles for the operation of the system and the objectives for key parts of the system,
  - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,
  - concise subject planning policies, including the implications for development planning and development management, and
  - the Scottish Government’s expectations of the intended outcomes of the planning system.
- 7 Of relevance to this application are paragraphs:-
- Paragraphs 24 – 27: Determining Planning Applications

## **DEVELOPMENT PLAN**

- 7 The Development Plan for the area comprises the Approved TAYPlan 2012 and the adopted Kinross Area Local Plan 2004.

### **TAY Plan Strategic Development Plan 2012**

- 8 The vision set out in the TAYPlan states that:

*“By 2032 the TAYPlan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality*

*of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

- 9 Within the Strategic Development Plan, TAYPlan 2012, the primary policy of specific relevance to this application is;

**Policy 2: Shaping Better Quality Places**

- 10 Part F of Policy 2 seeks to 'ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets and provide additional green infrastructure where necessary'.

**Kinross Area Local Plan 2004**

- 11 The site lies within the landward area as identified in the Kinross Area Local Plan 2004. The principal relevant policies of the Plan are as follows:

**Policy 1 Sustainable Development**

- 12 Sets out a development strategy based on sustainable principles. The policy identifies that key considerations include the maintenance and improvement of the quality of the natural environment and the conservation of Biodiversity.

**Policy 2 Development Criteria**

- 13 Provides criteria by which all developments will be judged. In particular, that the development should have an acceptable landscape framework, should have regard to the scale, form, colour and density of development within the locality and should not result in a significant loss of amenity to the local community.

**Policy 5 Landscape**

- 14 Indicates that landscape character should be strengthened and enhanced through new development proposals.

**Policy 6 Design and Landscaping**

- 15 Identifies the Council's commitment to the attainment of high standards of design within the Plan area. Particular consideration will be given to the issue of landscape fit and to ensure that the proportions of any building are in keeping with its surroundings.

**Perth and Kinross Proposed Local Development Plan 2012**

- 16 Members will be aware that on the 30 January 2012 the Proposed Local Development Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan (LDP). The LDP has

recently undergone a period of public consultation. The Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. It is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.

- 17 Under the proposed LDP the principal relevant policies are:-
- 18 **Policy PM1A and PM1B: Placemaking** - development must contribute to the quality of the surrounding built and natural environment and respect the character and amenity of the place.
- 19 **Policy NE4: Green Infrastructure** – development will contribute to the creation, protection, enhancement and management of green infrastructure.

## **SITE HISTORY**

- 20 07/02632/FLL Erection of 2 dwellinghouses with associated access and landscaping - 31 March 2011 Application Permitted
- 21 12/02044/FLL Changes to landscaping plan, erection of a summerhouse and relocation of entrance road (in part retrospect) - 24 January 2013 Application Withdrawn

## **CONSULTATIONS**

- 22 Environmental Health Manager – No objection.

## **REPRESENTATIONS**

- 23 Thirteen letters of representation have been received, seven in support of the application and six objecting.

The objection comments submitted are summarised as follows:

- Question over precise siting of tree specimen area 2, considered to be an un-neighbourly gesture.
- Loss of copse 1 from original approved scheme 07/02632/FLL.
- High screen fencing between the two properties is considered inappropriate, through design, visual appearance and overall finish.
- No objection if fence is ultimately lowered between the two properties (in line with current landscape plan consent).
- Reinstate fully with original landscape plan approved associated with consent 07/02632/FLL.
- Unsure what will happen to remaining high boundary fencing to the rear.
- Excessive height of fencing.
- Loss of visual amenity.
- Out of character with the area.

- 24 These issues are assessed in the Appraisal section of this report.
- 25 Seven letters of support have also been submitted. The respondents contend that the proposals are appropriate and sympathetic.

### **ADDITIONAL STATEMENTS RECEIVED**

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Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	None
Report on Impact or Potential Impact	Submitted

### **APPRAISAL**

- 27 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plans that are applicable to this area are the Kinross Area Local Plan 2004 and the Proposed Local Development Plan 2012.

#### **Landscape Impact**

- 28 The landscape impact of the associated proposals remains largely consistent with previous assessment and recommendations. The amendments to the approved landscaping scheme and the proposed extension of garden ground associated with the two plots are not calculated to have any adverse landscape or visual impact. As part of the assessment recommendation, permitted development rights are conditioned to be removed from the additional garden ground forming part of this planning application.

