

19 May 2024

Dear Sir/Madam,

Planning Reference 23/02142/FLL – Notice of Appeal by Local Review Body

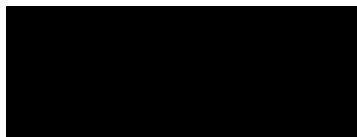
We write with reference to the above application which was refused by the Planning Authority per the Notice dated 20<sup>th</sup> March 2024. We note that an Appeal has been lodged, and were notified by email dated 16<sup>th</sup> May by the Local Review Body.

A copy of our original objection letter is enclosed and the comments made previously still stand. We note that the application was refused on multiple grounds relating to Planning Policy and the proposal is not in accordance with the local Development Plan. We do not believe anything has changed.

We have no wish to fall out with our neighbours but do not believe that the development would benefit the neighborhood either now or in the future, particularly if under different ownership where further development may then follow.

We therefore continue to respectfully but formally object to the above application and Appeal.

Yours faithfully



## Appendix – Objection letter/email dated 4<sup>th</sup> February 2024



Dear Sir/Madam

### Planning Objection 23/02142/FLL

We write to respectfully but formally object to the above application. We are residents at [REDACTED], a neighbouring property close to the application site. We will be significantly affected by this development should it go ahead, as will the residents and neighbours of properties at Newbigging.

We make the following points in the context of the application, clarifying some of the information submitted in the application, particularly the Design Statement.

#### Design Statement

This describes Newbigging Farm as a “hamlet” - a Hamlet is a small village. Newbigging is simply a collection of residential properties constructed on the site of a former farm in 2008-2009.

#### Settlement Boundary

The site is not within the existing settlement boundary. It is described as “unused grassland” but is not enclosed by existing vegetation on all sides. As the attachment to this letter shows (sent by email due to being unable to submit online), the aerial photo taken in around 2018 shows that the north boundary was lined with a shelter belt of semi mature woodland which was cut down around 3-4 years ago, to improve the views. There are trees on the adjacent access drive to the north, out with the application boundary, planted two years ago by the occupants of Thornybrook. When these grow they will completely obscure the views noted in the application. The development which is the subject of this application will significantly affect the view from the neighbouring properties.

The field to the north east of Newbigging has a “L” shaped double fence and hedging planted. This is also recent from around 2018, and is not within the settlement boundary. If this application is approved, we have a distinct concern that this will set a precedent for further development out with the settlement boundary in contravention of the PKC Housing in the Countryside Policy (Policy 19).

There could also be further units added within the existing garden of Chapter House, perhaps by a future owner.

#### Access, Transport Links & Public Transport

Access to the site is via a shared private access road (shared with 8 other owners). Repair and maintenance is shared between the owners, so the addition of two further short stay dwellings will significantly increase the traffic and maintenance required, more than the simple mathematical 22% increase by proportion, due to the pattern of holiday usage of the cabins. The road is not built to adoptable standard and is not in good condition for the second half of its length and has no lighting or pavement.

In the original consent for development at Newbigging a bus stop on public road U222 was to be created close to the entrance to Newbigging's shared private access road. This was never formed.

Drum and Crook of Devon do not have excellent transport links as stated. There is an infrequent bus service, all other transport links are by road. There are no bus stops within close proximity of the site of the application; the nearest is well over a mile away on the A977 which would involve walking along U222, part of which has no path or pavement and is unlit, so there is no realistic chance that any guests of the cabins will arrive by or use public transport.

#### Form Scale

The height of the peak of the roof of the cabins proposed is approximately 4.2m which isn't "low in height" even though the eaves are much lower. The siting of the two proposed cabins is considerably higher than surrounding gardens and properties and will have a significant visual impact both when driving down the access road and for the neighbouring properties, especially The Ochil. The design is not particularly in keeping with the other buildings adjacent.

