

REVIEW DECISION NOTICE

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

Site Address: 34 Lagreach Brae, Pitlochry, PH16 5QQ

Description: Change of use of flat to short-term let accommodation unit (in retrospect)

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

Application Ref: 23/01625/FLL

Application Drawings: 23/01625/1 - 23/01625/4

Date of Review Decision Notice – 1 August 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 10 June 2024. The Review Body comprised Councillor B Brawn, Councillor D Cuthbert and Councillor D Illingworth.

1.2 The following persons were also present at the meeting:
C Elliott, Legal Adviser; L Tierney, Planning Adviser; and K Molley, Senior Democratic Governance 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 change of use of flat to short term let accommodation unit (in retrospect), 34 Lagreach Brae, Pitlochry, PH16 5QQ. The application was refused consent in terms of a decision letter dated 12 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 12 December 2023;
 - (iv) the Notice of Review and supporting documents;
 - (v) consultation responses and representation 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 minority opinion of Councillor D Illingworth was that the proposal would have limited impact on the residential amenity, and therefore the proposal should be granted.
- 4.3 The PKLRB considered that each proposal must be considered on its own merits. Other decisions elsewhere are for different locations with different considerations. This proposal would introduce a commercial use into what is a residential area. With the movement and intensification of use of people going through, there would be an unacceptable impact on the amenity and character of the area. The provision of disabled access to the short-term let does not outweigh the unacceptable impact on amenity.
- 4.4 Accordingly, the PKLRB refused the review application for the following reasons:
- (1) The proposed retrospective change of use is contrary to Policy 30, Tourism e) of National Planning Framework 4 (2023) as the proposal will result in:
 - (i) An unacceptable impact on local amenity and character of the area; and
 - (ii) loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.
 - (2) The proposal is contrary to National Planning Framework 4 (2023) Policy 14c): Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019), Policy 1A: Placemaking, Policy 17 d) Residential Areas and the Change of Use of Residential Property to Short-term Let Planning Guidance as the short-term let accommodation would adversely impact on the amenity of residents of

the flats and the short-term let use is not compatible with the amenity and character of the existing residential development.

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.