

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form.
Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

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Mark this box to confirm all contact should be
through this representative: ☒

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

23/00371/FLL

Site address

LAND AT A'PHAIRC LOISSE, RANNOCH

Description of proposed
development

ERECTION OF A HOLIDAY ACCOMMODATION UNIT,
ANCILLARY SHED AND ASSOCIATED WORKS

Date of application

13 MARCH 2023

Date of decision (if any)

2 FEB 2024

Note. This notice must be served on the planning authority within three months of the date of the decision
notice or from the date of expiry of the period allowed for determining the application.

Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

Reasons for seeking review

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☒

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

1. Can the site be viewed entirely from public land? ☒ Yes ☐ No
2. Is it possible for the site to be accessed safely, and without barriers to entry? ☒ Yes ☐ No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

* SEE SEPARATE STATEMENT ATTACHED

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Doc 1. Decision Letter 23/00371/FL
Doc 2. Delegated Report 22/00660/FL
Doc 3. Delegated Report 23/00371/FL
Doc 4. SEPA Flood Map
Doc 5. Landowner Testimony 26/04/2024

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

26 APRIL 2024

Statement

Notice of Review

Erection of a holiday accommodation unit, ancillary shed and associated works on land at Camusericht Farm, Bridge of Gaur.

Application: 23/00371/FLL

Introduction

This Notice of Review is submitted following the refusal of detailed planning permission 23/00371/FLL on the 2 February 2024 for the erection of a holiday accommodation unit, ancillary shed and associated works on land at Camusericht Farm, Bridge of Gaur. (Doc 1)

The Review application was a re-submission following the refusal of a similar application 22/00660/FLL on 31 May 2022.

In terms of background, the appellant's wife is from the local area and is a friend of the farmer at Camusericht. It was envisaged that the sale of the marginal farm land for tourist use would complement the farm business through providing farm produce to service the accommodation and capital investment, both helping towards securing the future viability of the farm.

The proposal would provide unique and high-quality designed tourist accommodation in the local area and is easily accessible, being closely connected to the existing road and national rail network. This remote rural location is ideal for this level of tourist accommodation providing a unique holiday experience which could not be appreciated in a less remote area. The proposal is in accordance with the overall aims of rural planning policy to sustain the rural population and help improve the local economy.

The reasons for refusal of the Review application are outlined below relating to the principle of development and Policy 8 of the adopted local development plan and flood risk.

In the first application 22/00660/FLL there were no objections on flood risk grounds from the Council's Structures and Flooding Section and SEPA were not consulted. It was concluded in the Report of Handling that "*In terms of flooding matters, the proposal raises no issues*". (Doc 2)

In the original application 22/00660/FLL the design included stilts. This design concept, which is proposed in the Review proposal design had nothing to do with flood risk, as there was no conception of this by the applicant or Perth and Kinross Council at the time of the first submission.

The reasons for refusal of the Review application were:-

1. The site is located outwith any settlement boundary identified within the adopted Perth and Kinross Local Development 2 (2019), and the proposed holiday accommodation unit does not relate to an expansion of an existing business or a new business that is connected to an existing site-specific resource or opportunity. The proposal is therefore contrary to the specific requirements of Policy 8 (Rural Business and Diversification) of the adopted Perth and Kinross Local Development Plan 2 (2019) which only allows for new rural businesses in the open countryside in certain circumstances.

2. As the proposal is on a greenfield site which has not been allocated for development within the adopted Perth and Kinross Local Development 2 (2019), and the proposal is not explicitly supported by policies in the Perth and Kinross Local Development 2 (2019), the proposal is contrary to Policy 9(b) (Brownfield, vacant and derelict land and empty buildings) of the National Planning Framework 4 (2023).

3. It has not been demonstrated that the site is not at risk from flooding. The proposal is therefore contrary to Policy 22 (Flood Risk and Water Management) of the National Planning Framework 4 (2023) and Policy 52 (New Development and Flooding) of the adopted Perth and Kinross Local Development 2 (2019), both of which state that new development should not take place on areas which are at risk from flooding.

4. The proposal does not include any of the uses listed part (a) of Policy 29 (Rural Development) of the National Planning Framework 4 (2023) which specifically includes the diversification of an existing business), and due to flood risk, the proposal is inappropriately sited. The proposal is therefore contrary to Policy 29 parts (a) and (b) of the National Planning Framework 4 (2023) as the development fails to meet some of the key criteria required for new development in rural areas.

In this Statement it will be demonstrated that the Review proposal:-

- is in accordance with Policy 8 Rural Business and Diversification and that
- there is no significant risk from riverine flooding as a result of the proposal.

Planning Policy Context

DEVELOPMENT PLAN

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4:

- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 9: Brownfield, vacant and derelict land and empty buildings
- Policy 22: Flood Risk
- Policy 29: Rural Development
- Policy 30: Tourism

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The site is located within the landward area of the LDP2, and within landscape and environmental designated sites where the following policies are applicable,

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions
- Policy 8: Rural Business and Diversification
- Policy 38C: Environment and Conservation: Local Designations
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 47: River Tay Catchment Area
- Policy 52: Flood Risk

Statutory Supplementary Guidance

The following statutory SPGs are applicable,

- Developer Contributions & Affordable Housing 2020
- Developer Contributions & Affordable Housing 2023
- Flood Risk and Flood Risk Assessments
- Placemaking 2020

OTHER PKC POLICIES

Non Statutory Guidance

The following non-statutory guidance are applicable,

- Planning and Nature

NATIONAL GUIDANCE

The Scottish Government expresses its planning policies through Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements

National Roads Development Guide 2014

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

Reason for Refusal and Grounds of the Review

The main issues will be considered below in the applicant's statement and argument against the reasons for refusal in support of the Review.

