# **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 a	Agent (if any)		
Name MR KIT A	LEXANDER	Name	MARK WILLIAMSON		
Address KINNCSTON SCOTLANDVE	L	Address	34 HERMITAGE DRIVE PERTH		
Postcode Ky 6 3W		Postcode	PHI 25Y		
Contact Telephone 1 Contact Telephone 2 Fax No  E-mail*			elephone 1 07761 908656 elephone 2 marks NO 2 VIrgin media. con		
* Do you agree to correspo	ndence regarding your r	through th	box to confirm all contact should be is representative:   Yeş. No		
Planning authority		PERT	H=KINROSS COUNGL		
Planning authority's applica	ition reference number	24	0393 [IPL		
Site address	KINNESTON FARM	SCOTLAND	WELL, SLENROTLES KY6 300		
Description of proposed development	EREGION OF A	SWELLING	HOUSE IN PRINCIPLE.		
Date of application i5	MARCH 2024	Date of decision	on (if any) 31 MAY 2024		
Note. This notice must be s	erved on the planning a xpiry of the period allowe	uthority within	three months of the date of the decisioning the application.		

Natı	ure of application	Notice of Re	eview
1. 2. 3.	Application for planning permission (including householder application)  Application for planning permission in principle  Further application (including development that has not yet commenced and where a has been imposed; renewal of planning permission; and/or modification, variation or a planning condition)  Application for approval of matters specified in conditions		
Rea	sons for seeking review		,
1. 2. 3.	Refusal of application by appointed officer Failure by appointed officer to determine the application within the period allowed for determination of the application Conditions imposed on consent by appointed officer	г	
Rev	iew procedure		
time to d such	Local Review Body will decide on the procedure to be used to determine your review during the review process require that further information or representations be made termine the review. Further information may be required by one or a combination as: written submissions; the holding of one or more hearing sessions and/or instance the subject of the review case.	le to enable to on of procedu	them ures,
hand	ase indicate what procedure (or combination of procedures) you think is most ap dling of your review. You may tick more than one box if you wish the review to be abination of procedures.		
1. 2. 3. 4	Further written submissions One or more hearing sessions Site inspection Assessment of review documents only, with no further procedure		
belo	ou have marked box 1 or 2, please explain here which of the matters (as set out in www.) you believe ought to be subject of that procedure, and why you consider further ring are necessary:		
			,
Site	inspection		

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- Can the site be viewed entirely from public land?
- 2 Is it possible for the site to be accessed safely, and without barriers to entry?

Yes No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

SKNSTTIVE RACE HORSES ON THE FARM THEREFORE AN ACCOMPANIED

#### 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.

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	n any matters wr n your applicatio			appointed office	er at the time the	Yes No
f ves vou shou	ıld evnlain in the	hov held	w why you s	re raising new n	naterial why it w	as not raised with
the appointed of considered in you	officer before yo	our applic	ation was def	ermined and wh	ny you consider	it should now be

#### 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.

DOC 1 DECISION LETTER 24/00393/TPL

DOC 2 REPORT OF HANDLING 24/00393/TPL

DOC 3 FARM LAYOUT PLAN

DOC 4 THUSTRATIVE IMAGE 1

DOC 5 THUSTRATIVE IMAGE 2

DOC 6 SHE SECTIONS = ELEVATIONS

PHOTOS 1 = 2

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 05/08/2024

#### **Statement**

Notice of Review

Erection of a dwellinghouse (in principle) on land 330 metres North West of 5 Kinneston Cottages, Leslie, Glenrothes KY6 3JJ

24/00393/IPL

# Introduction & Background

This Notice of Review is submitted following the refusal of planning permission under delegated powers on the 31 May 2024 for the erection of a dwellinghouse in principle on land at Kinneston Farm under application 24/00393/IPL.

Kinneston Farming Company manages an 800-acre mixed farm with arable, grazing and forestry. Also, part of this company is a well-established diversified racehorse training operation – Kinneston Stables. This business employs 21 full-time, 10 part-time staff and provides significant income for local farriers, vets and feed merchants and also provides income to a wide range of contractors supporting the arable and forestry operations.

