

# 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**

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## Applicant(s)

Name Mrs J McKay  
Address 1 Commanders Grove  
Braco

Postcode FK15 9PL

Contact Telephone 1 [REDACTED]  
Contact Telephone 2

E-mail\* [REDACTED]

## Agent

Name  
Address

Postcode

Contact Telephone 1  
Contact Telephone 2

E-mail\*

Mark this box to confirm all contact should be  
through this representative: ☐

\*Do you agree to correspondence regarding your review being sent by e-mail? Yes/No

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Planning Authority

**Perth and Kinross**

Planning authority's application reference number 24/00600/FLL

Site address 1 Commanders Grove, Braco, FK15 9PL

Description of proposed development

Retention of existing 1 metre fence

Date of application 16/04/2024

Date of decision (if any) 12/06/2024

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

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## Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

## Reasons for seeking review

1. Refusal of application by appointed officer ☐
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☒

## Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

## Site inspection

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

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

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



## 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.

### Summary of Events and Community Support Regarding Fence Construction and Planning Conditions

#### 1. Initial Site Visit and Inspection:

On 1st June, Planning Officer Mr Graham Stewart conducted a site visit to inspect the construction and height of our fence along the perimeter of our land to ensure compliance with relevant regulations. Construction of fence was examined at this time.

#### 2. Communication of Compliance:

On 30th June, following his inspection, Mr Stewart informed us via telephone that planning permission was not required for the construction of our fence. I was advised that the case was now closed.

#### 3. Continuation of Fence Construction:

Based on Mr Stewart's advice, we resumed and completed the construction of our fence, which had been paused to allow him to examine the site's history.

#### 4. Contradictory Follow-Up Communication:

Two months later, we received an email from Mr Stewart, stating that our fence was in breach of planning regulations and needed to be removed. This directly contradicted his earlier assurance.

#### 5. Intervention by Local Councillor:

Following the conflicting guidance, our local councillor intervened and spoke with the planning department on our behalf. We were advised to apply for a change of use of the garden ground to enable us retain the fence, which we did.

#### 6. Community and Neighbour Support:

Planning consulted with our neighbours regarding the fence and the enclosed ground. Two out of three neighbours provided written supporting comments to the planning department, while the third neighbour verbally expressed that the area had improved significantly since the fence was installed.

Residents from our street and the broader Braco community have also given positive feedback on the fence, noting that it enhances the area and is weathering nicely to blend with the surroundings.

#### 7. Conditional Approval of Change of Use:

Although the change of use was granted, it came with conditions requiring us to remove over 200 wooden boards and replace them with a wire fence and a 1-metre beech hedge. This condition was imposed despite Mr Stewart's initial clearance.

#### 8. Section 42 Application:

On the advice of a planning consultant, we submitted a Section 42 application to remove Condition 1, which required the removal of the wooden boards. This application was approved, but a new Condition 1 was imposed, now requiring a 1.05-meter beech hedge.

9. Fence's Contribution to the Environment:

The fence is now weathering naturally, blending harmoniously with its surroundings, with seven climbers growing on it and various plants at the base providing colour throughout the year. Seasonal plants are also planted to provide year round colour to the base of the fence. The fence enhances the aesthetic and environmental value of our property and the community.

#### Willingness to Discuss Potential Revisions

We are open to discussing possible revisions to the fence to address any remaining concerns. Some options we are willing to explore include:

Encouraging Climbers on the Outside of the Fence: We can promote the growth of climbers on the external side of the fence to soften its appearance and further integrate it into the surrounding environment.

Painting the Fence: While we believe that the natural wood blends in better with the surroundings, we are open to discussing the possibility of painting the fence if it would help meet planning requirements or aesthetic considerations.

#### Issues and Request for Reconsideration

1. Inconsistent and Conflicting Guidance:

The advice provided by Mr Stewart on 30th June led us to proceed with the fence construction in good faith. The later reversal of this position has caused confusion, additional work, and unexpected costs.

2. Community Support:

The positive feedback from our neighbours and the wider Braco community underscores the fence's value to the area. The support from those directly affected and the broader community highlights the fence's positive impact on the neighbourhood.

3. Unnecessary Financial and Emotional Burden:

The contradictory advice and subsequent conditions have led to substantial financial outlays, including costs associated with the change of use application and the Section 42 application. These expenses could have been avoided with consistent guidance from the outset.

4. Disproportionate Conditions:

The requirement to remove the wooden boards and replace them with a wire fence and beech hedge seems overly restrictive and does not align with the initial advice that the fence was compliant. The conditions significantly alter the design and function of a fence that has received broad community support.

5. Request for Reassessment:

Given the sequence of events, the conflicting advice, the strong community support, and our willingness to discuss potential revisions, we respectfully request a reassessment of the imposed conditions. The fence, as constructed, was built in good faith based on the guidance provided by the planning department. The subsequent conditions appear disproportionate and unnecessary.

We hope that you will consider our request favourably and provide a resolution that acknowledges the initial advice given, the unnecessary costs incurred, and the positive impact of the fence on the community. We are happy to engage in further discussions to find a mutually agreeable solution.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

### List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Supporting statement  
Photographs  
2x supportive comments from neighbours directly involved

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.

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### 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.

