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Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100681132-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	A.S Associates ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Allie	Building Name:	
Last Name: *	Arthur	Building Number:	154
Telephone Number: *	01337 840 088	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newburgh
Fax Number:		Country: *	Fife
		Postcode: *	KY14 6DZ
Email Address: *	info@asassociatesltd.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

☐ Individual ☒ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

You must enter a Building Name or Number, or both: *

Other Title:

Building Name:

First Name: *

Building Number:

Last Name: *

Address 1
(Street): *

Company/Organisation

DVC Investments Ltd

Address 2:

Telephone Number: *

Town/City: *

Extension Number:

Country: *

Mobile Number:

Postcode: *

Fax Number:

Email Address: *

info@asassociatesltd.co.uk

Site Address Details

Planning Authority:

Perth and Kinross Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land 30 Metres South Of Kinfauns House, Church Road, Kinfauns, Perth

Northing

722200

Easting

317000

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Siting of a caravan and 2 storage containers, erection of decking, fence and gates, formation of parking areas and associated works (in retrospect)

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to submitted Statement of Reasons for Seeking Review.

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

☒ Yes ☐ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

During the application assessment, further to comment from Transport Planning, revised Block Plans were submitted to show the SW existing field access closed-up and access taken solely through the existing NW field gate. The applicant has now ascertained that this is not a viable arrangement (as explained in applicant's Personal Statement) and seeks that the originally submitted arrangement regarding access be considered by the LRB (drawing 3370-P-001 revA), Drawing No. 01 in the online file.

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement of Reasons for Seeking Review, Applicant's Personal Statement (also included as Appendix 1 in Statement of Reasons for Seeking Review), Drawing 3370-P-001 revA Location Plan and Block Plan.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/01305/FLL

What date was the application submitted to the planning authority? *

30/07/2023

What date was the decision issued by the planning authority? *

17/05/2024

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site visit by the members of the Local Review Body will enable a full understanding of the proposal, the progress made with the market garden enterprise, the characteristics of the site, its access and its surroundings.

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

Can the site be clearly seen from a road or public land? *

☐ Yes ☒ No

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. (Max 500 characters)

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Allie Arthur

Declaration Date: 15/08/2024



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Newburgh. KY14 6DA

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Perth & Kinross Local Review Body

Statement of Reasons for Seeking Review

Application 23/01305/FLL

Siting of a caravan and 2 storage containers, erection of decking, fence and gates, formation of parking areas and associated works (in retrospect)

Land 30 Metres South of Kinfauns House, Church Road, Kinfauns, Perth PH2 7LD

1.0 Introduction

1.1 This statement is submitted to the Local Review Body on behalf of Mr and Mrs Cutt, whose application (under their business name of DVC Investments) was refused under delegated powers on 17th May 2024.

1.2 With respect, Mr and Mrs Cutt seek the Perth & Kinross Local Review Body to fully consider the following response to the reasons for refusal and to reach a conclusion that, **on balance, it is reasonable to approve this proposal.**

2.0 Background

- The site is part of an approx. 2.0ha (5 acre) field, formerly Kinfauns Church glebe. The applicants are recent owners, having purchased the agricultural land in 2023, aiming to establish a market garden business.
- The field was laid to grass at the time of purchase and the applicants have since ploughed and harrowed the land, with some beds of vegetables already growing. They intend to produce a variety of crops, both outdoor and under cover. Prior notification applications have also been submitted to the Council for polytunnels and a greenhouse.
- The applicants, to make progress and enable them to begin work, located two storage containers and a caravan on the land. These provide secure storage for their machinery and equipment, 'welfare' facilities and occasional overnight accommodation. The applicants were unaware of the need for planning permission.
- Following contact from the Council's Enforcement Officer the applicants submitted their retrospective application for the caravan and containers. The gates and parking area referred to in the application description are not retrospective. We appreciate the contact with the case officer and enforcement officer during the application process.
- Despite the planning issues to be resolved, the applicants are committed to developing their market garden. They have joined the NFU (Scotland) and the Soil Association Scotland, to become licensed organic fruit and vegetable producers with the land in a conversion process to organic status. They are intending to establish a small flock of sheep, recommended as a way to promote biodiversity and control unwanted vegetation. The applicants are also participating, by invitation, in the co-design phase of the Soil Association's 'New Organic Entrepreneurs' which supports new entrants into organic farming.
- Through their experiences working on the land the applicants have proven that the caravan/storage facilities are essential, including providing shelter in extreme weather and facilities for breaks. This has enabled them to make progress with planting vegetable beds, over 200 trees/shrubs and replacing boundary fencing.
- The labour requirements for **market gardening are very high** when compared with arable cropping or keeping of livestock. As the applicants' market gardening business progresses they will inevitably be on-site for increasing periods of time. The sheep will also require them to be on-site in the future, for animal welfare.

