

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)

Name REBECCA + VINCENT FLINTHILL

Address GLEN COTTAGE
GLENTARILIE

Postcode KY14 7RX

Contact Telephone 1 [REDACTED]

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* [REDACTED]

Agent (if any)

Name AS ASSOCIATES LTD

Address 154 HIGH STREET,
NEWBURGH,

Postcode KY14 6DZ

Contact Telephone 1 01337 840088

Contact Telephone 2 [REDACTED]

Fax No [REDACTED]

E-mail* info@asassociatesltd.co.uk

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 AND KINROSS COUNCIL

Planning authority's application reference number

24/00180/FL

Site address

GLEN COTTAGE, GLENTARILIE KY14 7RX

Description of proposed
development

SITING OF AN OFFICE, FORMATION OF
HARDSTANDING AND ASSOCIATED WORKS
(IN RETROSPECT)

Date of application

2/2/24

Date of decision (if any)

28/03/24

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) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input type="checkbox"/> |
| 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) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

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 | <input type="checkbox"/> |
| 2. One or more hearing sessions | <input type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input checked="" type="checkbox"/> |

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:

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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.

PLEASE SEE LRB STATEMENT FOR DETAILS

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.

3405 BLOCK AND LOCATION PLAN 001 REV B
3405 EXISTING BLOCK PLAN 002 REV A
3405 FINAL LRB STATEMENT REV 2
LIGHT SPECS

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

15/05/24



85 High Street
Newburgh. KY14 6DA

Tel: 01337 840088

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info@asassociatesltd.co.uk

Perth & Kinross Local Review Body

Statement of Reasons for Seeking Review

Application 24/00180/FLL

Siting of an office, formation of hardstanding and associated works (in retrospect)

Glen Cottage, Glentarkie, Strathmiglo, Cupar, KY14 7RX

Introduction

This statement is submitted on behalf of the applicants, Mr and Mrs Flint-Hill, who are seeking consent for their home office building, located on land adjacent to their home at Glen Cottage, Glentarkie. The home office replaces a former building, in poor condition, that was on the same site at the time of the applicant's purchase of the property in 2023.

Mr and Mrs Flint-Hill are very concerned with the assessment of their proposal and its refusal and, with respect, seek the members of the Perth and Kinross Local Review Body to conclude that their proposal is acceptable.



View of garage on the site (building shown on OS map dated 1959) until replaced by the new building in 2023.

Site Description and Proposal

The site was occupied by a dilapidated and unusable garage at the time the applicants' took ownership of Glen Cottage, and its associated land, in 2023. The garage lay within an area of woodland adjacent to the cottage, separated by the minor public road. The previous garage building is believed to have been on the site since at least 1959, as shown on the OS mapping below.

For safety reasons, and to achieve a useable building, albeit for a different use, the applicants sited their small building for use as a home office. They were unaware of the need for planning permission to replace the previous garage.

The proposal for the home office will be ancillary to the domestic use of the applicants' home at Glen Cottage. The building is high quality, flat roofed with composite cladding (grey colour), timber cladding and full length glazing on its north and south elevations. The building is bounded by an area of gravel surfacing and forming a path to a timber gate through the fence towards the roadside. The building is well screened from the public road. (Please see photos on following pages)



OS Map 1959

Reproduced with the permission of the National Library of Scotland.





North-east and South-east elevations



South-west and North-west elevations



North-east and South-east elevations



North-east and North-west elevations

Photos with winter foliage

Due to the nature of the road passing Glen Cottage the **location of the site** of the office is only **glimpsed momentarily** when passing along the road. The building is virtually **unseen**, well screened by the surrounding woodland.



View on approach from north



View on approach from south

Comments on Assessment of Proposal in Report of Handling

The Report of Handling states that development incidental to the enjoyment of an existing dwellinghouse is **considered to be acceptable in principle**. The Report **raised no issues** with roads and access, drainage and flooding, natural heritage and biodiversity or indicated the need for any developer contributions. The Report stated '*no trees are directly affected by the proposed development*' and that '*the ancient woodland forms a backdrop to the development*'. These can be considered to be positive elements in the acceptability of the proposal.