The purpose of the Review application is that the applicant's father, Nick Alexander is looking to retire and remain on the farm in Kinneston House and a succession dwelling is required for his son.

It is the intention for this dwelling to be used as the applicant's main accommodation when he succeeds his parents upon their retirement and continues the running of Kinneston Stables and Kinneston Farming Company.

The Review application therefore, is on the basis of farm succession allowing the passing down of the business and enabling a close working relationship between father and son in this transition and is supported in principle under NPF4 Policy 17(vi) for a single home for the retirement succession of a viable farm holding.

The reasons for refusal are outlined below, relating to Policy 1 and 19 of the adopted local development plan and NPF Policy 14 and 17 in relation to siting and design criteria and NPF Policy 4 where the application site is a greenfield site and is not supported by housing in the countryside policies. (Doc 1)

The reasons for refusal were:-

1. The proposal does not satisfy the siting and design criteria set out in national and local planning policy for new homes in rural areas. The site lacks full enclosure and long-established natural boundaries which separates the site naturally from the surrounding ground and is distant from the cluster of buildings on the farm which includes the main farmhouse and other residential properties. The proposal does not respect the character and amenity of the place. The proposal does not satisfy the requirements of NPF4 Policy 14: Design, Quality and Place, NPF4 Policy 17 Rural

Homes and LDP2 Policy 1: Placemaking and associated Supplementary Guidance (2020) and LDP2 Policy 19 Housing in the Countryside and associated Supplementary Guidance (2020).

2. This is a greenfield site and it has not been allocated for development and it is not explicitly supported by policies of the Perth and Kinross Local Development Plan 2 (2019). The proposal is therefore contrary to NPF4 Brownfield, Vacant and Derelict Land and Empty Buildings Policy 9 b).

In this Review it will be demonstrated that the Review proposal is acceptable in principle, in accordance with NPF4 Policy 17 Rural Homes and in terms of it's siting and design it will not have an adverse impact on the visual amenity or character of the countryside at Kinneston.

# **Development Plan**

The Development Plan for the area comprises the National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019).

# **National Planning Framework 4**

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy aims to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4:

- Policy 9: Brownfield, vacant and derelict land and empty buildings
- Policy 14: Design, Quality and Place
- Policy 16: Quality Homes
- Policy 17: Rural Homes

# Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The site is located within the landward area of the LDP2, where the following policies are applicable,

- Policy 1A: PlacemakingPolicy 1B: Placemaking
- Policy 5: Infrastructure Contributions

- Policy 46A: Loch Leven Catchment Area
- Policy 53B: Water Environment and Drainage: Foul Drainage
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 53E: Water Environment and Drainage: Water Supply
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

# **Statutory Supplementary Planning Guidance**

The following statutory SPG are applicable to the proposal,

- Developer Contributions & Affordable Housing (adopted in 2020)
- Supplementary Guidance Placemaking (adopted in 2020)

# **Non-Statutory Planning Guidance**

The following non-statutory SPG are applicable,

- Planning Guidance Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC
- Planning Guidance Planning & Biodiversity

#### NATIONAL PLANNING GUIDANCE

The Scottish Government expresses its planning policies through Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

## **Planning Advice Notes**

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding

## **National Roads Development Guide 2014**

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

# Reason for Refusal and Grounds of the Review

The reasons for the review and matters considered refer to the reasons for refusal, which can be summarised:-

- -that the Review Proposal does not satisfy the relevant policy siting and design criteria and
- that it is a greenfield site and is not supported by housing in the countryside policies.

The above issues will be considered below in the applicant's statement and argument against the reasons for refusal, in support of the Review.

The siting and design of the Review Proposal will not impact adversely on the visual amenity or character of the countryside.

The principle of the Review proposal is acceptable and is in accordance with NPF4 Policy 17 Rural Homes (vi) for a single home for the retirement succession of a viable farm holding, in accordance with the Scottish Government's Transitional Arrangements for National Planning Framework 4 (Feb 2023).

Perth and Kinross Local Development Plan 2 Policy 19 – Housing in the Countryside and it's Supplementary Guidance is not relevant as it makes no reference to supporting a single dwellinghouse for farm succession.

