

REVIEW DECISION NOTICE

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

Site Address: Land 20 metres south west of Braeside House, Hatchbank Road,
Gairney Bank, Kinross

Description: Erection of a dwellinghouse

Application for Review by Mr and Mrs C Megginson against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 23/01859/FLL

Application Drawings: 23/01859/1 - 23/01859/4 & 23/01859/6 - 23/01859/12

Date of Review Decision Notice – 12 June 2024

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 Bob Brawn, Councillor D Illingworth 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 on land 20 metres south west of Braeside House, Hatchbank Road, Gairney Bank, Kinross. The application was refused consent in terms of a decision letter dated 6 February 2024.

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 6 February 2024;
 - (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 majority decision that the review application be refused.
- 4.2 The PKLRB noted that there had been previous planning permissions for the site but also noted that there had been more recent refusals. With a different development plan from what was in place when the planning permissions were granted, it is the proposal that needs to be assessed on the current development plan. The proposed dwellinghouse due to its size, location in front of the existing dwellinghouse and shared front garden and vehicular access would have an adverse impact on the character and residential amenity of the existing dwellinghouse and the wider area more generally. Further, the loss of an existing tree group would lead to the fragmentation of an existing green network. There are no material considerations justifying the grant of the proposal contrary to the development plan.
- 4.3 The minority opinion of Councillor D Illingworth was that the proposal would have limited impact on local amenity, and therefore the proposal should be granted.
- 4.4 Accordingly, the PKLRB refused the review application for the following reasons:
- (1) The proposed development is poorly designed, fails to respect the building pattern and character of the area and will have a significant detrimental impact on residential amenity. The proposal does not satisfy the requirements of NPF4 Policy 14: Design, Quality and Place and NPF4 Policy 17: Rural Homes and Policy 1A; Placemaking and Policy 19: Housing in the Countryside and the related Housing in the Countryside Supplementary Guidance (2020) of the Perth and Kinross Local Development Plan 2 (2019).

- (2) The proposed development does not respect the setting of the site and its characteristics. The removal of a mature tree group and an attractive green buffer to enable the development will lead to the fragmentation of an existing green network. The proposal does not satisfy NPF4 Policy 6: Forestry, Woodland and Trees and NPF4 Policy 20: Blue and Green Infrastructure and LDP2 Policy 1A: Placemaking, Policy 40B: Trees, Woodland and Development and Policy 42: Green Infrastructure.

Justification

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

- 4.5 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.