The applicants have significant concerns regarding the content of the Report's assessment, leading to the refusal of the application. The following points are highlighted:

- The Report mentions, but makes no further reference to the applicants' pending applications, adjacent to the home office - a caravan for holiday let (23/01635/FLL) and holiday let cottage (23/01867/FLL). There would appear to have been a lack of liaison with the case officers for these applications. We have received written confirmation that these **two applications will be recommended for approval**. This gives an entirely different context to the assessment of the home office proposal, appearing to have been disregarded in reaching a decision. The caravan will be timber clad and the house finishes include both stone and timber. The applicants are agreeable to clad the home office in timber, to match, should the LRB seek this requirement.
- The Report of Handling indicates that the building should not be located in the '*highly visible and (previously) unspoilt grazing land opposite*'. We dispute this statement. The site formerly contained a building; is well screened; not viewed in the wider landscape; and can only be partly glimpsed from the public road immediately adjacent. We disagree with the assessment in the Report of Handling that the previous dilapidated garage was '*A timber storage structure, of inconspicuous and recessive appearance*', particularly in the context of a **comparison** with the proposed building now on site.
- The Report of Handling refers to the application site being located '*across the road from Glen Cottage, in grazing land*' and '*within an area of ancient woodland*' and that the '*grazing land was (until recently) a relatively unspoilt and pleasant countryside location*.' We believe that this is inaccurate - with the area surrounding the site of the home office building more correctly described as 'open woodland'. The Report of Handling refers to the sales particulars for the property (in 2022), referring to '*rough grazing and garage/barn*'. The full quote from the sales particulars refers to '*Across the road is a lovely woodland extending to 3.8 acres with separate paddock with rough grazing and garage/barn*.' This description could be interpreted as part of the positive marketing of the property by the agents. It may have been possible to graze animals in the woodland but it would not be generally described as 'grazing' land (see photos overleaf taken from the sales particulars).

Continued over

Comments on Assessment of Proposal in Report of Handling (continued)

- The Report of Handling refers to the previous building as a 'garage/barn' as having the appearance of being '*used for the maintenance of the land upon which it sits*'. We believe that this is inaccurate and that the building was (until too dilapidated) primarily a garage for the adjacent dwellinghouse - indicated by garage doors and there being no other garage adjacent to the house. There is therefore a long-standing association between the domestic use of the land on both sides of the road.
- The Report refers to '*whisky barrels*' being located on the site. We believe that this is not a consideration in the decision and does not constitute development.



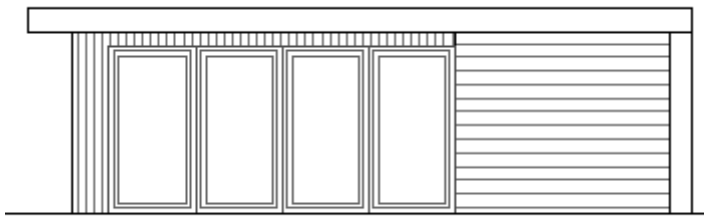
Images from sales particulars for Glen Cottage (Clyde Property, 2022) - illustrating dense woodland surrounding site of home office and the open woodland nature of the land surrounding the site



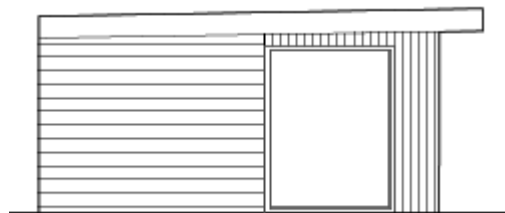
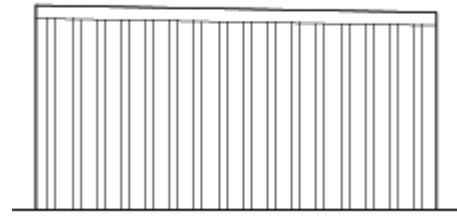
Surrounding open woodland owned by applicants and site of proposed holiday accommodation 23/01635/FLL and 23/01867/FLL)