Labour Requirements

(a standard annual labour unit, i.e. one worker, is equivalent to 1900 hours of labour)

	hours/annum/ per hectare		hours/annum/ per hectare
Arable and livestock		Market Gardening	
Cereals	18	Fruit/vegetables under cover	7,000
Grassland	3.1	Other peas/beans	500
Sheep (ewes/rams, lowland)	5.2	Top and soft fruit	425
		Outdoor vegetables/salad	80

Source: The Farm Management Handbook 2023/24 SAC Consulting

3.0 Comments on the Assessment of the Proposal

3.1 The Report of Handling refers to the impact of the proposal as being detrimental to the setting of Kinfauns House (the former Kinfauns Manse) lying to the north of the application site and makes it a refusal for refusal. However, the Report's assessment of Kinfauns House and its setting is **inconsistent** and it is unclear how it could be concluded that there would be a significant impact. It is variously described as '*prominently visible in wider views from the A90 and the opposite side of the River Tay*', '*partially screened by trees*' (but considered to be '*prominently visible*') and '*partially visible south elevation*'.

3.2 With respect, we contend that Kinfauns Manse is **well screened** by trees, is **not** prominent and only **minimally** visible, in both nearer and more distant views, due to the trees/woodland enclosing its boundaries and its limited viewpoints. The immediate views to the north from the A90 are of the roadside high hedges and fields of polytunnels. A view of Kinfauns House from the opposite side of the River Tay is extremely limited, and from any viewpoint on a public road is around 2km distant.

3.3 The Report of Handling includes assessment of the proposal in terms of the following issues:

- ⇒ **The Principle of the Development** (housing, rural development and Green Belt),
- ⇒ **Design and Layout**
- ⇒ **Landscape**
- ⇒ **Conservation Considerations**

3.4 We have addressed these above issues in the following Response to the Reasons for Refusal section of this Statement.

- ⇒ **Residential Amenity - no concerns** raised. The applicants are agreeable to any planning condition relating to noise and flue smoke (as indicated in the Report) should the LRB be minded to approve the application.
- ⇒ **Roads and Access** - the applicants agreed to close the existing field access, in the south-west of the site, following comments from the Transport Planning Team, with a revised site plan submitted. However, the applicants have been gaining experience with the features of the field as work progresses and have benefitted from the advice of others who are familiar with the site, its history and with the requirements for the movements of agricultural machinery etc., Various points of access to the field have been discussed but the best entrance to the field is through the **existing south-west access**. This has also been shown to be a suitable location for access for a desludging tanker. The detailed consideration of the other possibilities for access and the conclusion reached are detailed in the applicants' own submission in Appendix 1.
- ⇒ **Waste** - the applicants will provide further details regarding waste storage and collection should this be requested by the LRB to aid its assessment of the proposal.
- ⇒ **Drainage and Flooding** - the applicants will provide further details regarding drainage should this be requested by the LRB to aid its assessment of the proposal.
- ⇒ **Natural Heritage and Biodiversity** - the Report acknowledges that as many as 600 trees are intended to be planted on site, along with boundary hedgerows. As noted in the applicants' own submission (Appendix 1) they have already planted over 200 shrubs and trees along Church Road and creating screening in the area of the caravan/containers. They plan to plant another 1000 trees/shrubs.