The Review Proposal is in accordance with Policy 8 (Rural Business and Diversification) Perth and Kinross LDP

In particular it was considered in the Report of Handling (Doc 3) that in terms of Policy 8 of the local development plan, the proposal did not relate to an existing site-specific resource, where it is stated in the policy that:-

The Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. Sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business, or are related to an existing site-specific resource or opportunity.

As stated in the Review application submission and following the refusal of previous application 22/00660/FLL on 31 May 2022, we contacted the Council's Development Plan Policy Team to understand more clearly what would constitute an *existing site-specific resource or opportunity*. The response from the Policy Team is stated below:-

"You were asking about the requirement in policy 8 for proposals to be related to an existing site-specific resource or opportunity? It's difficult to give examples as each proposal has to be considered on its own merits and we do try to take a pragmatic

approach to this requirement, but it's really a case of the applicant demonstrating that there's something specific or unique about their particular site which means that the proposal has to be located there rather than anywhere else. One example might be a proposal for holiday accommodation on a site which has a good landscape setting but to meet the requirement we'd be looking for the applicant to demonstrate why the proposal couldn't instead be located on a site with a similar setting in another location. Another might be where a site had to have good connection to the strategic road network which would mean that only certain locations might be suitable".

The Review site's location is exceptional with a high-quality landscape setting. Along with this, however, the site is located adjacent to the public road network and is 3.5 miles from the national rail network at Rannoch Station. This proximity to transport links separates the Review site from other sites in the area and is an important site-specific resource encouraging demand and allowing connectivity to the tourism market, as highlighted in the Development Plan Policy Team response above.

The use of the Review site for tourism will benefit the farmer through the sale of the land and the demand for his produce in servicing the holiday accommodation. The proposed high-quality accommodation requires a more remote location to provide a more unique holiday experience. The Review site location allows this.

With regard to the other criteria in Policy 8 these are considered below.

- a) The Review proposal will contribute to the local community through the creation of permanent employment as explained in the submitted Business Plan and provide added value through visitor spend in the local area.
- b) The Review proposal will not result in suburbanisation as the building will not be close to any other neighbouring buildings and has a good landscape framework and is self-contained.
- c) The proposed use as holiday accommodation is compatible with the surrounding land uses in this part of rural Perthshire and there will be no detrimental impact on any neighbouring residential properties.
- d) As indicated in the Delegated Report for the previous application and the Review application, it was considered that the Review proposal can be accommodated within the landscape at this location and further planting/screening had been proposed in the Review application in line with the recommendation.
- e) It was highlighted in the Review application Business Plan that there is a demand/need for this high quality type of accommodation in the area:-

Health and wellness is a huge growing industry, and we feel strongly that Meoraich, could offer a sanctuary for idyllic group health and wellness retreats. Businesses such as Yoga, Pilates, Meditation, Nutritionists, Masseuses, Beauty Therapists, Chefs (to name a few) can all visit the property and offer sessions to our staying guests. There is a significant lack of anything similar in the area.

f) The Review proposal is of a high-design standard as confirmed in the Delegated Report and at single storey and self-contained the proposal will not be detrimental to the visual amenity or character of the surrounding countryside.

g) There were no objections to the Review proposal in terms of traffic impact, access and parking. The local road network will be able to accommodate the traffic generated by the proposal.

h) N/A

i) N/A

The Review proposal as a new business however, is related to an existing farm business through the sale of land. The development of the site for tourism will help to secure the future viability of Camusericht Farm and provide added value to the local economy, in accordance with the criteria of Policy 8 of the adopted local plan.

It is concluded, and as outlined above, that the Review proposal does relate to *a new business that is connected to an existing site-specific resource or opportunity* and is in accordance with Policy 8 (Rural Business and Diversification) of the adopted Perth and Kinross Local Development Plan 2 (2019)

With regard to reason for refusal 2), as the Review proposal is considered to be in accordance with Policy 8 of the adopted Perth and Kinross Local Development Plan 2, i.e. a greenfield site with policy support, then this reason is refuted in the Review.

The Review site is not at significant risk from riverine flooding

As indicated above the issue of flood risk was not raised in the first application for the holiday unit - 22/00660/FLL.

A Flood Risk Assessment (FRA) was submitted with the Review application. The need for an FRA was intimated at the validation stage of the Review application on the basis of new NPF4 guidelines. The FRA concluded:-

Taking into account that the proposed development FFL will be set at the approximate level of the B846 (212.3-212.5 mAOD) and based on the current analysis which suggests that levels should be above 211.7mAOD, it is believed that there is adequate freeboard provided by the proposed development.

In SEPA's consultation response to the submitted FRA it "was considered that it has not been demonstrated that the area is not at risk from flooding (1:200yr + current climate change).... therefore, we require that a more detailed hydraulic modelling study be undertaken to determine the 200 year plus climate change flood level at this site to allow us to determine the potential impacts. This should be used to demonstrate that development can avoid the flood risk area and also include an appropriate allowance for freeboard"

Also, it was stated by SEPA that:-

“The site is shown to be at risk of flooding based on the SEPA Future Flood Maps. This indicates that there is a risk of flooding from the River Gaur.”

In response to this and indicated in Doc 4, which is SEPA’s Future Flood Map taken from SEPA website, dated 2024, it is clear that the area of land where the holiday unit will be sited to the north is outwith the flood risk area. It is accepted that a portion of the open land to the south between the holiday unit and the River Gaur will be within the 10% and 0.5% chance of flooding as identified in SEPA’s Future Flood Map.

As it is a holiday unit and there is no designated/formalised garden ground associated with the holiday use. It is considered that this level of flood risk at less than 0.5% to the south of the holiday unit is not significantly adverse, given the type of use (not permanent residential) and that there is a significant amount of open land to the east and south east of the holiday unit which is not within the identified area of flood risk.

The farmer has confirmed in writing that there has been no flooding on this land to his knowledge in this lifetime. (Doc 5) Along with the FRA assessments carried out and the 2024 SEPA flood map it is considered that there is enough empirical and physical evidence to conclude that the Review building will not be at risk of flooding from the River Gaur.

