

REVIEW DECISION NOTICE

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

Site Address: Upper South Flat, Annesley Cottage, Burnside, Aberfeldy, PH15 2AU

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

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

Application Ref: 23/01423/FLL

Application Drawings: 23/01423/1 and 23/01423/2

Date of Review Decision Notice – 15 August 2024

Decision

The PKLRB overturned the decision to refuse planning permission for the reasons given below and allowed the review, subject to the imposition of appropriate conditions.

1 Introduction

- 1.1 The above application for planning permission was first considered by the PKLRB at a meeting held on 18 March 2024. The Review Body resolved that:
- (i) having regard to the material before the Local Review Body and the comments from the Planning Adviser, insufficient information was before the Local Review Body to determine the matter without further procedure.
 - (ii) Development Management to review and comment on the proposal in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
 - (iii) The applicant to review and comment on the response from Development Management as per (ii) above and in conjunction with the new Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
 - (iv) Following receipt of all information and responses, the application be brought back to a future meeting of the Local Review Body, along with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- 1.2 Following receipt of the requested information, the PKLRB convened on 10 June 2024. The Review Body comprised Councillor B Brawn, Councillor D Cuthbert and Councillor D Illingworth.

- 1.3 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 form short-term let accommodation unit (in retrospect), Upper South Flat, Annesley Cottage, Burnside, Aberfeldy, PH15 2AU. The application was refused consent in terms of a decision letter dated 31 October 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 31 October 2023;
 - (iv) the Notice of Review and supporting documents;
 - (v) consultation responses and representations to the planning application;
 - (vi) further information from the planning officer, as requested by the PKLRB on 18 March 2024, and comments from the applicant, together with a copy of the Non-Statutory Planning Guidance on Change of Use of Residential Property to Short-Term Let.
- 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 and explained the further comments received from the planning officer and the applicant.
- 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.

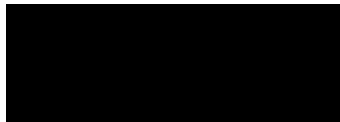
4 Findings and Conclusions

- 4.1 The PKLRB, by unanimous decision, decided that with a separate entrance and two parking spaces available for what is a small flat, the impact on residential amenity would be limited. Also, with businesses in the area the impact on the character of the area as a result of the change of use to short-term let would not be significant.

4.2 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB determined to uphold the application and grant planning permission subject to the following conditions:

- (1) The development hereby approved shall be used solely for holiday accommodation and shall not be occupied as the sole or main residence of any occupant.

Reason – In order to clarify the terms of the permission; to control and restrict the use of the building.



Lisa Simpson
Clerk to the Local Review Body

Informatives

1. Part of the approved development includes holiday accommodation or Short-term Let accommodation (STL). The developer is advised that holiday accommodation and STLs require to be licensed under the terms of Article 3 of the Civic Government (Scotland) Act 1982 (Licensing of Short-terms Lets) Order 2021 and therefore a licence application should be made to Perth and Kinross Council prior to operation commencing. Further information and application forms are available at <https://www.pkc.gov.uk/shorttermlets>.

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.

Notice of Initiation of Development



**PERTH &
KINROSS
COUNCIL**

Town and Country Planning (Scotland) Act 1997 (as amended)

A person who has been granted planning permission and intends to start development is required to inform the planning authority of the onsite start date before the development commences. This ensures that the planning authority is aware that development is underway, and can follow up on any suspensive conditions attached to a planning permission. Failure to do so will be a breach of planning control under section 123(1) of the above Act and enforcement action could be taken. Please complete the form below and return to Development Management.

Application reference number	23/01423/FLL
Date works are to commence	
Have you submitted information in relation to suspensive conditions?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
Name & address of applicant, site agent or developer	
Email	
Telephone number	

Send to:

DevelopmentManagement@pkc.gov.uk

**Development Management
Perth & Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD**

HOW WE USE YOUR PERSONAL INFORMATION

The information provided by you will be used by Perth & Kinross Council to process the application. The information will be published on the internet as part of the Council's Planning Portal.

The Council may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties or share your information with them in order to verify its accuracy, prevent or detect crime, protect public funds or where required by law.

For further information, please look at our website www.pkc.gov.uk/dataprotection; email dataprotection@pkc.gov.uk or phone 01738 477933.

Notice of Completion of Development



**PERTH &
KINROSS
COUNCIL**

Town and Country Planning (Scotland) Act 1997 (as amended)

A person who completes a development for which planning permission has been given must give notice of completion to the planning authority. If the planning permission is for a phased development, notice of the completion of each phase must be submitted. Please complete the form below and return to Development Management.

Application reference number	23/01423/FLL
Date works were completed	
Name & address of applicant, site agent or developer	
Email	
Telephone number	

Send to:

DevelopmentManagement@pkc.gov.uk

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