3.0 Comments on the Assessment of the Proposal

- ⇒ **Developer Contributions** - a payment of £1,828 is sought, upfront, for the 'Full' Transport Infrastructure contribution. The applicants agree to this payment.
 - ⇒ **Economic Impact** - The Report indicates that the economic impact of the proposal is likely to be minimal. We emphasise that the proposal (for the caravan and containers) is intrinsically linked to the overall achievement and operation of the market garden. It will therefore have **significant beneficial economic impact** - with rural business development promoted by Perth & Kinross Council and by the Scottish Government. The applicants' own submission (Appendix 1) highlights the work undertaken by the government's Small Producers Pilot Fund Steering Group with its aims to '**create more localised supply chains, enhance producer value, cut food miles, work with small scale producers, businesses and food production.**'
 - ⇒ **Other Material Considerations** - the applicants have indicated that the caravan is justifiable for health reasons. We have emphasised, below, the Health and Safety Executive requirements for on-site facilities.
-

The response to the issues raised by the Reasons for Refusal is submitted below.

4.0 Response to Reason for Refusal 1 Development in the Countryside

Background

4.1 The applicants are seeking consent for the caravan to provide the daytime 'welfare facilities' they will require at their market garden. It will also provide occasional overnight use in the early stages of **developing their business**. As the business progresses, and at certain key planting/harvesting times in the year, they will spend longer periods on-site at the business, including additional overnight stays. The welfare of the future flock of sheep will also require someone to be on-site during key times, including during lambing, in line with the requirements of The Scottish Government's code of practice for the welfare of sheep.

4.2 The Health and Safety Executive information on workplace safety and welfare indicates that 'welfare facilities' in agriculture, to be **provided while at work, include: toilets; wash basins with hot and cold running water etc.; changing facilities; drinking water; and somewhere to rest and eat meals.** ([Workplace safety and welfare - Agriculture - HSE](#))

4.3 It is vital that the applicants also have overnight accommodation on-site. They envisage that this will be occasional use in the short-term, essential for their **operational needs and for the security of the site**. Rural crime is a well recognised issue and the applicants have valuable machinery, equipment and materials on the site. The applicants presence on the site, even if intermittent, will be a deterrent.

4.4 The applicants' land purchase did not include any useable buildings. Their landholding is of sufficient size for the market garden to operate successfully as a small rural business. In the future there may be additional workers employed on-site. The two storage containers are essential for the dry and secure storage of materials and equipment/ machinery. It is essential to the business that there are **adequate facilities for its operation, both in terms of the welfare of workers and the storage of materials and equipment.**

4.5 The Report of Handling notes uncertainty over the need for the caravan, given that the applicants do not intend it to be permanent accommodation, in the short term. However, the caravan is **essential for their current needs** while on-site. Without the caravan they will not be able to develop the business and reach the stage where they can demonstrate its viability - the point at which they may need to have a permanent on-site presence. The applicants are **not proposing** a new dwellinghouse. They are only seeking consent for the siting of a caravan. On this basis it would **be reasonable for the caravan to be approved for a temporary period to provide on-site accommodation**. This will enable the applicants to progress with their market gardening venture.

4.6 The applicants will be agreeable **to a condition, limiting the siting of the caravan for a temporary period**, to enable them to demonstrate the success of their business as it grows.

4.7 The applicants have suggested that they could enhance the appearance of the caravan by re-painting or cladding with timber. In addition the caravan will be further screened (in addition to the existing hedging) by the ongoing extensive tree and hedge planting around, and throughout, the site. The applicants are **agreeable to a condition** in this regard.

4.8 The applicants have assessed the characteristics of the field in considering the location of the caravan/containers. For various practical reasons, including topography and ground conditions, as outlined in the applicants' own submission (Appendix 1), an alternative location is not feasible.

Policy Compliance

4.9 The proposed business will be of a **scale that can be readily accommodated in the surrounding extensive agricultural/horticultural landscape**. The siting and design (with potential for repainting/cladding) of the caravan/storage containers can ensure there is no detrimental impact on the surrounding landscape. [NPF4 Policy 29 b and LDP2 Policy 8 (d)].

4.10 LDP2 Policy 19: Housing in the Countryside allows for a *'New house to support a new or expanded business'* The Supplementary Guidance on Housing in the Countryside (2020) clarifies that consent for a new house relies on the success of the business being demonstrated - and that *'Providing that the need for on-site accommodation is demonstrated it may be appropriate to allow some form of temporary accommodation, such as a mobile home, for a set period of time.'*

4.11 The applicants believe there is an **essential need for the caravan to provide them with daytime and overnight accommodation**. *'to support the sustainable management of a viable rural business or croft'* [NPF4 Policy 17 v.] At this stage their intention is not to use the caravan as permanent accommodation.