NPF4 Policy 17 Rural Homes states that new homes for farm succession in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area.

The Delegated Report (Doc 2) stated that:-

Mature trees on the north side of a track to the rear of the site provide a backdrop however it lacks full enclosure and long-established natural boundaries which separates the site naturally from the surrounding ground as required by the Supplementary Guidance. The supporting information does not fully consider other discounted sites nearer to the hub of the farming and equestrian activity. The site is located 300m north of the cluster of farm buildings and is distant from the hub of the farming operation. Planning considers there is a more appropriate site for a dwellinghouse closer to the cluster of farm buildings.

The proposal does not demonstrate this is the best possible option in terms of the fit within the landscape and it does not reflect the traditional pattern and character of the area.

As stated above it is considered that the Council's Supplementary Guidance is not relevant to this proposal. Furthermore, if it was applicable, the siting criteria in the Housing in the Countryside Guidance 2020 is for guidance purposes only and is not prescriptive in character.

The assessment detailed in the Delegated Report however requires the application to fully satisfy these criteria. In the Pre-application process the Council did not suggest a site which would satisfy the siting criteria, but only discounted the 3 sites that were proposed by the appellant. The Delegated Report concentrates solely on satisfying fully the siting criteria. Importantly however, in choosing the optimal site for the business this involved the appellant considering not only the physical siting criteria but also the operational criteria which would benefit the business.

As indicated in the Supporting Statement submitted with the Review application the siting of the dwellinghouse was carefully considered in terms of best landscape fit on the mid slope of Munduff Hill and backdropped to the north by a stand of trees and bounded by a long-established dry-stone wall. (see Photos 1-2) The eastern boundary is also a long-established boundary fence.

The proposed site is situated on the mid slopes on the south side of Munduff Hill at an elevation of 192-193m AOD. The nearest public road is the A911 to the south. Due to the topography, there is no public view of the proposed site from the road – there is no intervisibility. The site is screened to the north on higher ground by a band of trees which run east to west along the lower slopes of Munduff Hill at an elevation of 195-210m AOD. More distant views of the site from the east are screened by woodland. There would be very low public visibility of the proposed site from the west in distant views due to the openness and elevation of the land.

There is no sky-lining due to the site location on the mid-slope with the backdrop of the rising hill and tree belt.

The proposed design of the house will have a horizontal rather than vertical emphasis to blend sympathetically with the landform and the materials used will look to complement the local character and the landscape in which the house is set.

Along the A911 to the east there is built development at a similar and greater height on the hill as the Review proposal at Little Arnot, Newton, Westerton and Meikle Balquhomrie.

Operational considerations in the choice of site were important and the building of a dwellinghouse away from the main farmyard which is characterised by busy horse activity and stabling was a main consideration. The Review site is advantageous as it is close to the training run to the north as indicated in Doc 3 – Farm Layout Plan.

The Review site therefore is the optimum choice for the business by trying to achieve a good landscape fit through siting and design of the proposed dwelling and a location which is operationally practical for the business.

The Review application is in principle and the scale and design will be confirmed at the detailed planning stage. An indicative site plan, photomontage, long cross-section and Design Brief, however illustrated how a suitably scaled and designed dwellinghouse can be accommodated on the site and that it fits well with the topography of the sloping hill ground on the farm. (Doc 4, Doc 5, Doc 6, Photos 1& 2)

At the Pre-application stage and in the Delegated Report there were queries raised which were based on an assessment of the proposal under the Housing in the Countryside Policy Guidance.

Firstly, it was asked if there are any non-domestic properties that could be converted to provide accommodation or if there were any other available dwellinghouses on the farm?

In terms of non-domestic buildings all of these are fully used for the farm and horse training purposes comprising stables, garages and offices. They are not available for conversion and if they were, they would not be appropriate in terms of their scale, construction or location in the middle of the working yard. Also, it is not considered that it would be cost effective or viable to convert these older buildings to provide modern living accommodation which could satisfy current building standards or take advantage of renewable energy sources such as solar gain.