Proposed Plans and Elevations

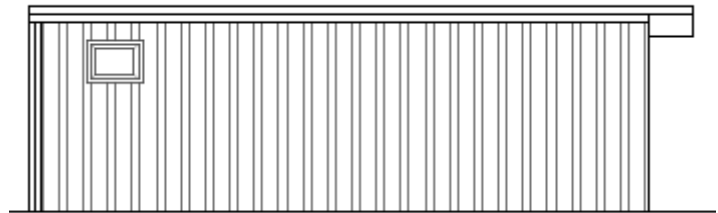
not to scale



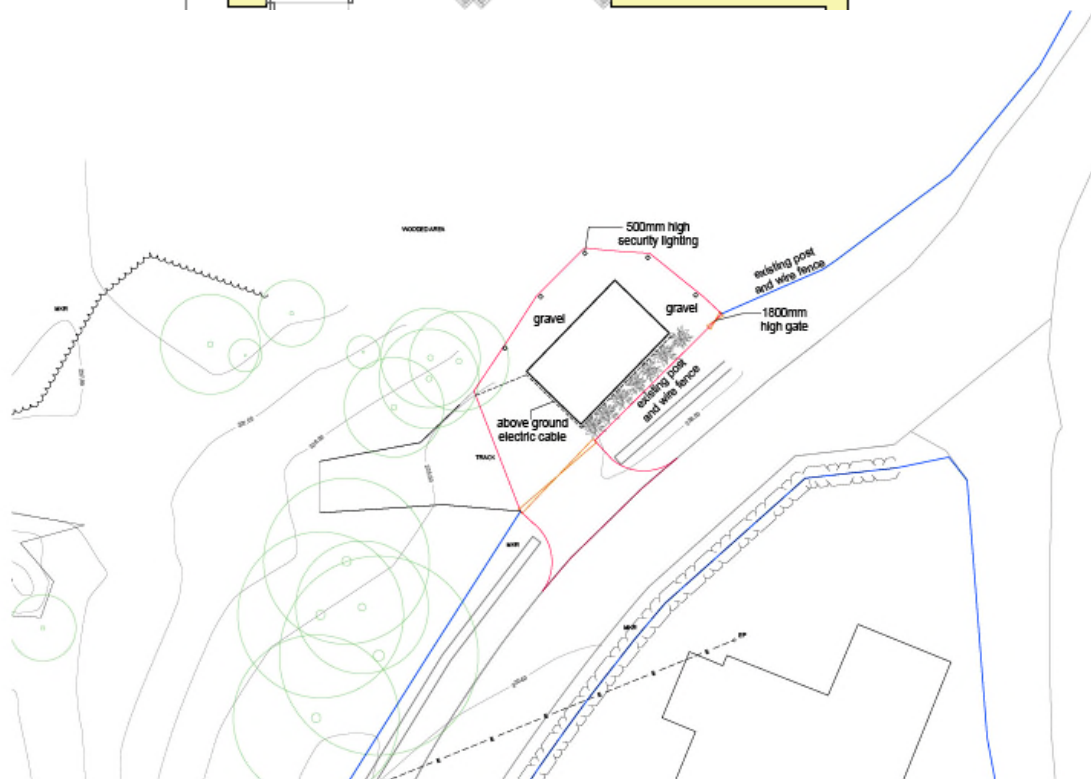
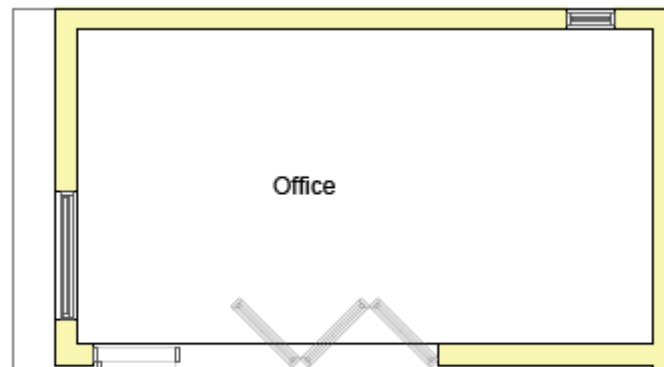
North West Elevation



North East Elevation



South East Elevation



Block Plan
not to scale

Response to Reasons for Refusal

The applicants strongly refute the reasons for refusal and disagree with the assessment of the proposal contained in the Report of Handling and set out the following points in response.

1.