#### **Objection Specifics**

- 29 The specific salient objection comments are addressed individually as follows:
- Loss of copse 1

The situation of copse 1 is outwith the red site line boundary of the proposals being considered and assessed as part of this planning application (identified as part of original planning application 0702632/FLL). It is therefore not appropriate or necessary to address Copse 1 specifically as part of the current planning application.

- The form, height and associated detailing of fencing would be inappropriate at this location.

The form and 1.8m height of the timber screen fence subdividing the two residential plots of Craighbank House and Craighpark House are not considered to be inappropriate through the realisation of the associated external boundary landscape treatment, which over time will sufficiently screen and soften any associated visual impact of the fence from an external vantage point at street level.

- Position of tree specimen area 2

The position of tree specimen area 2 is considered appropriate, with the approximate location recommended by the case officer, and is consistent with the general approach of the original landscaping plan. Notwithstanding this, the applicant can undertake tree planting or associated natural landscaping in this general area without the need for any formal planning consent.

- 29 In general design terms the proposals for the site are considered acceptable, remaining consistent overall with established Council policy and guidance.

### **Residential Amenity**

- 30 Hedge planting has already been planted along sections of the western boundary of the site and will be continued, consistent with landscape proposals on plan 13/00789/5. Overall, the associated external landscape boundary elements considered as part of this planning application will continue to assist in softening the overall impact of the built form within the wider site context. Whilst this will take several years to fully establish, this approach remains consistent with planning consent 07/02632/FLL and is not considered to adversely compromise existing neighbouring residential amenity.
- 31 The 1.8m (vertically aligned) timber screen fencing erected along the southern boundary of plot one has been deemed to be permitted development; in accordance with The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). Any screen fencing element outwith the established residential boundaries does not benefit from permitted development and will be addressed as such.
- 32 The 1.8m (vertically aligned) timber screen fence erected as a subdivision between plots 1 and 2 on the principal elevations is not considered to have any adverse impact on surrounding residential amenity. Taking into account both the overall scale and length of fence in place (entire projection length is under 15m from the principal elevation) and the natural timber finish, it is also not considered to be incongruous, with similar detailing being not uncommon in rural Perth and Kinross.

### **Re-alignment of Access**

- 33 The effective re-aligned access is not judged by transport colleagues to cause any adverse impact on traffic or pedestrian traffic safety grounds. The re-aligned access is not considered to have an adverse landscape or visual impact.

## **LEGAL AGREEMENTS**

34 No legal agreement is required for this proposal.

## **DIRECTION BY SCOTTISH MINISTERS**

35 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 REASONS FOR RECOMMENDATION**

36 In landscape terms, the proposals remain largely consistent with the ethos of the original approved scheme, securing a long term acceptable and appropriate landscape fit, with an integral relationship to other housing within the settlement. The applicant has shown a willingness more recently to undertake key structural elements of the landscape plan as originally approved. The additional request for change of use of agricultural land to additional garden ground, partial access re-alignment and landscaping amendments are considered satisfactory in this context.

## **RECOMMENDATIONS**

**A** Approve the application subject to the following conditions:

### **Conditions:-**

- 1 The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning consent.
- 2 No development or extensions, whether or not permitted by virtue of Schedule 1, Part 1, Class 1 and 3 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 or any Order revoking and re-enacting that Order shall be erected within the extended curtilage of the dwellings (as identified on plan 13/00789/7).
- 3 The detailed landscaping and planting scheme for the site which is hereby approved shall be implemented as part of the site development programme and thereafter maintained to the satisfaction of the Council as Planning Authority.
- 4 Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size and species to the satisfaction of the Planning Authority.
- 5 The 'type C', close gap 1.8m subdivision fence identified on plan 13/00789/8, shall be tapered back to finish 500mm short of the red site line boundary to the west within 30 days of the date of the decision notice, to allow for associated boundary hedge planting to be subsequently implemented, in line with plan 13/00789/5.

### **Reasons:-**

- 1 To ensure that the development is carried out in accordance with the plans approved.
- 2 In the interests of visual and residential amenity; to ensure a satisfactory standard of local environmental quality and to avoid over-intensive development of the site.
- 3 In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.
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### **B Justification**

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan

### **C Informatives**

- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 2 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 3 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).