With regard to other dwellinghouses on the farm there are currently 4 of these and they are all occupied by people working in the farm business. Also queried in the Pre-application response was the question of availability of residential accommodation under two planning consents at West Bowhouse which were associated with Kinneston Farm.

Residential accommodation at West Bowhouse is not available for this proposal as the consents were sold and the money from them was re-invested in the Kinneston business. The applicant has stated that it would not have been possible to create the current scale of business without the proceeds from these sales.

The proposed site choice is one where it provides the best opportunity to realise a modern, family home taking advantage of aspect and orientation. The site has well established boundaries and is back-dropped by the rising hill to the north and trees as illustrated in the photomontage, long cross-section and site photos. There is also an existing farm track which will allow access to the site without the need to construct a new access.

The site choice will also limit any construction impact, noise and disruption on the central courtyard and stables area which is sensitive due to the frequent presence of the racehorses.

It is concluded then that the proposed siting and design of the Review house will not have a detrimental impact on the character or appearance of the Loch Leven & Lomond Hills Local Landscape Area in accordance with Policy 39 of the adopted LDP and the Landscape Supplementary Guidance 2020.

The Review site is supported by Development Plan policies which allow the siting of housing on greenfield sites

The second reason for refusal is generated automatically because the Review proposal was not considered by the Planning Authority to satisfy the Development Plan policies on housing in the countryside and it is therefore a greenfield site without policy support.

This view is disputed as it is considered that the Review proposal is acceptable in principle being in accordance with NPF4 Policy 17 Rural Homes in terms of farm succession. As indicated above it is also suitably scaled, sited and designed to satisfy the operational needs of the business and to not impact adversely on the visual amenity and character of the landscape around Kinneston.

The Review site therefore is a greenfield site which is acceptable under Development Plan rural homes policy and is not contrary to Policy 9 b) of NPF4.

# Other Planning Considerations

As indicated in the Delegated Report there are no objections to the Review proposal from the main consultees in terms of Roads & Access, Residential Amenity, Flood Risk, Cultural Heritage and Natural History & Biodiversity. There are no public objections to the Review proposal.

# **Conclusions**

The provision of a single home for the retirement succession of a viable farm holding is supported in principle by NPF4 Policy 17 Rural Homes (vi).

As indicated above the siting and design siting and design of the Review house will not have a detrimental impact on the character or appearance of the Loch Leven & Lomond Hills Local Landscape Area in accordance with Policy 39 of the adopted LDP and the Landscape Supplementary Guidance 2020 and therefore is in accordance with the requirements of NPF4 Policy 14: Design, Quality and Place, NPF4 Policy 17 Rural Homes and LDP2 Policy 1: Placemaking and associated Supplementary Guidance (2020).

The Review site therefore is a greenfield site which is acceptable under Development Plan rural homes policy and is not contrary to Policy 9 b) of NPF4.

For the reasons outlined above it is considered that the Review proposal for a single dwellinghouse is acceptable in principle and it is respectfully requested that the Review is upheld.



Mr Kit Alexander c/o AC Architects Lewis House 213 East Way Hillend Industrial Estate Hillend KY11 9JF Pullar House 35 Kinnoull Street PERTH PH1 5GD

Date of Notice: 31st May 2024

# TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: 24/00393/IPL

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to refuse your application registered on 15th March 2024 for permission for Erection of a dwellinghouse (in principle) Land 330 Metres North West Of 5 Kinneston Cottages Leslie Glenrothes KY6 3JJ for the reasons undernoted.

# David Littlejohn Head of Planning and Development

#### Reasons for Refusal

- 1. The proposal does not satisfy the siting and design criteria set out in national and local planning policy for new homes in rural areas. The site lacks full enclosure and long-established natural boundaries which separates the site naturally from the surrounding ground and is distant from the cluster of buildings on the farm which includes the main farmhouse and other residential properties. The proposal does not respect the character and amenity of the place. The proposal does not satisfy the requirements of NPF4 Policy 14: Design, Quality and Place, NPF4 Policy 17 Rural Homes and LDP2 Policy 1: Placemaking and associated Supplementary Guidance (2020) and LDP2 Policy 19 Housing in the Countryside and associated Supplementary Guidance (2020).
- 2. This is a greenfield site and it has not been allocated for development and it is not explicitly supported by policies of the Perth and Kinross Local Development Plan 2 (2019). The proposal is therefore contrary to NPF4 Brownfield, Vacant and Derelict Land and Empty Buildings Policy 9 b).