4.12 LDP2 states *'The Council will give favourable consideration to expansion of existing businesses and the creation of new ones in rural areas. There is a preference that this will generally be within or adjacent to existing settlements.'* [LDP2 Policy 8] The proposal for a horticultural business 'market garden' will *'contribute to the viability, sustainability and diversity of rural communities and local rural economy'* [NPF4 Policy 29 a]

Background

5.1 All the points made in the section above, in terms of Development in the Countryside, apply to our response in relation to the location of the proposal in the Perth Green Belt. In particular we highlight the applicants' case for the need for the caravan. A temporary consent would allow them to demonstrate that need, whilst the Council would maintain control over its potential removal on the expiry of a temporary period.

5.2 The Council's Policy Team consultation response, in relation to LDP2 Policy 43 and NPF Policy 8 confirms that *'the use of the site to establish a market gardening business is therefore considered **in line with policy.**'* The consultation response also acknowledges that the policies allow for the storage containers. It is inherent in market gardening that there will be associated buildings - storage, greenhouses, polytunnels, welfare facilities etc.

5.3 We emphasise that the applicants, in progressing with their enterprise, will be **key workers in a primary industry and the caravan and storage is essential to their operation of the site.**

5.4 We have commented, in more detail, on landscape issues under Response to Reason for Refusal 4. However, as noted above, the surface finish of the containers, and the caravan, along with extensive planting can ensure that these elements are not prominent in the surrounding landscape.

5.5 Overall, with the proposed tree, hedge and other planting for biodiversity (with the applicants working towards organic status), the environmental quality of the area will hugely benefit, with no adverse impact on the landscape character of the area or the identity and setting of Kinfauns. The field, currently in grass and with sparse boundary hedging, will be enhanced to become a richly biodiverse and visually attractive contributor to the Kinfauns area.

Policy Compliance

5.6 LDP Policy 43: Green Belt allows for development where it meets one of a number of criteria. In this case we contend that two criteria can apply, (b) - it is essential for agriculture, horticulture or forestry and (e)- it complies with Policy 19: Housing in the Countryside and a positive benefit to the Green Belt can be demonstrated. LDP2 Policy 19: Housing in the Countryside allows for housing in the greenbelt, where it is justified in terms of that policy and criteria, including economic need.

5.7 NPF4 Policy 8 'Green belts' provides support for development in the green belt, including for agriculture, for horticulture - including market gardening, and for residential accommodation for a key worker in a primary industry where it is essential to the operation of the enterprise to have a worker present.

5.8 We contend that, as set out elsewhere in this statement, the case has been made for the need for the caravan and containers on the site, the benefits of the market garden and its related tree planting/landscape enhancement, compliant with the relevant policies.

Background

6.1 The applicant originally proposed to retain the **existing accesses** to the field, at the south west and north west. Both these means of access to the field **pre-date** the applicants' ownership of the land in February 2023. The northernmost access is currently closed with a metal field gate. The southernmost access is open, as shown below.



6.2 During the assessment of the application, and following comments from the Transport Planning Team, the applicants agreed to close this south west access and only use the access at the north west of the site. However, as detailed in the applicants' own submission (Appendix 1), their experience of working the land to date has identified that the **only practical** entrance to the field is through the **existing south-west access**. This has also been shown to be a suitable location for access for a desludging tanker, following their experience of heavy lorries bringing deliveries to the site. The applicants therefore seek to maintain this access at the south west of the site. They ask that the LRB allow for this in an approval of their application.

Policy Compliance

6.3 We contend that the proposal is compliant with NPF4 Policy 13 'Sustainable transport' and Perth & Kinross Council's Local Development Plan 2 Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals.

Background

7.1 The proposal for the siting of a caravan and two storage containers is small-scale, particularly in the context of the surrounding agricultural landscape - characterised by the large areas covered by polytunnels and fleece.