The **first** reason for refusal is that *'The development, by virtue of its inappropriate design, materials, colour, finishes and prominent position, results in an incongruous and jarring appearance and an adverse impact upon the character and amenity of its countryside location.'*

- The design and materials, colours and finishes for the building are **well integrated into the surrounding woodland setting**. This type of building is commonly associated with, and considered acceptable in rural areas, for example in providing holiday accommodation units. The site is **not** prominent, being only **partially glimpsed** on passing along the road, immediately adjacent to the site.
- The proposal replaces a dilapidated building, providing improvements to the site.
- Should Councillors be minded to approve the application, the applicants would be agreeable to cladding the entire building in timber, (to match the proposed holiday caravan and house) if this would resolve the apparent concerns with the proposal.

2.

The **second** reason for refusal is that *'The development, by virtue of its inappropriate design, materials, colour, finishes and prominent position, results in an incongruous and jarring appearance and a detrimental impact upon the character and amenity of its location within the Ochil Hills Local Landscape Area.'*

- The Report of Handling refers to the site being within the *'Ochil Hills Local Landscape Area, in recognition of the scenic qualities of the landscape. Accordingly, the exposed roadside location is sensitive to change.'* We believe that the assessment does not use any understanding of the attributes of the Local Landscape Area, and its designation statement, to evidence this conclusion.
- Given the points made below, we believe that it is clear that this small scale proposal for a home office, replacing a former derelict garage/shed, will have **no impact** on the **special character or qualities** of the **Ochil Hills Local Landscape Area**.
- 'Scenic qualities' is only one, of ten, criteria relating to the identification of Perth and Kinross Local Landscape Area (LLAs), as contained in the related Supplementary Guidance. Another is that they are **'well managed and in a good state of repair'**.

- The Guidance outlines the way LLA 'Statements of Significance' will be used in decision making - it clarifies that **'this means that the location and boundaries, designation statement and forces for change'** are **'used to evidence decisions taken'**.
- The 'Special Qualities' of the Ochil Hills Local Landscape Area do not include any reference to 'scenic qualities' (unlike, for example, Upper Strathearn LLA where 'highly scenic' is listed in the Special Qualities). The 'Forces for Change' refer to changes to forestry, expansion of forestry and native woodland and wind turbine development, pylons, solar farms and other infrastructure. The 'Objectives' for the Area are for the expansion/management of native woodland, ensuring that proposals for masts, turbines and solar farms have no adverse impact, preserving historical landscapes and maintaining the character of vernacular buildings in settlements and across the hills. **These qualities, and the character, of the Local Landscape Area will not be adversely impacted by this small-scale proposal.**

Ochil Hills

Special Qualities

- Prominent band of hills forming a both a barrier and a gateway between Perthshire and Kinross-shire, and the setting to both
- Relatively wild and tranquil, yet readily accessible and with good provision for a range of users
- Extensive natural landcover of heather moorland, grassland and woodland
- Distinctive southern scarp slopes, steep interior glens
- Though there are few distinctive peaks, there are many accessible summits and viewpoints
- Rich in features of geological and historical interest

Forces for Change

- Changes to forestry management and felling of coniferous plantations
- Expansion of forestry and native woodland
- Development of single wind turbines and repowering of wind farms, as well as pylons and other tall structures and solar farms and associated infrastructure.

Conclusion

- The applicants contend that their proposed home office is an appropriate replacement for the previous dilapidated garage. It has no adverse visual impact, or any other impacts, and its use will be solely ancillary to the adjacent Glen Cottage.
- The applicants believe that the assessment of the proposal is partly inaccurate, and unreasonable, in the impact it attributes to this small-scale home office building.
- We contend that the proposal can be considered to comply with the stated National Planning Framework 4 policies (14 'Design, Quality and Place' and 4 'Natural Places'); Perth & Kinross Local Development Plan 2019 policies (1A and 1B 'Placemaking' and 39 'Landscape') along with the Council's Placemaking Guide 2020 and Landscape Supplementary Guidance 2020.

With respect, the applicants seek the Local Review Body to fully consider their proposal and conclude that it is acceptable in terms of the Council's Development Plan and related Guidance.