It is concluded therefore that the SEPA holding objection is overly cautious in this case and that the submitted FRA, SEPA Future Flood Map and landowner testimony is sufficient in being able to *demonstrate that the built development can avoid the flood risk area and also include an appropriate allowance for freeboard*”

Other Planning Considerations

As indicated in the Delegated Report there were no objections to the Review proposal from the main consultees – Nature Scotland, Transport Planning and Environmental Health. The Council’s Structures & Flooding Section did not provide a consultation response.

There were no objections to the Review proposal from neighbours or the general public.

Conclusions

In conclusion, it is considered that the principle of the Review proposal is acceptable and the site-specific resource of having good connection to the strategic road and rail network excludes other sites in the area, satisfying Policy 8 of the adopted local development plan. The design and external materials proposed will provide a good landscape fit in accordance with Development Plan landscape policies and guidance.

Importantly, the Review proposal as high-quality designed tourist accommodation will generate added value and income in the local rural economy. It will also benefit the farmer and help to secure the future viability of the farm.

In terms of flood risk, it is considered that there is enough information available at this time to conclude that the Review proposal will not be at significant riverine flood risk.

For the reasons it is respectfully requested that the Review is upheld.



Mr Edward Mustin And Louise Patterson
c/o Mark Williamson
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Perth
PH1 2SY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **2nd February 2024**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/00371/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 19th May 2023 for Planning Permission for **Erection of a holiday accommodation unit, ancillary shed and associated works Land At A'phairc Loisgte Rannoch.**

David Littlejohn
Strategic Lead (Economy, Development and Planning)

Reasons for Refusal

1. The site is located outwith any settlement boundary identified within the adopted Perth and Kinross Local Development 2 (2019), and the proposed holiday accommodation unit does not relate to an expansion of an existing business or a new business that is connected to an existing site-specific resource or opportunity. The proposal is therefore contrary to the specific requirements of Policy 8 (Rural Business and Diversification) of the adopted Perth and Kinross Local Development Plan 2 (2019) which only allows for new rural businesses in the open countryside in certain circumstances.
2. As the proposal is on a greenfield site which has not been allocated for development within the adopted Perth and Kinross Local Development 2 (2019), and the proposal is not explicitly supported by policies in the Perth and Kinross Local Development 2 (2019), the proposal is contrary to Policy 9(b) (Brownfield, vacant and derelict land and empty buildings) of the National Planning Framework 4 (2023).
3. It has not been demonstrated that the site is not at risk from flooding. The proposal is therefore contrary to Policy 22 (Flood Risk and Water Management) of the National Planning Framework 4 (2023) and Policy 52 (New Development and Flooding) of the adopted Perth and Kinross Local Development 2 (2019), both of which state that new development should not take place on areas which are at risk from flooding.

4. The proposal does not include any of the uses listed part (a) of Policy 29 (Rural Development) of the National Planning Framework 4 (2023) which specifically includes the diversification of an existing business), and due to flood risk, the proposal is inappropriately sited. The proposal is therefore contrary to Policy 29 parts (a) and (b) of the National Planning Framework 4 (2023) as the development fails to meet some of the key criteria required for new development in rural areas.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Notes

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page.

Plan Reference

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REPORT OF HANDLING

DELEGATED REPORT

Ref No	22/00660/FLL	
Ward No	P4- Highland	
Due Determination Date	24th June 2022	
Draft Report Date	30th May 2022	
Report Issued by	AMB	Date 30 May 2022

PROPOSAL: Erection of a holiday accommodation unit, ancillary shed and associated works

LOCATION: Land At A'phairc Loisgte, Rannoch

SUMMARY:

This report recommends **refusal** of a detailed planning application for the erection of a new holiday home on a rural site outside Rannoch, as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

SITE VISIT:

In line with established practices, the need to visit the application site has been carefully considered by the case officer. The application site and its context have been viewed by a variety of remote and electronic means, such as aerial imagery and Streetview, in addition to photographs submitted by interested parties.

This information has meant that, in this case, it is possible and appropriate to determine this application without a physical visit as it provides an acceptable basis on which to consider the potential impacts of this proposed development.

BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application seeks to obtain detailed planning permission for the erection of a new holiday home on a rural site outside Rannoch, to be used for commercial purposes. The holiday home is a modern design and will offer accommodation over one level only.

An ancillary outbuilding, and other associated works are also proposed.

The site is within several landscape and environmental designations and is immediately adjacent to the River Gaur, which is part of the River Tay Special Area of Conservation (SAC) and within the River Tay basin catchment area.

SITE HISTORY

None specifically relevant to this proposal.

PRE-APPLICATION CONSULTATION

A pre-application enquiry was submitted to the Council (20/00473/PREAPP), however limited information was lodged with that enquiry to make a detailed response back. The key issues were however highlighted up to the applicant.

NATIONAL POLICY AND GUIDANCE

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.

The SPP is generally supportive of new rural development, but only in sustainable locations – which do not compromise protected landscapes and environmental assets.

DEVELOPMENT PLAN

The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYplan Strategic Development Plan 2016 – 2036 - Approved October 2017

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the TAYplan should be noted. The vision states *“By 2036 the TAYplan area 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, study and visit, and where businesses choose to invest and create jobs.”*

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The site is located within the landward area of the LDP2, and within landscape

and environmental designated sites where the following policies are applicable,

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 5: Infrastructure Contributions

Policy 8: Rural Business and Diversification

Policy 38C: Environment and Conservation: Local Designations

Policy 39: Landscape

Policy 41: Biodiversity

Policy 47: River Tay Catchment Area

OTHER COUNCIL POLICIES

Placemaking Guide 2020

This is the most recent expression of Council policy towards Placemaking Standards.

Developer Contributions and Affordable Housing 2020

This is the most recent expression of Council policies towards development contributions and affordable housing provision.