The adjacent building is not a Summerhouse as stated by the architect, but a kitchen and living area for the other short stay use (subject of separate retrospective planning and building warrant application)

#### Drainage

The oak tree at the top right corner (NE) of the site is not represented correctly. The diameter of the canopy of the tree is approximately 10m. The tree is at least 60-70 years old and if the packaged treatment plant/septic tank is located as shown it would damage the root structure and kill the tree due to the size of the hole that would need to be excavated to install it. Under the Building Standards (Scottish Technical Handbook) Part 3.8.4 the treatment plant must be a minimum of 5m from every boundary. As shown the treatment plant is only 2m from the north boundary and 2.5m from the east. It is shown almost under the canopy of the mature oak tree, which broadly also represents the root structure.

The treatment plant is shown less than 4m from the nearest cabin, again in contravention of the Technical Standards as it should be a minimum of 5m from the nearest building.

The foul drainage would involve locating the treatment plant much further to the west in the garden area of Chapter House, and a substantial soakaway will be required. The area has poor drainage and porosity, and there are already septic tanks and associated soakaways to the south west of Chapter House and Thornybrook. We are concerned about of septic tank outflow into the ground water adjacent to our property as the garden is very wet, especially in winter.

#### Planning Policy

The Design Statement quotes various policies in The Local Development Plan that was adopted by Perth and Kinross Council on 29 November 2019. However, some of the policies that were not quoted do not support the development:

#### Policy 8 – Rural Business and Diversification:

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

We would contend that the development will result in suburbanisation of the rural area, and due to the lack of public transport, and 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.*

We would contend, given points made above, that the use is not compatible at this scale and has a detrimental impact on the amenity of adjacent residential properties. The amenity of the surrounding properties is one of a peaceful rural setting. The addition of two holiday units to the one already in use will inevitably lead to noise, lighting and activity in the evenings. It is likely that all three units could be let to one group leading to parties and noise on a regular basis.

In terms of policy (d) there is no specific need.

*(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.*

The quality of design of the proposal is not high, these are off the shelf buildings and not in keeping with the design or scale of existing buildings.

#### Newbigging Infrastructure

The water supply to Newbigging is via a private mains pipe from a Scottish Water main. The private supply pipe is only 32mm diameter serving 9 existing dwellings, plus the recent additional short stay accommodation including hot tub of the applicant's separate and current retrospective planning

application. It is well known to the residents that although the supply pressure is sufficient, as recently tested by Scottish Water, the volumetric capacity is severely restricted due to the undersized pipe diameter of the private pipe, and indeed the Scottish Water branch main. This results in a considerable loss of pressure when several dwellings draw water at the same time. This development would exacerbate the issue particularly with individual hot tubs with significant water demands.

There is no fire hydrant or fire fighting water supply available.

Electricity – there are no Electric Vehicle charging points noted on the application. These are required under the Technical Standards since June 2023. The incoming electrical main is unlikely to have sufficient capacity for these and whatever heating source is proposed (not specified) which will likely be electric. The incoming supply would therefore have to be upgraded.

Refuse – The existing refuse is via communal bins (**not commercial** as stated in the application on drawing 1676-PL-02 Rev C) at the end of the shared access road. These do not have the capacity for two extra dwellings and are regularly full given the recent change to frequency of collections. When Newbigging was redeveloped, no provision for refuse bins was constructed. During recent private road repairs an area was formed for the communal bins which is not suitable for further bins nor designed in accordance with current Technical Building Standards.

## Conclusion

We do not consider ourselves to have a “NIMBY” stance on developments, and get on well with our neighbours and the applicant. We have no objection to the recent conversion of part of the garage and addition of an Air BNB style cabin and hot tub, which is the subject of a separate retrospective planning application currently under consideration, as this is within the existing dwelling footprint and garden. We assume that this is all connected to the existing infrastructure.

Chapter House could be sold and a future owner have different plans for further expansion of the holiday units. As it is, with the proposal for two new cabins added to the recently added short term unit these could operate 365 days a year, significantly affecting the character of the rural area, with limited infrastructure, and lead to an increase in noise and parties particularly in the summer months, far more than would be experienced by existing dwellings, or the existing unit.

The development would have a significant detrimental effect on the neighbouring properties both visually, practically and resulting in a loss of amenity and quiet enjoyment.

We respectfully object to the application on the above grounds.

Martin Cassels





THE WEE STAY

Settlement Boundary

