

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)		Agent (if any)	
Name	STEPHEN ANDERSON	Name	
Address	2 GREENACRES GRANGE ERROL PERTSHIRE	Address	
Postcode	PH2 7TB	Postcode	
Contact Telephone 1		Contact Telephone 1	
Contact Telephone 2		Contact Telephone 2	
Fax No		Fax No	
E-mail*		E-mail*	
		Mark this box to confirm all contact should be through this representative: <input type="checkbox"/>	
* Do you agree to correspondence regarding your review being sent by e-mail?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Planning authority	PERTH & KINROSS COUNCIL		
Planning authority's application reference number	24/00727/FLL		
Site address	2 GREENACRES, GRANGE, ERROL, PERTSHIRE PH2 7TB		
Description of proposed development	Erection of temporary fence		
Date of application	21/5/24	Date of decision (if any)	3/7/24

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 checked="" 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 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 checked="" type="checkbox"/> | <input 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:

If viewed from roadside, please be aware that the property is in a 60 mph limit, so care is required.

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.

See attached document

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

YesNo

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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.

Attached document with text and pictures

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

23/7/24

P&KC IDN24/7/202410:35:52

Dear Sir/Madam,

We are writing to you to appeal the decision made by Perth and Kinross Planning department on 4th July that has denied our application for a temporary fence on our property at 2 Greenacres, Grange, Errol.

Our submission was based on providing security and safety for our property as it is situated adjacent to a busy road where the speed limit has recently been increased and a number of cars have also stopped outside the back garden to view/see the property.

We will outline below why we think it is essential that we have some form of screening for our property for safety and security purposes, highlight the inconsistencies in the application of planning rules in the hamlet of Grange, and further illuminate a series of decisions that appear to illustrate a bias against this development and our plot in particular.

1. Security
2. Privacy
3. Discussions with the planning department
4. Inconsistencies
5. Apparent bias against this development
6. Proposed plan of action
7. Summary.

1. Security.

Our prime concern is the security of the property. When we purchased the property prior to it being built it was not possible to see the plot for trees along the roadside, although from a distance further along the road the

unsightly former chicken farm could be viewed. Unfortunately as part of the council's planning requirements a number of those trees had to be removed due to their poor state. This has resulted in a number of large gaps in screening coverage between the road and our property, as shown in the photographs below. This permits full view of our garden, office pod and house from the road. Cars are able to stop at this opening, and many have, to look into the property. It is not illegal to do so and we can't stop people from stopping their cars at this point. The ease that anyone can hop over the fence and access the garden and office pods means that we cannot leave anything out in the garden.



The office pod is an obvious target for thieves. I work from home and use some very expensive computer equipment which I am very reluctant to leave out in such a vulnerable position. This, combined with the increased speed limit which allows trucks and cars to pass at nearly 60 mph, makes working in the pod near impossible. Unless we can screen the area and reduce the speed limit, the office pod will remain an expensive white elephant.

Our most pressing security concern is that we are being cased for future theft. Cars stopping to look in is common. We have had one set of strangers claiming to be lost in the back garden who we asked to leave. When Stephen goes away for work reasons, Fiona does feel vulnerable with regards to the security situation. There have been a number of theft incidents in the Carse of Gowrie this year. We would like to prevent that happening to us.

We also have concerns that the glaring gaps in security would be taken into account by our insurance company in the event of any break in.

2. Privacy

Currently our back garden is open to view to car drivers, cyclists and pedestrians. We are not exhibitionist by nature, so would like to be able to sit in our back garden without people waving to us as they go by.

Our plan is to plant hedging and trees to screen the current gaps with the road, which would be in keeping with the rest of the garden, providing a consistent countryside look. However, this will take time to grow, which is why the erection of a temporary fence was proposed. As well as providing security and privacy, the fence would provide protection for the growing trees and hedging from the wind which frequently whistles down the Carse.

3. Discussion with Planning Department

During the submission process I had a number of lengthy and constructive discussions with the planning officers from the Perth and Kinross planning department. It was only when the application was passed upwards in the organisation that objections were raised. Our submission started as a full wooden fence the length of the property adjacent to the road, with options of being at the boundary line, or 3 m in. Upon initial discussion this was reduced to a more limited area, covering the most open regions as illustrated in the photo above. The application then was amended to propose that the fence was temporary (5 years) to allow the trees and hedging to grow to a sufficient height to provide adequate screening. This amended plan was considered as an elegant solution as it allowed our security and privacy concerns to be alleviated and would retain and



- Not in the original plan
- Not meeting the visual acuity requirements

We would contend, security issues notwithstanding, that neither of these reasons are valid.

The original plans did not include a fence for Plot 8 in our development (more in next section), which has subsequently been approved.

With regards to visual acuity, considering it was a derelict chicken farm with rotting trees beforehand, the current situation is a considerable improvement, even with a small area of temporary fencing.

Our proposed fencing will be partially screened by the existing trees and will look considerably more natural than the stark wooden fence erected on plot 8.

The only impact that our fence proposal would have is to restrict people's view of our house and garden.

Having received the rejection notice from the Planning department in the spirit of trying to be constructive and proactive, we asked them what we would be allowed to use to provide screening for security purposes. The response from the planning department was that we would have to make do with the hedging we have now and wait for it to grow to a sufficient height to provide screening. The current inadequate stage of the hedging is shown below.