EXTERNAL CONSULTATION RESPONSES

NatureScot have commented on the proposal and raised an objection on the grounds that it has not been demonstrated that the River Tay SAC will not be adversely affected by the proposal.

INTERNAL COUNCIL COMMENTS

Transport Planning have commented on the proposal and indicated that they have no objections to what is proposed in terms of the access arrangements and parking provision.

Environmental Health have commented on the proposal in terms of private water / infrastructure, and the proposed stove and suggested standard conditions / informative notes should be attached to any permission.

Biodiversity/Tree Officer was consulted on the proposal but has opted not to make any specific comment.

Structures And Flooding have commented on the proposal in terms of flood risk and have no objections.

REPRESENTATIONS

One letter of objection has been received.

The objector is the view that the proposal is for a dwelling (not a holiday home), and on that basis, the application should be refused.

ADDITIONAL STATEMENTS

Screening Opinion	Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment	AA Not Required (refusal recommendation)
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Flood risk assessment Tree assessment Habitat survey Business Plan

APPRAISAL

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 Plan for the area comprises the approved TAYplan and the adopted LDP2.

In terms of other material considerations, consideration of the Council's SPG on Developer Contributions and Placemaking are material considerations.

Policy Appraisal

In terms of land use policies, the key policies are found within the LDP2.

Within that plan, the proposal falls to be assessed against *Policies 1 (Placemaking), 8 (Rural Diversification), 38 (environmental sites) and 47 (River Tay)*.

In terms of *Policy 1*, this looks to ensure that all new sites do not have an adverse impact on the areas in which they are located, whilst *Policy 8* offers support for new rural businesses and the expansion of new ones – subject to specific criteria being met and achieved.

Policy 38 looks to protect both our local, regional and internationally environmentally designated sites from inappropriate new developments, whilst

Policy 47 seeks to protect the environmentally sensitive River Tay from inappropriate new developments within its catchment area.

Land Use

The proposal is for a holiday home, not a dwelling. So, whilst the proposal looks like a dwelling it does not fall to be assessed against the Housing in the Countryside Policies.

The key policy is *Policy 8* of the LDP2, which relates to rural businesses.

This policy states,

The Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. There is a preference that this will generally be within or adjacent to existing settlements. Sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business, or are related to an existing site-specific resource or opportunity.

Proposals for new tourism-related developments, and the expansion of existing facilities, will be supported where it can be demonstrated that they improve the quality of new or existing visitor facilities, allow a new market to be exploited, or extend the tourism season. Proposals for new tourism-related developments must be justified through a business plan.

All proposals will be expected to meet all of the following criteria:

*(a) The proposal will contribute to the local economy through the provision of permanent employment, visitor accommodation (see also **Policy 9**), additional tourism or recreational facilities, or the re-use of existing buildings.*

(b) The proposal will not result in suburbanisation of the rural area or encourage unsustainable travel patterns.

(c) The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.

(d) The proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site.

(e) The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.

(f) Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.

(g) The local road network must be able to accommodate, or be capable of upgrading in order to accommodate, the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact. Applications with impacts on the Strategic Trunk Road Network will be subject to discussion and agreement from Transport Scotland.

(h) Outwith settlement centres retailing will only be acceptable if it can be demonstrated that it is ancillary to the main use of the site and would not be deemed to prejudice the vitality of existing retail centres in adjacent settlements.

(i) Developments employing more than 25 people in rural locations will be required to implement a staff travel plan or provide on-site staff accommodation

The location of the proposal is outwith any settlement boundary defined within the LDP2. To this end, the key acceptability of this proposal is a test of whether or not the proposal offers opportunity to diversify an existing business, or is related to an existing site-specific resource of opportunity.

There is no existing business operating on the site, so the first test is not met.

The applicant has indicated that they are looking to diversify their existing holiday booking business, by building a purpose-built new unit on this site to add to their property portfolio. They have suggested that the site would have exceptional marketable qualities due to the views, and the level of accommodation (high end) which will be created.

Whilst it is agreed that the site's location is exceptional, this is not a site-specific resource that would only be applicable to this proposal or this particular site, The same principles could apply for large portions of Perthshire.

The simple availability of this site to start a new business here, or to expand an existing property based business based elsewhere in the UK is not a reason to support this application - as it does not align with the aims of *Policy 8* of the LDP2.

In terms of the 9 specific criteria which are listed in Policy 8, the proposal would meet some of the elements listed - such as potentially being compatible with existing uses, potentially bringing in employment, not adversely affecting residential amenity and being of a high design standard.

However, this proposal could be advanced anywhere in Perthshire where there are marketable views, and this particular site has no site specific resource which is unique to the site, and the nature of the existing business appears not to be onsite, or even local but a nationwide holiday business.

There could certainly be a link up with local businesses and activities, but again this could occur in 1000s of locations in Perthshire, and this logic does not align with what Policy 8 is looking for in terms of new businesses. The reference to expansion of existing businesses is aimed at existing, on-site businesses which are looking to diversify – not necessary businesses operating off site.

There is also a lesser concern regarding the appropriateness of the landscape framework to contain the development, which is proposed, as some of the boundaries do not appear to be substantial in their definition. In the event of any approval being forthcoming, consideration of the need for improved landscape and planting along some of the weaker boundaries should be considered as a conditional requirement of any permission.

Visual, Design and Layout

In isolation, the visual impact of the proposal its layout is generally acceptable, and the single storey design would limit the visual impact from the public road to some degree. It is however suggested that to limit its visual impact, additional planting and landscaping is considered.

However, other design matters such as drainage are not acceptable at the present time – largely due to the lack of specific details.

Residential Amenity

The site is isolated, so it would not have any adverse impact on any existing residential amenity.

In terms of being able to provide a reasonable level of residential amenity for the users of the holiday home, there is a good level of amenity space being provided for the size of unit proposed.