# **Justification**

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

# **Notes**

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at <a href="https://www.pkc.gov.uk">www.pkc.gov.uk</a> "Online Planning Applications" page

# Plan Reference 01

# REPORT OF HANDLING

#### **DELEGATED REPORT**

Ref No	24/00393/IPL		
Ward No	P8- Kinross-shire		
Due Determination Date	14th May 2024		
Draft Report Date	24th May 2024		
Report Issued by	Claire Myles	Date 24/5/24	

**PROPOSAL:** Erection of a dwellinghouse (in principle)

**LOCATION:** Land 330 Metres North West Of 5 Kinneston

Cottages Leslie Glenrothes KY6 3JJ

#### **SUMMARY:**

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

#### **BACKGROUND AND DESCRIPTION OF PROPOSAL**

The application is for a dwellinghouse on an unused greenfield site at Kinneston Farm, east of Scotlandwell.

Indicative plans have been submitted to show a site measuring 2439 sqm and a housing plot of 199 sqm. The proposed site is situated on the mid slopes on the south side of Munduff Hill. The nearest public road is the A911 to the south. The vehicle access to the public road network for the property will be via the existing private vehicle track running to the north of the A911.

The applicant's father, is looking to retire and remain on the farm in Kinneston House and it is the intention for the proposed dwellinghouse to be used as the applicant's main accommodation when he succeeds his parents upon their retirement and continues the running of Kinneston Stables and Kinneston Farming Company.

#### SITE HISTORY

None

#### PRE-APPLICATION CONSULTATION

Pre application Reference: 23/00060/PREAPL and this was followed by a further pre application reference: 23/00117/PREAPL – which reviewed two sites and involved a site visit and meeting. Both options are not identifiable sites and do not meet the criteria set out in the Supplementary Guidance. The overall site is constrained due to its layout and current business operations. However, there does appear to be opportunities to use the existing residential accommodation which has not been fully justified as part of the pre-app enquiry. There is no detail of the 'multiple sites' explored as indicated in the supporting statement. This application is related to Site 1 which was reviewed as part of the pre-application. The pre-app response reported

that Site/Option 1 is remote from the existing building group and is part of an open field and not naturally separated from the surrounding ground.

#### **DEVELOPMENT PLAN**

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Perth and Kinross Local Development Plan 2 (2019) (LDP2).

# **National Planning Framework 4**

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

The Council's assessment of this application has considered the following policies of NPF4:

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 17: Rural Homes

Policy 20: Blue and Green Infrastructure

Policy 22: Flood Risk and Water Management

Policy 5: Infrastructure Contributions

Policy 18: Infrastructure First

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development

Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings

# Perth and Kinross Local Development Plan 2 – Adopted November 2019

The Local Development Plan 2 (LDP2) is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The principal policies are:

Policy 1A: Placemaking

Policy 1B: Placemaking

Policy 2: Design Statements

Policy 19: Housing in the Countryside

Policy 39: Landscape

Policy 42: Green Infrastructure

Policy 53B: Water Environment and Drainage: Foul Drainage

Policy 53C: Water Environment and Drainage: Surface Water Drainage

Policy 60B: Transport Standards and Accessibility Requirements: New Development

Proposals

# **Statutory Supplementary Guidance**

- Supplementary Guidance Green & Blue Infrastructure (adopted in 2020)
- Supplementary Guidance Housing in the Countryside (adopted in 2020)
- <u>Supplementary Guidance Landscape</u> (adopted in 2020)
- <u>Supplementary Guidance Placemaking</u> (adopted in 2020)

#### **OTHER POLICIES**

## **Non-Statutory Guidance**

- Planning Guidance - Planning & Biodiversity

## **NATIONAL GUIDANCE**

The Scottish Government expresses its planning policies through The National Planning Framework, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

# **Planning Advice Notes**

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning and Building standards Advice on Flooding

- PAN 75 Planning for Transport
- PAN 77 Designing Safer Places

# **National Roads Development Guide 2014**

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

#### **CONSULTATION RESPONSES**

#### External

Scottish Water - No objection and consultation response notes there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore would advise applicant to investigate private treatment options.

