

Perth and Kinross Council  
Development Management Committee – 9<sup>th</sup> December 2015  
Report of Handling by Development Quality Manager

**Alterations to outbuilding at Secret Garden, Kinnaird, Inchtute, PH14 9QY**

Ref. No: 15/01726/FLL  
Ward No: N1 Carse of Gowrie

**Summary**

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

**BACKGROUND AND DESCRIPTION**

- 1 The application is for alterations to an existing outbuilding to form ancillary accommodation to the east of the residential property called Secret Garden, located within the settlement boundary of Kinnaird. The same proposal was granted planning permission in 2007 ref 07/00436/FUL at Development Control Committee on 22 August 2007. The development was not commenced and the permission has therefore lapsed.
- 2 The building is located to the east of Secret Garden, separated from the dwelling by the public road. An access track runs around the building with the recreation ground beyond, which forms the boundary to the north, east and south.

**NATIONAL POLICY AND GUIDANCE**

- 3 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

**Scottish Planning Policy 2014**

- 4 The Scottish Planning Policy (SPP) was published on June 23 2014. It sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- The preparation of development plans;
- The design of development, from initial concept through to delivery; and
- The determination of planning applications and appeals.

## **DEVELOPMENT PLAN**

- 5 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Local Development Plan 2014.

### **TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012**

- 6 Whilst there are no specific strategies or policies which are directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“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.”*

### **Perth and Kinross Local Development Plan 2014**

- 7 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance. Within the Local Development Plan, the site lies within the settlement boundary of Kinnaird.
- 8 The principal policies are, in summary:

#### **Policy RD1 – Residential Areas**

- 9 The Plan identifies areas of residential and compatible uses where existing residential amenity will be protected and, where possible, improved. Infill residential development at a density which represents the most efficient use of the site while respecting its environs will generally be supported.

#### **Policy PM1A - Placemaking**

- 10 States that new development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place.

#### **Policy PM1B – Placemaking**

- 11 All proposals should meet the placemaking criteria set out. In relation to this proposal the design and density should complement its surroundings.

## **OTHER POLICIES**

- 12 No other policies

## SITE HISTORY

- 13 07/00436/FUL Alterations to outbuilding to form ancillary living accommodation – Approved by the Development Control Committee on 22<sup>nd</sup> August 2007.

## CONSULTATIONS

### External

- 14 None required

### Internal

- 15 None required

## REPRESENTATIONS

- 16 A total of 12 letters of representation were received from 8 households during the advertisement period for the application.
- 17 The representations have raised the following relevant issues: -
- Site boundaries
  - Drainage connections
  - Risk of cars parking on the green
  - Out of character
  - Overdevelopment
  - No amenity space
  - Previous conditions restricting occupancy should be repeated
- 18 The point raised about the application boundaries has been clarified in a letter of representation from the Minister of Inchtute and Kinnaird. The site boundaries were adjusted and registered to allow the building to occupy the natural space west of the loop of the track, as shown on the plans.
- 19 All the relevant planning issues which have been raised are addressed in the Appraisal section of this report.

## ADDITIONAL STATEMENTS

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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	Not required
Reports on Impact or Potential Impact	Not required

## **APPRAISAL**

### **Policy Appraisal**

- 21 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. The determining issues here are whether the proposals comply with Development Plan policy or if there are other material considerations, which justify a departure from policy.
- 22 The Development Plan for the area comprises the approved TAYPlan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

### **Principle**

- 23 The key land use policies are contained within the Local Development Plan 2014 (LDP). Within the LDP, the site lies within the settlement boundary of Kinnaird where Policy RD1 is directly applicable. This policy seeks to ensure that all new developments within existing settlements are compatible with existing land uses and that the character and amenity (visual and residential) of the area concerned is not adversely affected by the development proposed.
- 24 In addition to this, Policy PM1 Placemaking is also applicable and this policy seeks to ensure that the quality of the surrounding built and natural environment is maintained and that all new development respects the existing character and amenity of the existing areas.
- 25 For reasons stated below, I consider the proposal to be consistent with the aforementioned land use policies.

### **Design and Layout**

- 26 The proposal is to retain the existing outbuilding and convert to form ancillary accommodation for the main dwelling, Secret Garden. Internally the ground floor will be open plan kitchen/living and the upper floor will accommodate a double bedroom.
- 27 The external alterations include two pitched roof dormers on the east and west elevation, a small door canopy and new doors/windows. The materials proposed are a new slate roof, retention of the existing stone /brick walls and timber doors/windows.

### **Residential Amenity**

- 28 The outbuilding is detached from the main dwelling and garden ground. It sits on its own and is not adjacent to any residential properties. The building faces onto the access road and there is a track running around the building providing a buffer between the north, east and south elevations and the recreation ground.
- 29 The building has no amenity space but this would not necessarily be expected as it is to function as an ancillary building. A condition is proposed to restrict the occupancy and use of the building so that it will be tied to the existing property of Secret Garden.

### **Visual Amenity**

- 30 The alterations proposed to the building are minor and are in keeping with the character of development in the area. In addition, it is considered that the proposed development would not detrimentally impact the setting of the nearby listed building, Kinnaird Parish Church, Churchyard and Session House. The Council's Conservation officer considers the proposals to be acceptable.

### **Access/Traffic/Transport**

- 31 The existing dwelling has a vehicular access and parking area. The building is proposed as ancillary accommodation and therefore would not generate any additional traffic to that of the existing dwelling. In addition, the addition of ancillary accommodation to an existing dwelling house does not normally require the provision of further parking provision.
- 32 Issues have been raised regarding the unauthorised parking of cars/construction vehicles on the green. However, this would be out with the control of the planning authority as it is private land.