Landscape

The site is located within an area which has a number of landscape designations, including that of a Special Landscape Area.

Whilst the proposal is considered acceptable on other grounds, in terms of the impact on the wider landscape this proposal would be unlikely to adversely affect the wider integrity of the landscape, and the characteristics associated with it.

Roads and Access

The proposal raises no issues in terms of access or parking related matters. In the event of any approval being forthcoming, conditions in relation to the vehicular access and visibility splays should be attached to any permission.

Drainage

In terms of drainage matters, limited information has been provided to allow for a full assessment of what is proposed, and it may affect the River Tay, which is environmentally sensitive. The proposal is therefore contrary to *Policies 38 and 47* of the LDP2 as what is proposed could adversely affect the SAC associated with the River Tay.

It is noted that *NatureScot* have objected to the proposal on this basis.

Flooding

In terms of flooding matters, the proposal raises no issues.

Conservation Considerations

The proposal does not impact on any cultural assets.

Natural Heritage and Biodiversity

A habitat survey has been submitted with the planning application, which has looked at both local and protected wildlife. The survey does however recommend that further otter surveys are required to be undertaken to confirm the status of the known shelter and whether or not that is a breeding or non-

breeding shelter. Without this survey, the full impact on the otters cannot be assessed.

Trees

There are some trees on the site, and some of these will be affected by the proposal. In the event of any approval, suitable replanting mitigation should be incorporated into the conditions.

Private Water / Infrastructure

There are some known private water / drainage infrastructure in the area. In the event of any approval being forthcoming, standard conditions and informative notes should be attached to the permission.

Developer Contributions

In this location, there is no requirement for any Primary Education or Transport related contributions. Likewise, a holiday unit does not attract any affordable housing requirements.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

The application has not been varied.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, 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 be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the adopted Development Plan.

Accordingly the proposal is refused on the grounds identified below.

- 1 The site is located outwith any settlement boundary identified within the adopted Perth and Kinross Local Development 2 (2019), and the proposed holiday accommodation unit does not relate to an expansion of an existing business or a new business that is connected to an existing site-specific resource or opportunity. The proposal is therefore contrary to the specific requirements of Policy 8 (Rural Business and Diversification) of the adopted Perth and Kinross Local Development Plan 2 (2019) which only allows for new rural businesses in the open countryside in certain circumstances.
- 2 It has not been demonstrated that the proposal would not adversely impact upon the integrity and the qualifying interests associated with the River Tay Special Area of Conservation. The proposal is therefore contrary to Policy 38A (Environment and Conservation) of the adopted Perth and Kinross Local Development Plan 2 (2019), which seeks to protect internationally designated nature conservation sites from inappropriate new developments.
- 3 It has not been demonstrated that the proposal would protect and enhance the nature conservation interests associated with the River Tay Catchment Area. The proposal is therefore contrary to Policy 47 (River Tay Catchment Area) of the adopted Perth and Kinross Local Development Plan 2 (2019), which seeks to protect the nature conservation interests of the River Tay from inappropriate new developments.
- 4 Additional otter surveys are required to be undertaken and reported upon to enable a full assessment of the required mitigation measures. In the absence of these, the proposal is contrary to Policy 41 (bio-diversity) of the adopted Perth and Kinross Local Development Plan 2 (2019) which seeks to ensure that both protected and local wildlife is fully considered as part of the planning application process.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

None, refusal recommended.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01 – 12 (*inclusive*)

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/00371/FLL	
Ward No	P4- Highland	
Due Determination Date	18th July 2023	
Draft Report Date	11th July 2023	
Report Issued by	AMB	Date 25 January 2023

PROPOSAL: Erection of a holiday accommodation unit, ancillary shed and associated works

LOCATION: Land At A'phairc Loisgte, Rannoch

SUMMARY:

This report recommends **refusal** of a detailed planning application for the erection of a new holiday unit on a site at Rannoch, as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

This planning application is essentially a re-submission of a previously refusal which sought to obtain detailed planning permission for the erection of a new holiday home on a rural site outside Rannoch, to be used for commercial purposes. The holiday home is a modern design and will offer accommodation over one level only.

An ancillary outbuilding, and other associated works are also proposed.

The site is located within several landscape and environmentally designations and is immediately adjacent to the River Gaur, which is part of the River Tay Special Area of Conservation (SAC) and within the River Tay basin catchment area. There are known protected and local wildlife in the area.

Since the previous refusal some additional technical information in relation to flooding, drainage and ecology has been submitted, as well as an amended supporting statement. The principal elements of the development do however remain largely unchanged from the earlier refusal.

SITE HISTORY

An almost identical detailed proposal (22/00660/FLL) for the erection of a holiday accommodation unit, ancillary shed and associated works was refused last year.

PRE-APPLICATION CONSULTATION

A pre-application enquiry was submitted to the Council (20/00473/PREAPP), however limited information was lodged with that enquiry to make a detailed response back. The key issues were however highlighted up to the applicant.

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4), the Perth and Kinross Local Development Plan 2 (2019) (LDP2) and statutory supplementary planning guidance (SPG).

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4:

- Policy 3: Biodiversity
- Policy 4: Natural Places
- Policy 9: Brownfield, vacant and derelict land and empty buildings
- Policy 22: Flood Risk
- Policy 29: Rural Development
- Policy 30: Tourism

Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The site is located within the landward area of the LDP2, and within landscape and environmental designated sites where the following policies are applicable,

- Policy 1A: Placemaking
- Policy 1B: Placemaking
- Policy 5: Infrastructure Contributions

- Policy 8: Rural Business and Diversification
- Policy 38C: Environment and Conservation: Local Designations
- Policy 39: Landscape
- Policy 41: Biodiversity
- Policy 47: River Tay Catchment Area
- Policy 52: Flood Risk

Statutory Supplementary Guidance

The following statutory SPGs are applicable,

- Developer Contributions & Affordable Housing 2020
- Developer Contributions & Affordable Housing 2023
- Flood Risk and Flood Risk Assessments
- Placemaking 2020

OTHER PKC POLICIES

Non Statutory Guidance

The following non-statutory guidance are applicable,

- Planning and Nature

NATIONAL GUIDANCE

The Scottish Government expresses its planning policies through Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements

National Roads Development Guide 2014

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

EXTERNAL CONSULTATION RESPONSES

NatureScot have commented on the proposal in terms of the impact on the River Tay SAC and have raised no objection.