(Portmoak) Scottish Gliding Centre - no response.

## Internal

Transportation And Development - No objection, subject to condition for further details to be submitted as part of a formal planning application.

Development Contributions Officer - Conditions recommended for developer contributions towards education.

Environmental Health (Private Water) - No objection subject to condition. Informatives recommended.

Environmental Health (Contaminated Land) - A search of the historic records did not raise any concerns regarding ground contamination and therefore no adverse comments to make on the application.

#### **REPRESENTATIONS**

No representations were received.

#### Additional Statements Received:

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA):	Not applicable
Environmental Report	
Appropriate Assessment under Habitats Regulations	Habitats Regulations /
	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk	Not Required
Assessment	

#### APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises NPF4 and the Perth and Kinross Local Development Plan 2019. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

# **Policy Appraisal**

This is an application to determine the principle of a dwellinghouse on land at Kinneston Farm, east of Scotlandwell.

The key policy considerations are NPF4 Policy 17: Rural Homes and LDP2 Policy 19: Housing in the Countryside and related Housing in the Countryside Supplementary Guidance (2020).

NPF4 Policy 17a) supports development for new homes in rural areas which are suitably scaled, sited and designed to be in keeping with the character of the area and the development meets the following criteria -

- i. is on a site allocated for housing within the LDP;
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- iii. reuses a redundant or unused building;
- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding;
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

Relevant to the proposal is criteria (vi) a single home for the retirement succession of a viable farm holding. LDP2 is silent on homes for retirement succession.

Further policy consideration is NPF14: Design, Quality and Place which promotes well designed development which is consistent with the six qualities of successful places. This algins with LDP2 Policy 1A and 1B Placemaking, which states development must contribute positively to the quality of the surrounding built and

natural environment. All development should be planned and designed with reference to climate change, mitigation and adaptation. The design, density and siting of development should respect the character and amenity of the place. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.

Also relevant is NPF4 Policy 9 b) which states proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

The key policies are considered further in the report below.

#### **Rural Homes**

# Scale, Siting and Design

NPF4 Policy 17 and LDP2 Policy 19 support proposals for new homes in rural areas which are suitably scaled, sited and designed to be in keeping with the character of the area. LDP2 Housing in the Countryside Supplementary Guidance (2020) provides further guidance and outlines proposals must demonstrate that the site chosen is the best possible option in terms of the fit within the landscape and reflects the traditional pattern and character of the area. Proposals are required to demonstrate that it meets the following criteria when viewed from surrounding vantage points - it blends sympathetically with landform; it uses existing trees, buildings, slopes or other natural features to provide a backdrop; it uses an identifiable site with long established boundaries which separates the site naturally from the surrounding ground; and it will make a positive contribution to the surrounding landscape.

The applicant's Design Statement (Document 06) notes the site achieves the flattest area for the applicant and the undulation of the land also provides some natural coverage and privacy from the main commuter route, the A911 (500m to the south). The supporting statement highlights that the proposed plot is set apart from the main business facilities, on land hidden at the crest of a hill, reducing noise impact from working farm business, utilising existing drystone walls and mature vegetation as boundary treatments, as well as maximising views out towards Loch Leven.

Planning response - the application site is open agricultural land with a timber shed and is used for grazing horses. Mature trees on the north side of a track to the rear of the site provide a backdrop however it lacks full enclosure and long-established natural boundaries which separates the site naturally from the surrounding ground as required by the Supplementary Guidance. The supporting information does not fully consider other discounted sites nearer to the hub of the farming and equestrian activity. The site is located 300m north of the cluster of farm buildings and is distant from the hub of the farming operation. Planning considers there is a more appropriate site for a dwellinghouse closer to the cluster of farm buildings.