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### 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: J McKay

Date: 04/09/24



- Legend
- Existing structure tree planting to rear of properties (indicative and not surveyed)
  - Individual existing landscaping within gravel area to side of house (indicative locations)
  - Existing landscaping within front garden area (indicative locations)
  - Proposed close mown grass to front of property
  - Gravel area to side of house
  - Tarmac driveway and footpath
  - Masonry feature: wall, capped with piers (varying heights between 500 -1750 mm)
  - 1800mm square topped close boarded fence
  - 1800mm rounded top close boarded fence
  - 1000mm rounded top close boarded fence
  - Existing tree stump
  - Area of change of use
  - Site boundary

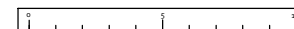
**houghton**  
**design**

m: 07951 586337  
email: houghtondesign@btinternet.com

project: No.1 Commander's Grove, Braco  
client: Joanne McKay  
drawing: Proposed Site Plan  
  
drawing ref: HD-LSH / Braco / 01 A

**Rev A:** 03/01/2024 - Drawing updated as per council comments

scale: 1: 200 @ A3  
date: December 2023





Previous Garden Area





Previous Garden Area





Approach from Greenloaning





Approach from Braco



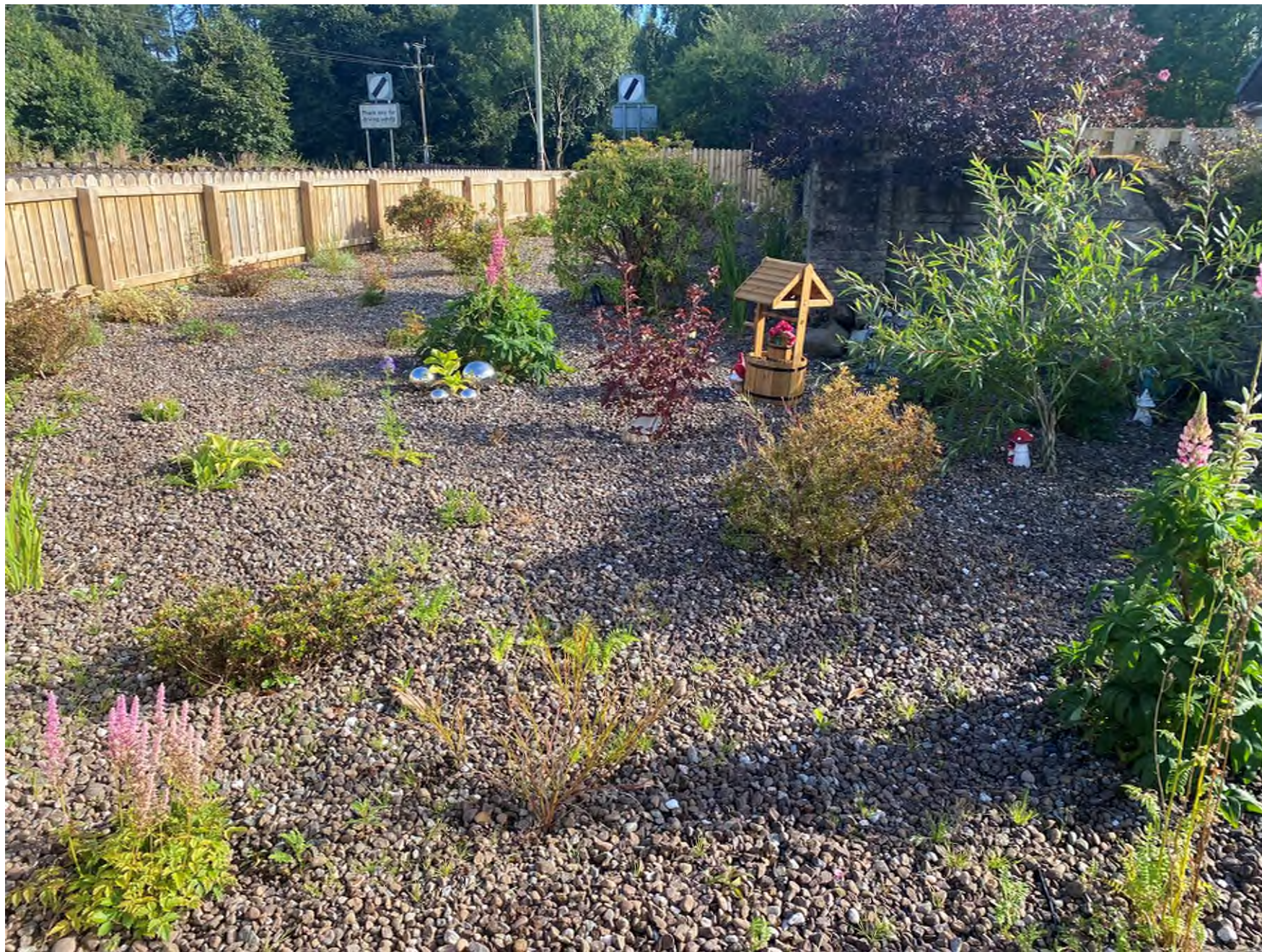


View from across the road





New area of shrubbery





Shrubbery area showing climbers





Ground cover plant on outside of fence





Aubretia





Nasturtium





Nasturtium





Pansies





Climber – Evergreen Honeysuckle





Clematis





Climber – Clematis



## Supporting Statement from No. 2

1 of 1

Ref above application, just a short note to say that our neighbours have done a good job in tidying up the section of land in question-much improved upon what they had when they moved in, we also have no issue with this section being fenced off

## Supporting Statement form No. 3

### Mr John Tippet (Supports)


Comment submitted date: Sun 14 Jan 2024

We fully support the application for change of use and the erection of a fence. This has and will improve the look of the area.

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### Richard Goodall (Supports)

Comment submitted date: Fri 12 Jan 2024

This representation was received within the consultation period and has been submitted by email or letter. The comment submitted date indicates the date it was recorded in our system not the date of receipt of the 



#### 4 Commanders Grove





#### 4 Commanders Grove