SEPA have objected to the proposal on the grounds of flood risk.

INTERNAL COUNCIL COMMENTS

Transport Planning have commented on the proposal and indicated that they have no objections to what is proposed in terms of the access arrangements and parking provision.

Environmental Health have commented on the proposal in terms of private water / infrastructure, and the proposed stove and suggested standard conditions / informative notes should be attached to any permission.

Structures And Flooding were consulted on the proposal but no response was received.

REPRESENTATIONS

None received.

ADDITIONAL STATEMENTS RECEIVED

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	AA Not Required, refusal recommended. If minded to approve, then a AA would be required.
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact	Flooding, tree survey and ecology work submitted.

APPRAISAL

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 Plan comprises NPF4, the Perth and Kinross Local Development Plan 2019 and statutory planning guidance. The relevant policy considerations are outlined in the policy section above and are considered in more detail below.

In terms of other material considerations, this involves consideration of the site's planning history and also consideration of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

Policy

As a quick policy preamble, it needs to be remembered (again) that whilst the proposal looks like an exclusive dwelling, what has been approved for is a purpose built commercial holiday home and which will not be used for residential use. The Council's and the NPF4 policies in relation to new dwellings in the countryside are therefore not applicable here.

In terms of land use policies, there are relevant policies within all parts of the Development Plan.

In terms of the NPF4, biodiversity is placed front and centre of all planning decisions through *Policy 3 (bio-diversity)*, and *Policy 4 (Natural Places)* looks to protect our environmental assets and designations from inappropriate new developments. Support for new rural development in suitable locations is offered through *Policy 29 (Rural Development)*, and encouragement for new tourism development and opportunities is offered by *Policy 30 (tourism)*. *Policy 22 (flood risk and water management)* looks to ensure that new developments do not take place within areas which are affected by flood risk, and that new developments do not result in flooding happening off site.

Within the LDP2, the proposal falls to be assessed against *Policies 1 (Placemaking)*, *8 (Rural business and Diversification)*, *38 (environment and conservation)*, *47 (River Tay Catchment Area)* and *52 (new development and flooding)*

In terms of *Policy 1*, this looks to ensure that all new sites do not have an adverse impact on the areas in which they are located, whilst *Policy 8* offers support for new rural businesses and the expansion of new ones – subject to specific criteria being met and achieved.

Policy 38 looks to protect both our local, regional and internationally environmentally designated sites from inappropriate new developments, whilst *Policy 47* seeks to protect the environmentally sensitive River Tay from inappropriate new developments within its catchment area. *Policy 52* seeks to ensure that new developments are not at risk from flooding, and do not result in flooding elsewhere.

In terms of the Council's statutory SPGs, the Council's policies on Placemaking and Developer Contributions are relevant to this proposal.

Land Use Acceptability

As per the previous proposal, this proposal is for a holiday home, not a dwelling.

So, whilst the proposal does look like a dwelling it does not fall to be assessed against the Housing in the Countryside Policies – in a policy context this is very important.

In terms of the LDP2, the key policy is therefore *Policy 8* which relates to rural businesses and potential diversification.

This policy states,

The Council will give favourable consideration to the expansion of existing businesses and the creation of new ones in rural areas. There is a preference that this will generally be within or adjacent to existing settlements. Sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business, or are related to an existing site-specific resource or opportunity.

Proposals for new tourism-related developments, and the expansion of existing facilities, will be supported where it can be demonstrated that they improve the quality of new or existing visitor facilities, allow a new market to be exploited, or extend the tourism season. Proposals for new tourism-related developments must be justified through a business plan.

All proposals will be expected to meet all of the following criteria:

- (a) The proposal will contribute to the local economy through the provision of permanent employment, visitor accommodation (see also **Policy 9**), additional tourism or recreational facilities, or the re-use of existing buildings.*
- (b) The proposal will not result in suburbanisation of the rural area or encourage unsustainable travel patterns.*
- (c) The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.*
- (d) The proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site.*
- (e) The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.*
- (f) Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings.*
- (g) The local road network must be able to accommodate, or be capable of upgrading in order to accommodate, the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact. Applications with impacts on the Strategic Trunk Road Network will be subject to discussion and agreement from Transport Scotland.*
- (h) Outwith settlement centres retailing will only be acceptable if it can be demonstrated that it is ancillary to the main use of the site and would not be deemed to prejudice the vitality of existing retail centres in adjacent settlements.*
- (i) Developments employing more than 25 people in rural locations will be required to implement a staff travel plan or provide on-site staff accommodation*

The location of the proposal is outwith any settlement boundary defined within the LDP2. To this end, the key acceptability of this proposal is a test of whether or not the proposal offers an opportunity to diversify an existing business, or is related to an existing site-specific resource or opportunity.

There is no existing (tourism) business operating on the site. The proposed holiday home is also not a diversification of the surrounding farm or any other

established business in the area. So, the first test is not met. The farm is within a different ownership and based on the information supplied within the supporting statement, the only relationship between the farmer and the applicant is by them having a 'close friendship'.

It is noted that the supporting planning statement has tried to make a link to the existing farm, and that the applicant is a 'close friend' of the farmer. It has been suggested that the sale of the land to the applicant would assist in the farm business by delivering a capital receipt for an area of marginal farmland, which is unproductive and of little value. It has also been suggested that if the holiday home was built, there would be a strong 'connection' to the farm.