7.2 The Report of Handling notes the listed status of Kinfauns House to the north of the site, and also the Schoolhouse and Kinfauns Church/Churchyard, lying to the west on Church Road, 200m and 330m respectively from the site of the caravan. The houses on Church Road are of varying styles and ages, including modern. The Report of Handling refers to *'The church spire and partially visible south elevation of Kinfauns house contribute to picturesque, open views of the building group from the south.'* We contend that due to the layout of the built development, the topography and the available viewpoints, the building group is rarely viewed as a whole. We note that the view of Kinfauns House is assessed in the Report as **only part of one elevation (south) being visible** and **only the church spire** as being visible. This would suggest that Kinfauns House or the church do not have a particularly significant place in contributing to the 'building group' and that the building group does **not have an open view**.

7.3 The Report of Handling refers to the field being *'historically undeveloped'* and part of the *'open, rural setting of the former manse, framed by woodland to the north'*. Regardless of the history of the site, it has been sold by the church and is no longer glebe land. It is agricultural land, with the potential for such use, without planning control. The applicants' in establishing a market garden and planting a large number of trees and shrubs will **inevitably change the appearance of the field**. There will be immense **biodiversity benefits** to be gained from its change from grassland and conversion to organic status.

7.4 There is **little intervisibility** between the site and the other built development in this part of Kinfauns. There will be **few receptors**, from public places, of any view that contains both the proposed development and any significant view of Kinfauns House, Kinfauns Church/Churchyard or the housing along Church Road.

7.5 The assessment made in the Report of Handling refers to the *'polytunnels which cover large amount of land south of the U82'* and *'Other nearby polytunnels are located on Goukton Hill further east, whose summit is at a greater elevation.....than the Kinfauns building group'*.

7.6 These large areas of tunnels are described in the Report as *'the large scale installations of polytunnels have become an established visual component of the landscape in this area'*, whereas the applicants' proposal is described as *'isolated and incongruous'* with a *'much more striking visual impact'*.

7.7 The appraisal in the Report summarises that the proposal is out of keeping and has an adverse impact on Kinfauns. The Report assesses the surrounding landscape of *'large installations of polytunnels'* as an **'established visual component'**. This indicates that the 'polytunnel' landscape is considered the norm - representative of the *'established landscape character'* of this area. From the main public viewpoint in the area, the A90, the prominent feature is the 'polytunnel' landscape. The Council's Landscape Supplementary Guidance 2020 includes 'Forces for Change'. These inform decisions on managing change, identifying proposals that would threaten the quality of the landscape and include, for the Sidlaw Hills Local Landscape Area *'...use of agricultural plastics or construction of large farm buildings.'*

7.8 On this basis, it seems **unreasonable to conclude** that this small-scale proposal can be considered to have a *'more striking visual impact.'* Furthermore, there is the ability for finishes/colours and tree/hedge/shrub planting to be secured by condition. Key points we seek to emphasise are:

- Kinfauns House sits within an area of woodland and is **largely hidden** by the closest trees surrounding it, with only glimpses to indicate that there is a building within the woodland to the north of the field.
- The applicants intend to **entirely enclose their land - the entire field - with boundary hedging**. Fast growing native species will be planted, and within a very short time the field, and the buildings within, will be screened from view. Further tree planting will take place within the field. The existing hedging on the roadsides currently provides screening of the caravan and storage containers.
- The applicants are agreeable to conditions to secure:
 - hedge/tree/shrub planting.
 - repainting of the caravan and storage containers to any colour considered more suitable, or their cladding with timber.

Policy Compliance

7.9 NPF4 Policy 7 'Historic assets and places' (part c) includes that development proposals *'affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.'* LDP2 Policy 27A: Listed Buildings includes that any development which will affect the setting of a listed building should be appropriate to the building's character, appearance and setting.

7.10 We contend that this proposal has no significant impact on the setting of Kinfauns House, Kinfauns Church/Churchyard or the Old Schoolhouse and does no harm to their character, special architectural or historic interest. In any case, the future market gardening operation and tree/hedge planting will change the appearance of the field and will entirely screen the caravan/containers from any view.

7.11 NPF4 Policy 14 'Design, quality and place (part c) restricts supports to poorly designed proposals and those of detriment to the amenity of the surrounding area. As noted above, the applicants are agreeable to changing the colour/material of the finishes of the caravan and containers. In any case, their proposed planting will entirely screen the units within a short time period. We contend that the proposal can be acceptable in terms of this policy.

