

REVIEW DECISION NOTICE

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

Site Address: Land 35 metres east of Gateside Cottage, Forteviot, Perth

Description: Erection of a dwellinghouse

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

Application Ref: 23/01906/FLL

Application Drawings: 23/01906/1 - 23/01906/14

Date of Review Decision Notice – 26 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 13 May 2024. The Review Body comprised Councillor B Brawn, Councillor K Harvey and Bailie M Williamson.

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

Also attending:

A Brown and S Dockerill (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, land 35 metres east of Gateside Cottage, Forteviot, Perth. The application was refused consent in terms of a decision letter dated 12 January 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 12 January 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 unanimous decision that the review application be refused.
- 4.2 The members of the PKLRB were unanimous in concluding that the proposal did not comply with policy 19 of the Perth & Kinross Local Development Plan 2 (2019) for Housing in the Countryside, nor did they consider that it complied with National Planning Framework 4. They noted that the site had not been farmed for a period in excess of 10 years and accepted that the loss of prime agricultural land should not be a reason for refusal of the application. They agreed with the appointed officer in relation to the further areas specified in the original decision notice of non-compliance with policies of LDP2 (2019). There were no material considerations which they considered to be sufficient to justify the application as departure from the development plan.
- 4.3 Accordingly, the PKLRB refused the review application for the following reasons:
- (1) The proposal is contrary to Policy 17 Rural Homes of National Planning Framework 4 as it fails to meet any of the criteria within Policy 17a) and is not suitably scaled, sited or designed to be in keeping with the character of the area.
 - (2) The proposal is contrary to Policy 19 Housing in the Countryside of the Perth and Kinross Local Development Plan 2 (2019) and the Council's Housing in the Countryside Guide 2020 as the proposal fails to satisfactorily comply with any of the categories (1) Building Groups, (2) Infill Sites, (3) New Houses in the Open Countryside, (4) Renovation or Replacement of Houses, (5) Conversion or Replacement of Redundant Non Domestic Buildings, or (6) Rural Brownfield Land.
 - (3) The proposal is contrary to Policy 1A and 1Bb), Placemaking of the Perth and Kinross Development Plan 2 (2019). The proposed development would not contribute positively to the built and natural

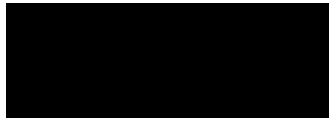
environment due to the un-contained nature of the site, its exposed position and the lack of a suitable well-established landscape framework. Development would therefore detract from the visual amenity and landscape character of the area.

- (4) The proposal is contrary to Policy 39 (Landscape) of the Perth and Kinross Local Development Plan 2 (2019) as it has not been demonstrated through assessment against a landscape capacity study that the site is appropriate for the development and meets the criteria in Policy 39 that seeks to maintain and enhance the landscape qualities of Perth and Kinross.

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.