There are no details within the submission concerning the financial state of the existing farm, what impact any land sale would have, or any financial details of the benefit that the holiday home would have on the farm. The 'close friend' link between the existing farm(er) and the applicants of the proposed development would not typically be considered a justified relationship or link which provides a strong diversification argument.

As per the previous refusal, the applicant has indicated that they are looking to diversify their existing holiday booking business, by building a purpose-built new unit on this 'unique' site to add to their property portfolio. They have suggested that the site would have exceptional marketable qualities due to its views and setting, and the level of accommodation (high end) which will be created.

It is agreed that the site's location could be taken as being exceptional in terms of its landscaping setting and views, but this is not a site-specific resource that would only be applicable to this proposal, or this particular site.

The same principles could apply for large portions of Perthshire.

The simple availability of the site to start a new business, or to expand an existing UK wide property-based business portfolio based elsewhere in the UK is not a reason to support this application - as it does not align with the aims of *Policy 8* of the LDP2. The close proximity of to the local road network, and a train station (within 3.5miles) again is not necessary a site specific resource as there are many sites across PKC would have similar attributes.

In terms of the 9 specific criteria which are listed in *Policy 8*, the proposal would meet some of the elements listed - such as potentially being compatible with existing uses, potentially bringing in employment, not adversely affecting residential amenity and being of a high design standard.

However, this proposal could be advanced anywhere in Perthshire where there are marketable views, and this particular site has no site-specific resource which is unique to the site, and the nature of the existing (tourism) business appears not to be onsite, or even local but a nationwide holiday business. It is not considered reasonable to consider this a diversification of

the existing farm simply because the farmer is willing to sell land to a developer.

There could certainly be a link up with local businesses and activities, but again this could occur in a number of locations in Perthshire, and this broad logic does not align with what *Policy 8* of the LDP2 is looking for in terms of new businesses.

The reference to expansion of existing businesses within *Policy 8* of the LDP2 is aimed at existing, on-site businesses which are looking to diversify – not necessary businesses operating off site.

In terms of the NPF4, there is no specific policies or criteria within the relevant policies which contradict the above position, and interpretation of *Policy 8* of the LDP2.

The NPF4 is supportive of tourism development (through *Policy 30*) and also new development within rural areas (*Policy 29*) however only in locations which are suitable and are justified. *Policy 29* is explicit in seeking to ensure that all new developments are suitability sited, and with concerns over flooding remaining the proposal is not suitability sited, as it has not been demonstrated the site is not liable to flood.

There is also a direct conflict with *Policy 9* of the NPF4 which essentially offers support for new development on greenfield sites (such as this) providing they are either allocated for development or are explicitly supported by policies in the LDP2.

There is also a lesser concern regarding the appropriateness of the landscape framework to contain the development, which is proposed. Some of the boundaries do not appear to be substantial in their definition. In the event of any approval being forthcoming, consideration of the need for improved landscape and planting along some of the weaker boundaries should be considered as a conditional requirement of any permission.

Visual, Design and Layout

In isolation, the visual impact of the proposal and its layout is generally acceptable, and the single storey design would go some way to limit the visual impact from the public road to some degree.

It is however suggested that to limit its visual impact, additional planting and landscaping is perhaps considered in the event of any support being forthcoming.

Subject to some clarification on certain matters which could be controlled via conditions, all other design and layout matters are acceptable.

Residential Amenity

The site is isolated, so it would not have any adverse impact on any existing residential amenity.

In terms of being able to provide a reasonable level of residential amenity for the users of the holiday home, there is a good level of amenity space being provided for the size of unit proposed.

Landscape

The site is located within an area which has a number of landscape designations, including that of a Special Landscape Area.

Whilst the proposal is considered unacceptable on other grounds, in terms of the impact on the wider landscape this proposal would be unlikely to significantly adversely affect the wider integrity of the landscape, and the characteristics associated with it.

Roads and Access

The proposal raises no issues in terms of access or parking related matters. In the event of any approval being forthcoming, conditions in relation to the vehicular access and visibility splays should be attached to any permission.

Drainage

In terms of drainage matters, the previous planning application had limited information to allow for a full assessment of the drainage strategy, and how it may have affected the River Tay, which is environmentally sensitive. This application has more details, and subject to some clarification on certain elements there is a far more reasoned possibility that a drainage strategy can be developed which does not impact adversely on the River Tay SAC and is compliant with *Policies 38 and 47* of the LDP2 and *Policy 4* of the NPF4.

NatureScot agree with this position.

Flooding

In terms of flooding matters, SEPA have lodged a holding objection to the proposal in relation to flood risk, which has not been addressed. It has not been demonstrated that the area is not at risk from flooding (1:200yr + current climate change), and without this information the proposal is considered to be contrary to both *Policy 22* of the NPF4 and also *Policy 52* of the LDP2. The applicant has been afforded time (since August 2023) to address this specific issue, however no further technical information has been received.

Conservation Considerations

The proposal does not impact on any cultural assets.

Natural Heritage and Biodiversity

A habitat survey has been submitted with the planning application, which has looked at both local and protected wildlife. The survey is all in order, and subject to the implementation of all its recommendations and mitigation measures there should not be any adverse impact on wildlife – especially the otter.

The proposal is therefore considered to be in accordance with *Policy 41* of the LDP2 and also *Policy 3* of the NPF4.

Trees

There are some trees on the site, and some of these will be affected by the proposal. In the event of any approval, suitable conditions in relation to protection and / or replanting should be incorporated into the conditions.

Private Water / Infrastructure

There are some known private water / drainage infrastructure in the area. In the event of any approval being forthcoming, standard conditions and informative notes should be attached to the permission.

Developer Contributions

In this location, there is no requirement for any Primary Education or Transport related contributions. Likewise, a holiday unit does not attract any affordable housing requirements.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

The application has not been varied.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.