Existing Block Plan
1:200



Rev. A - site GP 26/02/24
REVISION INT DATE

THIS DRAWING HAS BEEN PREPARED TO
OBTAIN STATUTORY LOCAL AUTHORITY
CONSENT. ALL SIZES TO BE CONFIRMED ON
SITE PRIOR TO COMMENCING WORK.
DO NOT SCALE FOR CONSTRUCTION PURPOSES.



A.S. ASSOCIATES

E: INFO@ASASSOCIATESLTD.CO.UK
T: 01337 840088

A: 154 HIGH STREET, NEWBURGH, KY14 6DZ

PROJECT:

Flint-Hill,
Glentarkie,
KY14 7RX,

TITLE:

Existing Block Plan

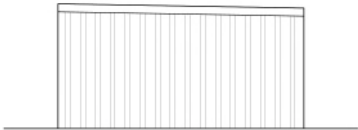
STAGE:

Planning

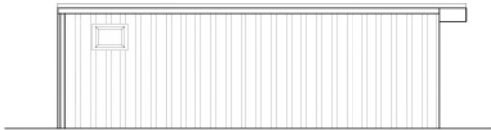
DRAWN BY: GP	SCALE(S): 1:200	SHEET: A3
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DATE: 12/02/24	DRAWING NO: 3405-PP-002	REV: A
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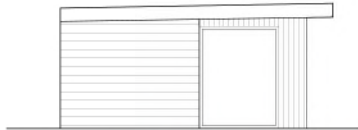
EXTERNAL FINISHES
Horizontal composite cladding, vertical timber lining and vertical metal cladding to walls.
Dark Grey metal fascia.
Anthracite windows and doors.
Black UPVC gutters and downpipes.



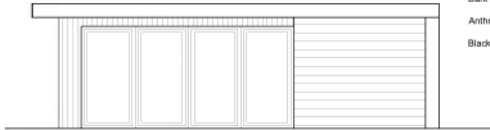
South West Elevation
1:50



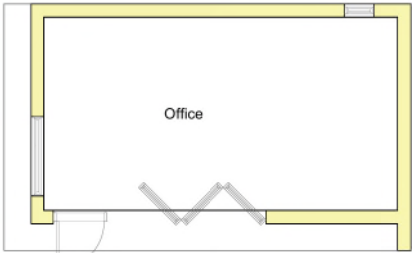
South East Elevation
1:50



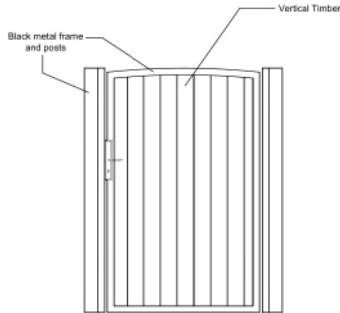
North East Elevation
1:50



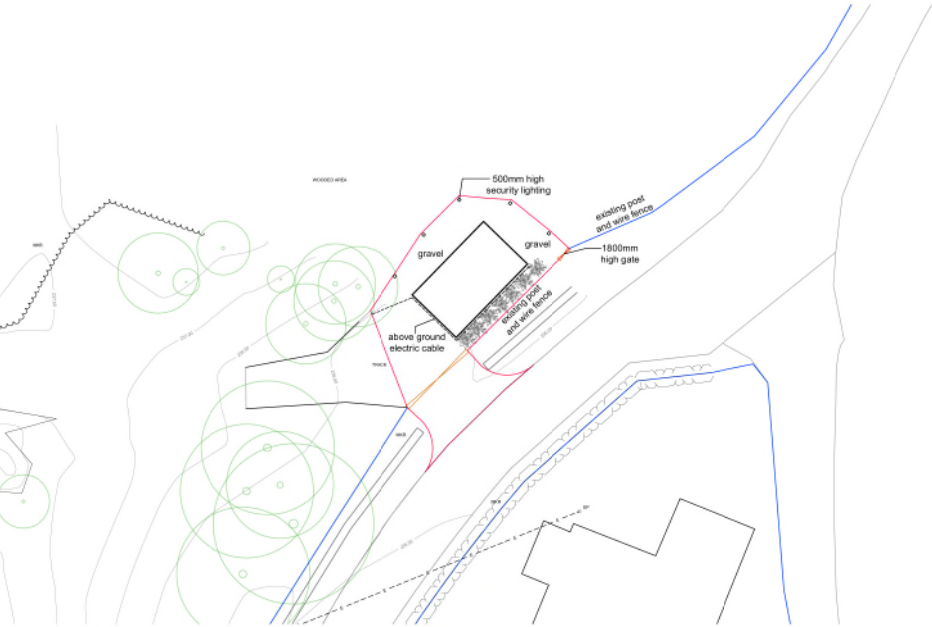
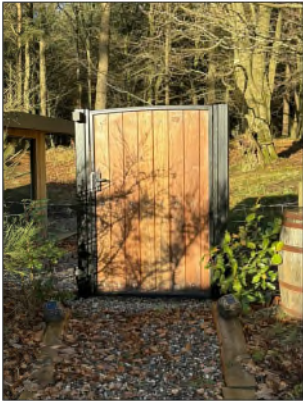
North West Elevation
1:50