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

Background Papers: 13 letters of representation (6 objections, 7 support)

Contact Officer: Callum Petrie – Ext 475353

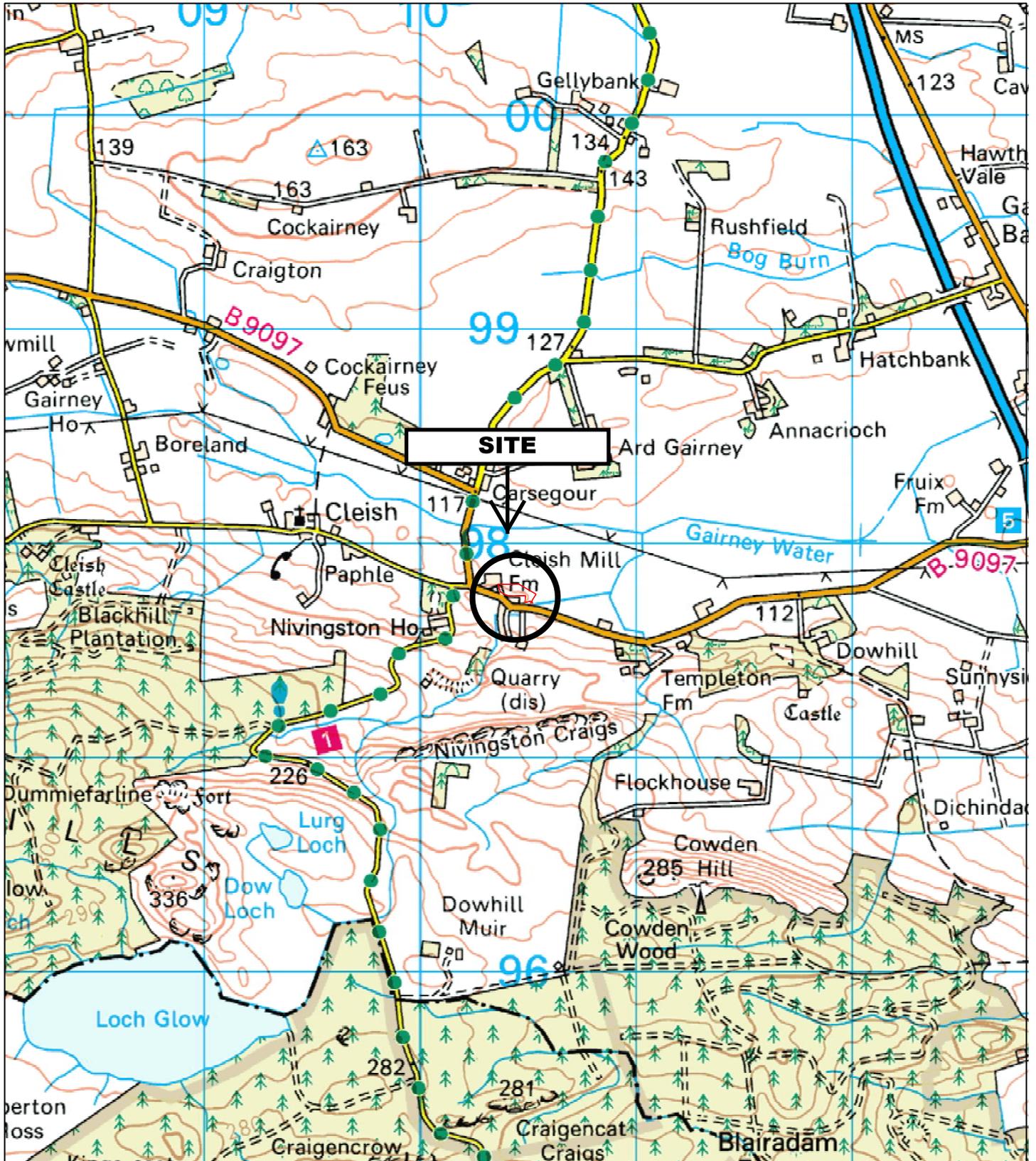
Date: 2 July 2013

# Perth & Kinross Council

13/00789/FLL

## Craigbank House and Craigpark House Cleish

Subdivision & C/U of agricultural land to garden ground, fencing & relocation of access