Accordingly the proposal is refused on the grounds identified below.

- 1 The site is located outwith any settlement boundary identified within the adopted Perth and Kinross Local Development 2 (2019), and the proposed holiday accommodation unit does not relate to an expansion of an existing business or a new business that is connected to an existing site-specific resource or opportunity. The proposal is therefore contrary to the specific requirements of Policy 8 (Rural Business and Diversification) of the adopted Perth and Kinross Local Development Plan 2 (2019) which only allows for new rural businesses in the open countryside in certain circumstances.
- 2 As the proposal is on a greenfield site which has not been allocated for development within the adopted Perth and Kinross Local Development 2 (2019), and the proposal is not explicitly supported by policies in the Perth and Kinross Local Development 2 (2019), the proposal is contrary to Policy 9(b) (Brownfield, vacant and derelict land and empty buildings) of the National Planning Framework 4 (2023).
- 3 It has not been demonstrated that the site is not at risk from flooding. The proposal is therefore contrary to Policy 22 (Flood Risk and Water Management) of the National Planning Framework 4 (2023) and Policy 52 (New Development and Flooding) of the adopted Perth and Kinross Local Development 2 (2019), both of which state that new development should not take place on areas which are at risk from flooding.
- 4 The proposal does not include any of the uses listed part (a) of Policy 29 (Rural Development) of the National Planning Framework 4 (2023) which specifically includes the diversification of an existing business), and due to flood risk, the proposal is inappropriately sited. The proposal is therefore contrary to Policy 29 parts (a) and (b) of the National Planning Framework 4 (2023) as the development fails to meet some of the key criteria required for new development in rural areas.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

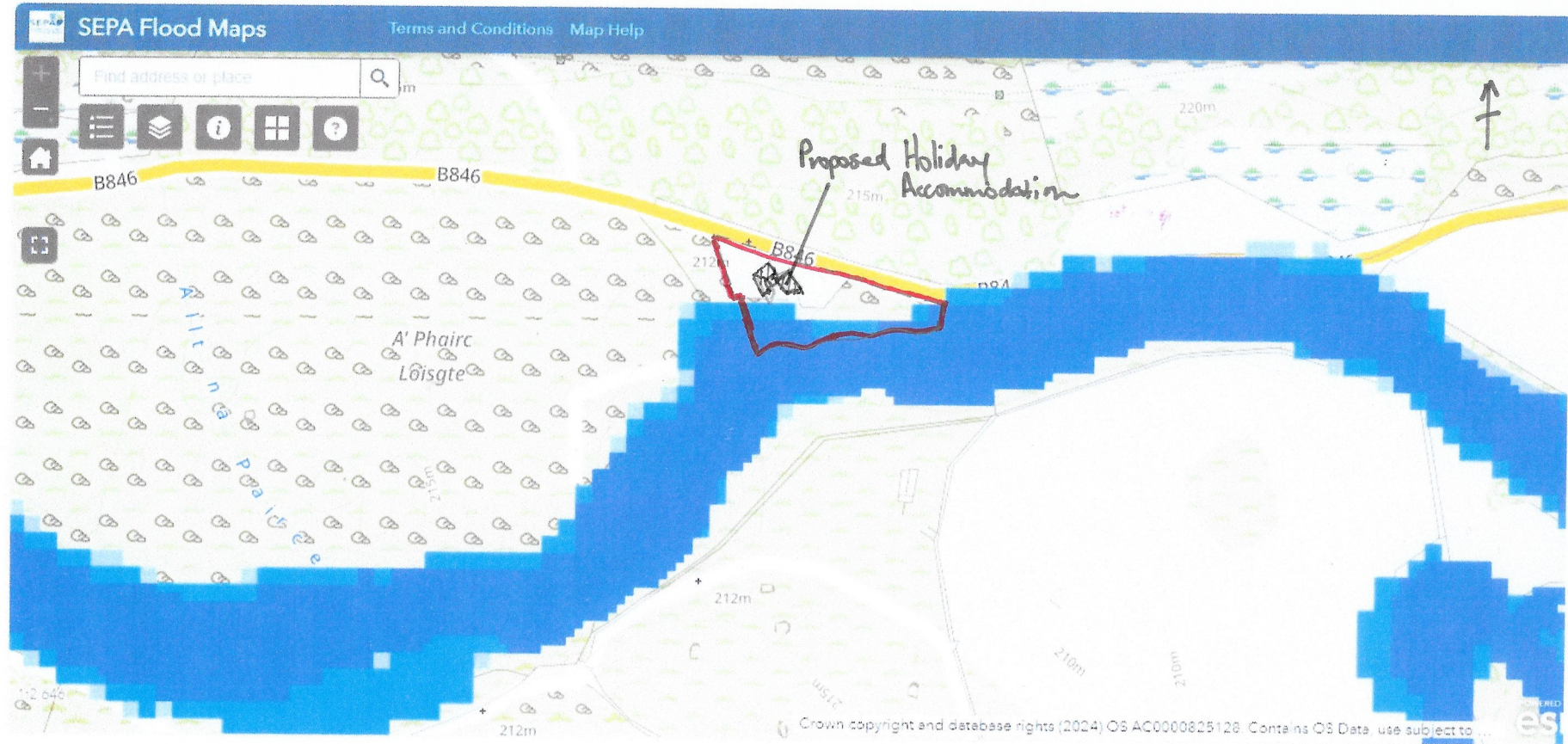
None.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01-21 (*inclusive*)



50m 50m
12 25m 77

1:2646

1: 2646

- 10% chance of flooding
- 0.5% chance of flooding

26th APRIL 2024 .

Dear Sir / Madam .

This letter is to verify that the Land in Question West of the Plot has NEVER flooded in all the 60 years we have lived here. Even the flooding that happend last October all over this area the Plot of Land did not come close to flooding .

Yours Faithfully .

Callum Robertson