7.12 NPF4 Policy 29 'Rural development' (part b) includes that proposals in rural areas *'should be suitably scaled, sited and designed to be in keeping with the character of the area.'*

7.13 LDP2 Policies 1A and 1B relate to 'Placemaking' and that *'Development must contribute positively to the quality of the surrounding built and natural environment.'* This proposal will achieve these requirements - the hedgerows will be restored, biodiversity enhanced - and the units will be of no visual significance in the surrounding landscape.

8.0 Conclusion

- The applicants are seeking to have minimal small scale facilities sited on their land to support their new market garden enterprise.
- The business needs to grow from a modest beginning, but nonetheless there is an immediate need for the caravan and containers. The justification for their permanence can only be achieved if the business can progress. The applicants are content to receive consent for a temporary period.
- The market gardening enterprise will be associated with the hedging of the entire field, extensive tree and meadow planting, along with the cultivated crops. The overall biodiversity of the site will be immensely improved, along with its visual amenity. The units will be unseen in a short period of time, but in the meantime the applicants are agreeable to any colour/material finishes for the units.
- We contend that the proposal can gain support from the range of NPF4 and FIFEplan policies and that the issues of development in the countryside, Green Belt, transport standards, landscape and built heritage are not reasons to refuse the application.
- With respect, the applicants seek the Perth & Kinross Local Review Body's approval of this application.

Appendix 1 Applicant Personal Statement

The applicants have been continuing with establishing their market garden since the submission of the planning application in July 2023. They have checked with the Council's enforcement officer to ensure they are compliant with any planning requirements.

The following comments have been **prepared by the applicants**. They are an account of their progress with establishing their market garden and personal experience of some of the issues relating to this planning proposal.

We joined NFU, and Soil Association to become licensed organic fruit and vegetable producer. We are in conversion process, and just got a certificate issued (please see it in the attachment). We have also been invited and participating in a co-design phase of a program by Soil Association called "New Organic Entrepreneurs", which seeks to support new entrants and businesses into organic farming, so we are very proud to be a part of something that will make a big difference in food production in very near future.

Also we know of the Small Producers Pilot Fund Steering Group that has been set up by the Scottish Government (<https://www.gov.scot/groups/small-producer-pilot-fund-steering-group/>) It talks about Scotland's national plan is to become a global leader in sustainable and regenerative agriculture. Scottish Government has actually stated that it will (I quote) **"ensure that Scotland's people are able to live and work sustainably on our land", "deliver emission reductions in line with our climate targets", "encourage more farmers and crofters to farm and produce food organically"**. These are exactly the things we are trying to do. The group's aims are: **create more localised supply chains, enhance producer value, cut food miles, work with small scale producers, businesses and food production**.

Planting

We have got our fields ploughed, harrowed and ready for planting. We have planted few beds with vegetables already: Savoy Cabbage, Beetroot, Carrots, Climbing Beans, Lettuce, Kale and worked out that it takes the whole work day (exhausting day) to seed one bed of 1.2 m wide and about 70 m long. During July we are still planning to seed Chard and Florence Fennel and during August we will seed Pak Choi, Rocket, Onions, Spring Cabbage, Chinese Cabbage, Radish.

We have already planted over 200 shrubs and trees along Church Road and around the caravan to create screening and in the far east corner to soak up water coming down the hill. We are planning to plant another around a 1000 shrubs and trees (including fruit trees for the orchard), but we are limited to how many trees we can plant by the length of the season, weather conditions, and the fact that all our boundary fencing has to be replaced first, which we are still in the process of (as it is a huge job) and currently struggling with it due to overgrown grass while our main priority during summer is to plant vegetables.

Location of buildings

Planners suggested that we move all buildings to the east corner, and there would be few problems with that:

a) the east corner is always muddy (with water running down the hill), and not suitable for building at all, that is why we planted trees there,

b) the east side of our land is not big enough to place everything there. We got one poly-tunnel approved for building under the power lines. Two more poly-tunnels and greenhouse were refused because they were not far enough into the east corner, but **there is no more space there** for building, so planners' suggestion to move buildings to the east corner is not possible.