The planning officer admitted that there had not been sufficient oversight from their department regarding the landscaping plans submitted by the Good House company . We are the unfortunate victims of this oversight. There was **no** hedging planted in many of the gaps between the trees, and in the small amount that has been planted, the beech has died off and the hornbeam is doing relatively ok. Beech hedging won't grow under trees. So basically what we have been left with to provide "privacy and security" is a 1m high wire fence (which is virtually invisible), and about 5 hornbeam plants for a stretch of 38 m.

As you can see in the photo below, and was reported by the Good House Company's tree inspector, a lot of the soil will not support any form of rapid growth of hedging.



4. Planning inconsistencies.

As part of our research prior to submitting the application, we looked at whether any other property in the hamlet of Grange has a 6 foot fence that was adjacent to the road. We observed at least four. We also were informed by our neighbours, Plot 8 adjacent to the road also, that they have permission for a fence and it would be constructed at the conclusion of the house build. Plot 8 is the last of the eight properties in the development to be completed.

Two key points to consider here:

1. Plot 8 fence will be permanent, not temporary
2. Plot 8 fence is within the current 20mph zone, not within the 60 mph zone which is adjacent to our property.

Given the fact that we have considerably more security, privacy and traffic speed/noise concerns, this inconsistency in application of the planning rules appears very unfair. I have included some pictures of the recently erected fence on Plot 8. The visual acuity argument clearly is no longer

remotely valid given the erection of this permanent wooden fence. Plot 8 have a nice secure, private garden in a 20 mph zone, while we have an open, insecure, noisy garden in a 60 mph zone. It would be laughable if it were not having such a detrimental affect on our mental health.



5. Apparent bias against this development

Listed below is a series of issues/decisions which have negatively impacted the Greenacres development, and specifically our plot (no. 2).

- a. Planning permission initially denied for solar panels
- b. Increase in speed limit outside property
- c. Rejection for application for garden waste permit
- d. Rejection of temporary fence application

a. Planning permission initially denied for solar panels.

This is an issue that the Appeals committee may already be familiar with as the committee ultimately overturned this rather perplexing decision. The building warrant for plot 2 was delayed by Perth and Kinross planning department on the basis that the solar panel thickness was not correct. These were the same solar panel dimensions as approved and installed on the first four houses in the development (as well as most of the previous houses built by the Good House Company). The ruling was overturned upon appeal, but not before our entry date into the house was put back six weeks. We moved house a few days before Christmas, ultimately ruining our first Christmas in our new house.

b. Increase in speed limit outside property.

This is a serious safety issue for our development. The removal of the 40 mph buffer zone allows cars and trucks to pass/approach the entrance to the development at higher speed than before. Vehicles use this section of road as a speed track now. While primarily a safety issue, it is also a noise issue for the residents adjacent to the road, impacting mental health.

I have been liaising with Councillor Angus Forbes on this issue. It should get resolved, but no specific timeframe has been committed to, so it could be months or years!!!.

c. Rejection for application for garden waste permit

A minor issue in the grand scheme of things, but perhaps representative of the issues we have with Perth and Kinross council. A permit for putting garden waste in our brown bin was rejected, despite other houses in the development having one. Another perplexing decision !!

d. Rejection of temporary fence application

The subject of this appeal and another decision that is both perplexing and upsetting.

While I suspect that all of the decisions above have been taken individually, the cumulative effect is a projection of bias against our plot, making us feel particularly unwelcome in our new home district.

We really did not envisage when we moved to Perthshire that we would be embroiled in so many planning issues just to be able to live in a safe, secure and happy home.

6 . Proposed plan of action

There are two pathways depending upon the success of this appeal.

a. Assuming success we will adhere to the plan that was submitted.

However, rather than put in a full wooden fence over that area we may place willow panels as illustrated below. We were only allowed one option in the planning application, which was the wooden fence. This was also submitted prior to the amendment from permanent to temporary fencing. However, we believe that as a temporary measure, the willow or hazel panels will actually look better and blend in better with surrounding trees and hedging. The fence may also provide a minimal degree of of acoustic dampening to the noise of the speeding traffic.



b. If the appeal is rejected we could consider trying to put in faster growing hedging and trees, though ultimately this would have an incongruous look, which is not what we want. This will, however take time, and leave us with a serious security concern for a number of years. As already mentioned, there is also the issue of whether any form of hedging would actually grow under the existing trees.

Alternatively, we may consider selling up and moving to a safer location, again something we really don't want to do, as we really want to spend the rest of our lives in Perthshire. This has become a very stressful situation for us, adversely affecting our mental health.

7. Summary

In summary, we believe that the rejection of our application is grossly unfair. The security, privacy and noise issues are having a major detrimental effect on our mental health.

We would like to ask the committee to please reverse the decision made by Perth and Kinross planning department, and allow is to place a temporary screening fence on our property. We would advocate that the decision to reject the application is unfair and inconsistent. We believe that we have provided an elegant solution which will allow us security and privacy, while ultimately enhancing the visual acuity of the area.

Best Regards

Dr. Stephen Anderson and Fiona Dempster

Stephen Anderson