The proposal does not demonstrate this is the best possible option in terms of the fit within the landscape and it does not reflect the traditional pattern and character of the area.

The Design Statement outlines the proposal for an eco-friendly, thermally efficient dwellinghouse. The dwellinghouse will be of high quality and contemporary design which will interpret and integrate the traditional rural vernacular of its context. It states this will be achieved by using appropriate materials which will respect and reinforce local character and keep features such as the traditional high-pitched roofs. Any existing trees within the plot curtilage will be kept, and new planting will be native.

Planning response - the detail of the design and layout would be subject to a further detailed application.

The statement notes Kinneston Stables is situated directly east of Scotlandwell on the north side of A911, just under a kilometre from Scotlandwell's main street.

Planning response - there is no supporting information to demonstrate consideration has been given to the applicant living in Scotlandwell given the proximity of this settlement identified in LDP2, or to any of the other properties within the applicants control.

The proposal is contrary to NPF4 Policy 17 Rural Homes and LDP2 Policy 19 and associated Housing in the Countryside Supplementary Guidance (2020).

In respect of national and local placemaking policies, an indicative site plan shows a building footprint of 200 sqm (approx.) within a plot measuring 2429 sqm. The residential plot is distant from the cluster of buildings forming the farming unit which includes Kinneston House and cottages within a working yard and is not in keeping with the rural character of the site and surrounding area. The proposal does not satisfy NPF4 Policy 14: Design, Quality and Place and LDP2 Policy 1: Placemaking.

#### Farm Succession

The Design Statement reports the intention for the dwelling to be used as the applicant's main accommodation when he succeeds his parents upon their retirement, to continue the running of Kinneston Stables and Kinneston Farming Company. The current owners occupy Kinneston House and do not plan to move upon their retirement. The proposed dwelling would assist in reducing commuter time and allow for a more sustainable quality of life, with minimal impact on the day-to-day operations of the business and business facilities.

NPF4 Policy 17 a) criteria (vi) allows for a single home for the retirement succession of a viable farm holding. LDP2 is silent on homes for retirement succession.

The applicant's Planning Statement (Document 07) highlights succession planning is a crucial part of farm and estate management helping to sustain rural businesses over time and retaining population and employment in the countryside and therefore contributing to the rural economy. It notes this importance has been recognised in NPF4 Policy 17 Rural Homes where planning policy support will be given for accommodation in the countryside which enables farm succession.

In response, a key part to NPF4 Policy 17 a) is that support will be given for new homes in rural areas where the proposed dwelling is suitably scaled, sited and

designed to be in keeping with the character of the area and the development meets key criteria with criterion (vi) retirement succession relevant. As noted earlier in the report, the site is located 300m north of the cluster of farm buildings which includes Kinneston House and is distant from the hub of the farming operation. Planning considers there is a more appropriate site for a dwellinghouse closer to the cluster of farm buildings. The proposal does not demonstrate this is the best possible option in terms of the fit within the landscape and it does not reflect the traditional pattern and character of the area. The proposal does not therefore satisfy NPF4 Policy 17 a).

# <u>Housing in the Countryside Supplementary Guidance (HitC Supplementary Guidance) –</u>

Scope for renovating, converting or redeveloping any existing houses or nondomestic buildings

The HitC Supplementary Guidance states that applicants must also provide evidence that consideration has been given to the scope for renovating, converting or redeveloping any existing houses or non-domestic buildings within their landholding with an explanation as to why this option has not been pursued, for example, through the submission of a development viability statement.

The applicant's Planning Statement responds to this and in terms of non-domestic buildings reports all of these are fully used for the farm and horse training purposes comprising stables, garages and offices. They are not available for conversion and if they were, they would not be appropriate in terms of their scale, construction or location in the middle of the working yard. Also, it is not considered that it would be cost effective or viable to convert these older buildings to provide modern living accommodation which could satisfy current building standards or take advantage of renewable energy sources such as solar gain. With regard to other dwellinghouses on the farm there a currently four of these and they are all occupied by people working in the farm business.