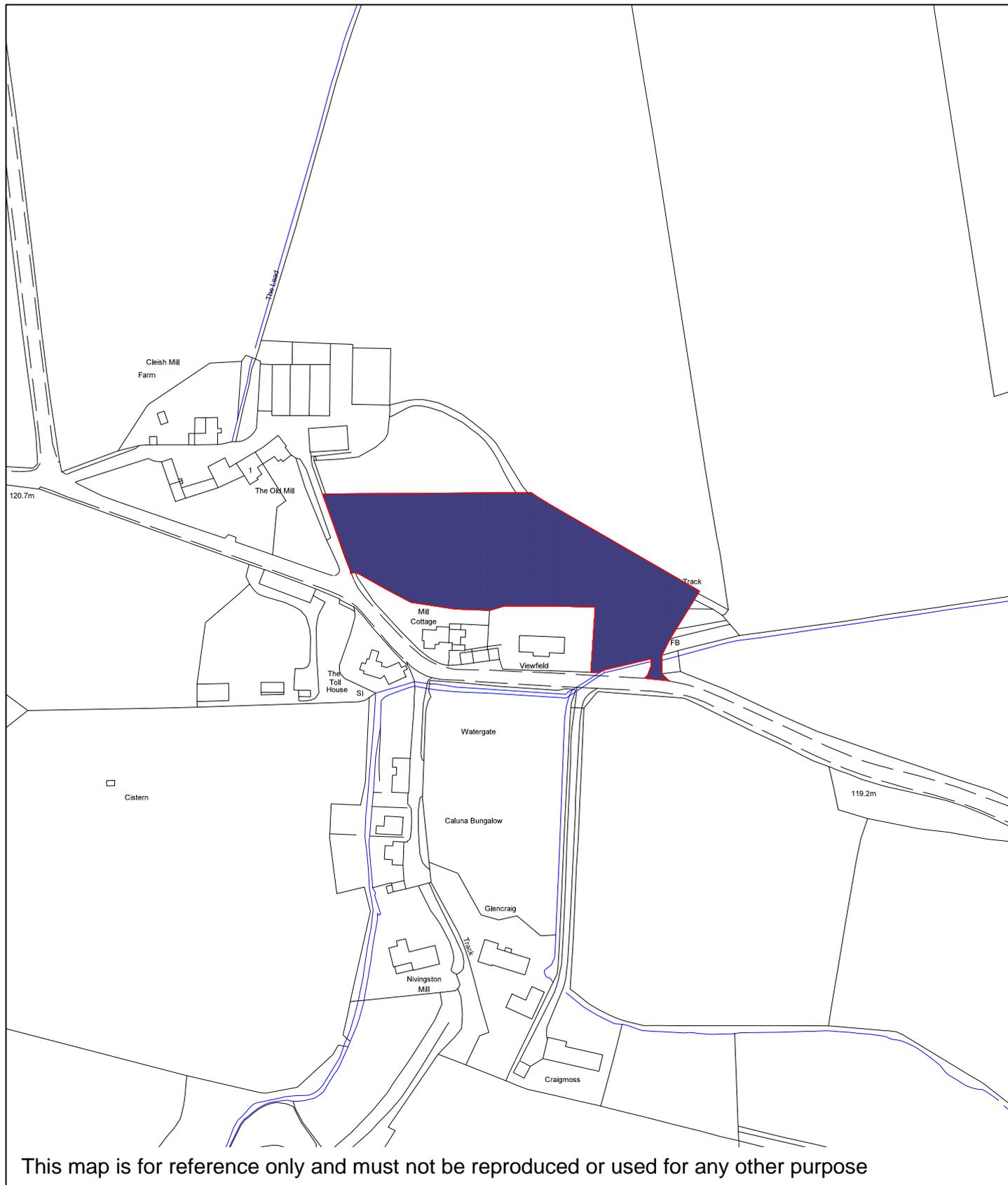


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↑ Scale  
1:25000

### Craigbank House and Craigpark House Cleish

Subdivision & C/U of agricultural land to garden ground, fencing & relocation of access



↑ Scale  
1:2500