

## **REVIEW DECISION NOTICE**

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Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: Land 20 metres east of Easter Drumatherty Cottage, Spittalfield, Perth

Description: Erection of a dwellinghouse (in principle)

Application for Review by Robert Reid & Son against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 23/01192/IPL

Application Drawings: 23/01192/1 to 23/01192/15

**Date of Review Decision Notice – 12 June 2024**

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### **Decision**

The PKLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

#### **1. Introduction**

1.1 The above application for review was considered by the PKLRB at a meeting held on 15 April 2024. The Review Body comprised Councillor D Illingworth, Councillor I Massie and Bailie M Williamson.

1.2 The following persons were also present at the meeting:  
C Elliott, Legal Adviser; L Tierney, Planning Adviser; and D Williams, Committee Officer.

Also attending:

A Brown and M Pasternak (both Strategy, People and Resources) and C McLaren (Economy, Place and Learning).

#### **2. Proposal**

2.1 The proposal is for the erection of a dwellinghouse (in principle) on land 20 metres east of Easter Drumatherty Cottage, Spittalfield, Perth. The application was refused consent in terms of a decision letter dated 24 October 2023.

#### **3. Preliminaries**

3.1 The PKLRB was provided with copies of the following documents:

(i) the drawings specified above;

- (ii) the Appointed Officer's Report of Handling;
  - (iii) the refusal notice dated 24 October 2023;
  - (iv) the Notice of Review and supporting documents;
  - (v) consultation responses to the planning application.
- 3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, and the grounds for the Notice of Review.
- 3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.
- 3.4 Having regard to the material before them, the PKLRB resolved that the review of the decision to refuse could be determined without further procedure.

#### **4. Findings and Conclusions**

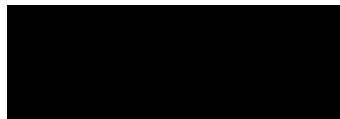
- 4.1 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB concluded by unanimous decision that the review application be refused.
- 4.2 The PKLRB considered that as a dwellinghouse in a flood risk area, the proposal may put people or property at risk of flooding and is such is contrary to the development plan. Further, it would involve the loss of prime agricultural land on a greenfield site with no material considerations justifying that loss. Also, the excessive size of the plot and the lack of containment is contrary to the development plan.
- 4.3 Accordingly, the PKLRB refused the review application for the following reasons:
- (1) The proposal does not satisfy the siting and design criteria set out in national and local planning policy for new homes in rural areas. Further, the proposal does not demonstrate there is an essential need for a worker to live permanently at or near their place of work. The proposal does not satisfy NPF 4 Policy 17 Rural Homes and LDP2 Policy 19 Housing in the Countryside and Housing in the Countryside Supplementary Guidance (2020).
  - (2) The proposed development does not respect the character and amenity of the place. The proposal does not satisfy the requirements of NPF4 Policy 14: Design, Quality and Place and Policy 1A and 1B: Placemaking and associated Supplementary Guidance (2020) of the Perth and Kinross Local Development Plan 2 (2019).
  - (3) The application site is a greenfield site and it has not been allocated for development and it is not explicitly supported by policies of the LDP2. The proposal is therefore contrary to Policy 9 b) of NPF4.

- (4) The application site is prime agricultural land and the loss of this valued land to the development does not satisfy NPF4 Policy 5: Soils paragraph b) ii) and Policy 50: Prime Agricultural Land of the Perth and Kinross Local Development Plan 2 (2019).
- (5) The application site is in a flood risk area and the proposed development may put people or property at risk of flooding which is contrary to NPF4 Policy 22: Flood Risk and Water Management and Policy 52: New Development and Flooding of the Perth and Kinross Local Development Plan 2 (2019).

**Justification**

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

- 4.4 The Review Application was accordingly dismissed.



**Lisa Simpson**  
**Clerk to the Local Review Body**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)**

**Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.**

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland ) Act 1997.