Access to the Field

With regards to the entrance to our site and gates, we have found out few things:

a) that the South corner at the bottom field (which is currently open and which we currently use to enter our site) has been open for at least 15 years (we found some old pictures in google dating back to 2009).

b) We also spoke to some locals who have been around this area for decades, and were told that prior to the field getting opened up widely there actually were gates in that corner before, so historically this corner was used as a proper entrance. It was opened up more widely when a combine harvester machine had to gain access and the gates were not wide enough.

c) In addition to this we found out that just a couple hundred yards further along the U82 road there is a 4-way junction with gates into a field, which in our view would be a more dangerous junction than ours.

We have few photos of the junction for the reference.

d) We had looked into the possibility of putting an entrance along the U82 across from the Stewarts Farm entrance, as suggested by the planners, but information we have received and upon inspection has shown us this is not feasible for the following reasons:

- There is a water drainage ditch that runs along the U82 from the South East corner of our land, past the entrance to the Stewarts Farm and along to the next field. The road had been giving way and falling into the ditch and the water company put in some large pipe along the ditch to try and stop it caving in. This has only been covered with dirt and anything heavy going over that would likely cause the drain to collapse.
- Even with the large gate the Stewart Farm has, you can see from the markings on the road they are still having to come onto the verge before swinging right through their gates. A local who recently ploughed our field said there was no way we could put any entrance along the U82 as you would be turning straight onto a hill. He said the only entrance that was suitable for Farm work was the currently open South West entrance as you can drive straight in and out with a tractor and attachments. He confirmed that this was open for a long time and this was backed up by a photo I found on a Google search.

e) We recently had a load of compost delivered to the land via the open bottom corner of the field. The weight of the compost was 19.5 tone, plus the weight of the vehicle itself made it somewhere close to 25 tone weight in total I think, and this demonstrates to us that there is no problem for a 18 tonne vehicle to enter our field for the purpose of desludging the septic tank without having a parking space. The access would be used by one car and occasional farm machinery.

In addition one reason for it being dangerous is that the Grass Verges are no longer cut and it is that and only that making it difficult to see what is coming along the U82.

We intend to cut the Grass Verges ourselves taking the grass back at least 5 Fence Posts distance on either side of the bottom opening. This should help provide a clearer view.

With regard to response to refusal 3. We actually wish to close off the Northern opening as we were advised that the tractors and machinery would not be able to navigate through that entrance. The South entrance is the only viable option.

June 2009 South West Entrance



Scotland



October 2022 South West Entrance

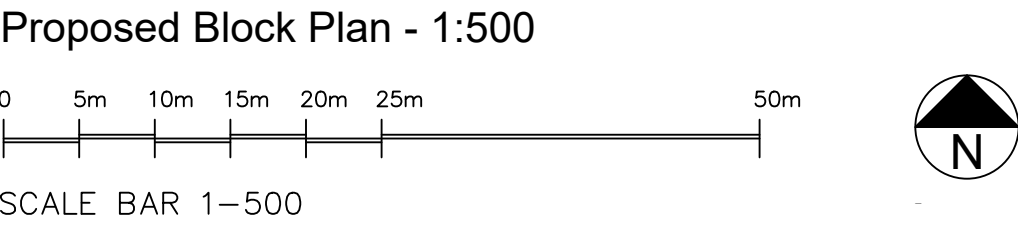


Scotland

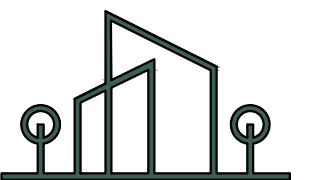


Junction and Gates along the U82 a few hundred Metres from the Kinfauns Junction. Open Reach Vans park on the verges; during harvesting Tractors get parked on the Road at this Junction, come out the gates on the Corner.





Location Plan - 1:1250

Rev. A - Location plan	GP	28/07/23
REVISION	INT	DATE
THIS DRAWING HAS BEEN PREPARED TO OBTAIN STATUTORY LOCAL AUTHORITY CONSENT. ALL SIZES TO BE CONFIRMED ON SITE PRIOR TO COMMENCING WORK. DO NOT SCALE FOR CONSTRUCTION PURPOSES.		
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PROJECT: DVC Investments, Kinfauns Farm, Kinfauns, FK14 7ND		
TITLE: Location & Block Plan		
DRAWN BY: AM	SCALE(S): 1:1250/1:500	SHEET: A1
DATE: 03/07/23	PROJECT NO: 3370-P-001	REV: A