

## **REVIEW DECISION NOTICE**

---

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

Site Address: The Cottage, Leslie Road, Scotlandwell, Kinross, KY13 9JE

Description: Installation of solar panels

Application for Review by Ms L Hatch against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 23/01675/FLL

Application Drawings: 23/01675/1 - 23/01675/3

**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 installation of solar panels, The Cottage, Leslie Road, Scotlandwell, Kinross, KY13 9JE. The application was refused consent in terms of a decision letter dated 13 December 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 13 December 2023;

- (iv) the Notice of Review and supporting documents;
- (v) consultation response 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 the proposal by virtue the modern design of the solar panels on an older property, their prominent siting, and especially the extent of the panels and that they extend almost the full height of the roof would not preserve or enhance the character or appearance of Scotlandwell conservation area. The PKLRB recognised that two other properties within the conservation area and relatively close to the proposal have solar panels on their roofs, however, one of those properties has a much smaller scale of panels and the other property is of more modern design and set back for the road
- 4.3 Accordingly, the PKLRB refused the review application for the following reasons:
  - (1) The proposed solar panels, by virtue of their modern design, scale, maximum height and prominent siting, would have a detrimental impact on the character and appearance of the Scotlandwell Conservation Area.

Approval would therefore be contrary to Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

- (2) The proposed solar panels by virtue of their modern design, scale, maximum height and prominent siting, would be detrimental to the traditional character and appearance of the dwellinghouse and detrimental to the character and appearance of the Scotlandwell Conservation Area.

Approval would therefore be contrary to Policies 7(d), 11 and 16(g)(i) of National Planning Framework 4; contrary to Policies 1A, 1B(c), 28A and 33A(a) of Perth and Kinross Local Development Plan 2; and contrary to Historic Environment Scotland's guidance "Managing Change in the Historic Environment: Micro-renewables" and "Managing Change in the Historic Environment: Roofs".

**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.