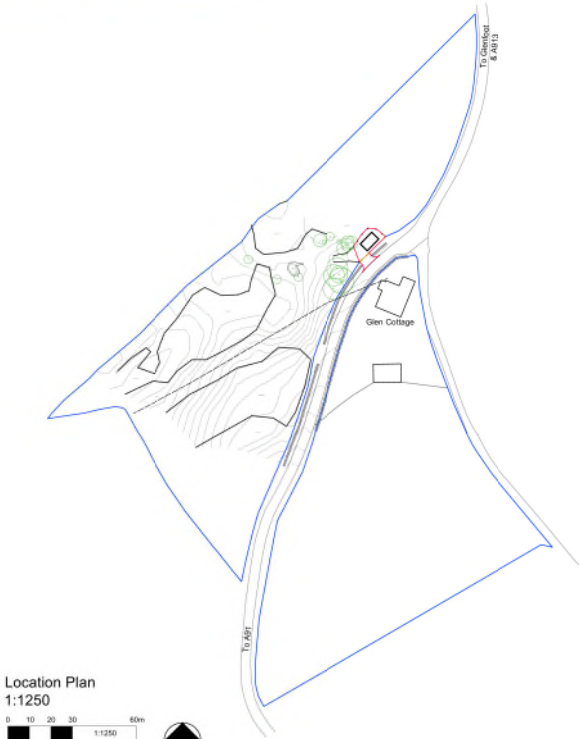
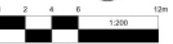
Floor Plan
1:50



Gate Elevation
1:20



Block Plan
1:200



Location Plan
1:1250



Rev. B - site GP 28/02/24
Rev. A - single bar GP 12/02/24
DISCUSSION RT DATE

THIS DRAWING HAS BEEN PREPARED TO
OBTAIN STATUTORY LOCAL AUTHORITY
CONSENT. ALL SIZES TO BE CONFIRMED ON
SITE PRIOR TO COMMENCING WORK.
DO NOT SCALE FOR CONSTRUCTION PURPOSES.



PROJECT:
First-Hill,
Glentworth,
KY14 7RX.

TITLE:
Plan, Elevations,
Block and Location Plan

STAGE:
Planning

DRAWN BY: GP SCALE(S): 1:50 SHEET: A1

DATE: 30/01/24 DRAWING NO: 3405-PP-001 REV: B

MPN	3422GP
Barcode	5036797157462
Technology	LED
Shape	Post Light
Colour	Warm White
Manufacturer	Firstlight
Voltage	240V
Power Consumption	15W
Dimmability	No - Not Suitable for Dimming
Total Lumens	461lm
Colour Temperature	3000K
Colour Description	Warm White
Colour Rendering	RA >84
Glass Type	Opal
Material	Die Cast Aluminium / Polycarbonate
Finish	Graphite
Ingress Protection Rating	IP54
Mercury Content	0mg
Average Rated Life (L50)	30,000 hours
Width	105mm
Height	650mm
Length	105mm
Estimated Running Cost	£7.94 per year based on 5-hours per day @ Jan 24 Price Cap (29.0p/kWh)
Estimated Life Expectancy	21 Years
Warranty	3 Years

<https://www.simplyled.co.uk/firstlight-evo-modern-style-led-650mm-post-light-15w-warm-white-in-graphite-and-opal/>