### **Drainage**

- 33 The new drainage and water arrangements will require to be connected to the existing dwelling house.

### **Developer Contributions**

- 34 The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

## **Economic Impact**

- 35 The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

## **LEGAL AGREEMENTS**

- 36 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 37 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**

- 38 In conclusion, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2012 and the adopted Local Development Plan 2014. I have taken account of material considerations and find none that would justify overriding the adopted Development Plan. On that basis the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

### **A Approve subject to the following 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.

Reason - To ensure that the development is carried out in accordance with the plans approved

- 2 The development hereby approved shall remain within the same ownership as the residential property known as Secret Garden and the use shall be solely for the purposes of ancillary accommodation to Secret Garden. The building shall not be let separately to Secret Garden nor shall it be let as holiday accommodation.

Reason - In order to safeguard the residential amenity of the area.

### **B JUSTIFICATION**

The proposal is in accordance with the Development Plan and there are no other material considerations that would justify a departure there from.

## **C PROCEDURAL NOTES**

None

## **D INFORMATIVES**

- 1 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).
- 2 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.
- 3 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.
- 4 No work shall be commenced until an application for building warrant has been submitted and approved.

Background Papers: 12 Letters of representation  
Contact Officer: Joanne Ferguson – Ext 75320  
Date: 23 November 2015

### **NICK BRIAN DEVELOPMENT QUALITY MANAGER**

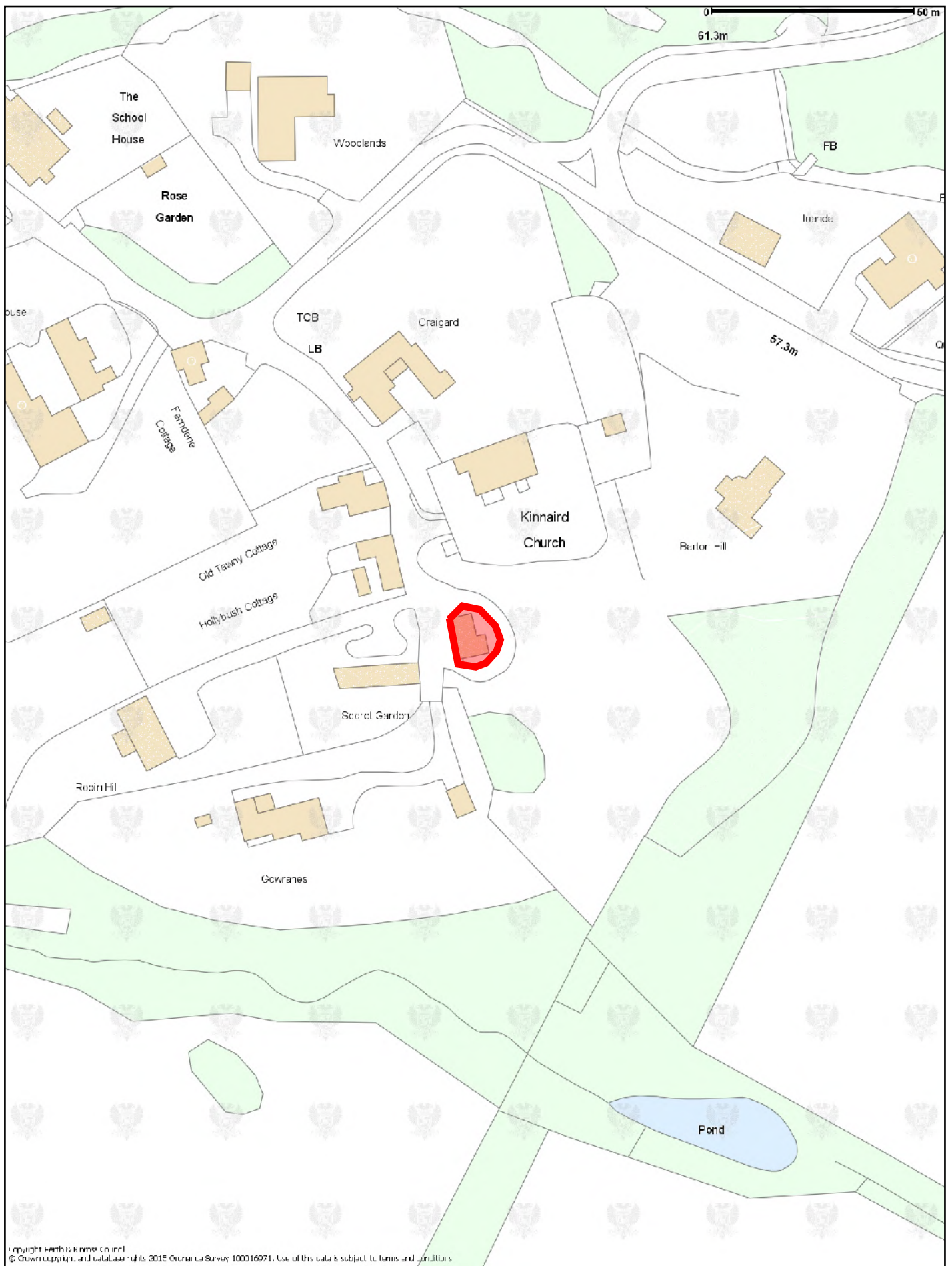
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**Development Management Committee**



**15/01726/FLL**

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