In response, the existing buildings and their use has been addressed. However, in respect of the appropriateness of their location, it is noted that the current owner of the farming business resides in Kinneston House located in the middle of the working yard and the other four dwellinghouses are all located within the cluster of farm buildings and working yard and occupied by people working in the farming business. The case regarding appropriateness of the location is therefore weak.

The HitC Supplementary Guidance also states the following will be taken into account in considering proposals for new housing to support an existing rural business -

Changes in the business over the last 5 years – applicants may be required to confirm whether any houses or buildings associated with the business have been sold off which could instead have been renovated or converted to provide accommodation.

The Planning Statement notes two planning consents at West Bowhouse which were associated with Kinneston Farm and raised as part of the pre-application response - a proposal for 2no houses was approved 20/00231/FLL. It reports that residential

accommodation at West Bowhouse is not available for this proposal as the consents were sold and the money from them was re-invested in the Kinneston business. The applicant has stated that it would not have been possible to create the current scale of business without the proceeds from these sales.

Distance of the house from animals or livestock - it will generally be appropriate for a farm workers house to be located close to livestock for animal welfare reasons. Some other non-farming businesses, for example, a kennels or equestrian business may also require workers to live on-site.

The Planning Statement highlights the proposed site location is close to the main training grounds as indicated on the Framework Plan (Document 02). The remoteness of the site from the farming operation and other dwellinghouses is highlighted in the report. It is considered there are more suitable sites for a dwellinghouse within the landholding should this be demonstrated to be necessary.

Whether the size of the house is appropriate – if the new house is to provide a second residential unit for the farm or business rather than being the main house, the scale should reflect this.

The proposed plot is large at 2439 sqm. As noted in the HitC Supplementary Guidance 'Whilst each application has to be considered on its own merits it may, in some cases, be appropriate to consider the likelihood of further applications for new housing, for example, arising from the subdivision of a farming unit.' There is scope for further development on the application site.

#### **Greenfield Site**

The application site is a greenfield site. It has not been allocated for development and it is not explicitly supported by policies of the LDP2. The proposal is therefore contrary to Policy 9 b) of NPF4.

#### **Roads and Access**

Transportation and Development have no objection to the proposal subject to the submission of a detailed application providing full details on the access, parking and turning facilities to ensure the proposal satisfies NPF4 Policy 13 Sustainable Transport and LDP2 Policy 60B. This would be controlled by condition.

## **Drainage and Flooding**

The site is not in a flood risk area. Full details of surface water and foul drainage would be required with a detailed application to fully satisfy national and local planning policy. This would be controlled by condition.

# **Natural Heritage and Biodiversity**

The applicant's Planning Statement reports no trees would be removed to enable the development and as part of the development tree planting of native species within the site is proposed which will create new habitat and enhance the existing

biodiversity in the vicinity in line with national and local planning policy on the natural heritage and biodiversity. This would be controlled by condition.

# **Developer Contributions**

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

# **Economic Impact**

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

#### **VARIATION OF APPLICATION UNDER SECTION 32A**

This application was not varied prior to determination, in accordance with the terms of section 32A of the Town and Country Planning (Scotland) Act 1997, as amended.

# PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

#### **DIRECTION BY SCOTTISH MINISTERS**

Nonapplicable to this proposal.

#### **CONCLUSION AND REASONS FOR DECISION**

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to be contrary to the Development Plan. Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan.

Accordingly, the proposal is refused on the grounds identified below.

#### Reasons

1. The proposal does not satisfy the siting and design criteria set out in national and local planning policy for new homes in rural areas. The site lacks full enclosure and long-established natural boundaries which separates the site naturally from the surrounding ground and is distant from the cluster of buildings on the farm which includes the main farmhouse and other residential properties. The proposal does not respect the character and amenity of the place. The proposal does not satisfy the requirements of NPF4 Policy 14: Design, Quality and Place, NPF4 Policy 17 Rural Homes and LDP2 Policy 1: Placemaking and associated Supplementary Guidance (2020) and LDP2 Policy 19 Housing in the Countryside and associated Supplementary Guidance (2020).

PLANS AND DOCUMENTS RELATING TO THIS DECISION

Not Applicable.











