

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)

Name MR DONALD MORTON

Address WOODLANDS FARM
ABERUTHVEN
AUCHTERRADER

Postcode PH3 1HU

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name MARK WILLIAMSON

Address 34 HERMITAGE DRIVE
PERTH

Postcode PH1 2SY

Contact Telephone 1 07761 908656

Contact Telephone 2

Fax No

E-mail* markjw102@virginmedia.com

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 ☐

Planning authority

PERTH & KINROSS COUNCIL

Planning authority's application reference number

23/01523/FLL

Site address

WOODLANDS FARM, ABERUTHVEN, PERTHSHIRE PH3 1HU

Description of proposed
development

SHED OF RESIDENTIAL CARAVAN, CHANGE OF AGRICULTURAL
LAND TO GARDEN GROUND AND ASSOCIATED WORKS IN
RETROSPECT

Date of application

11 SEPTEMBER 2023

Date of decision (if any)

21 JUNE 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.

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 tick 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 ☒ No
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:

CONTACT APPELLANT PRIOR TO SITE VISIT
DONALD MORTON TEL: 07801 730926

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.

* SEE STATEMENT IN SEPARATE DOCUMENT

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.

DOC 1. - DECISION NOTICE 23/01523/FLL
DOC 2. - DELEGATED REPORT 23/01523/FLL
PHOTOS 1-7.

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

08/09/2024

Statement

Notice of Review

Siting of a residential caravan, change of use of agricultural land to garden ground, formation of access, installation of drainage connection and associated works (in retrospect) at Woodlands Farm, Aberuthven.
23/01523/FLL

Introduction

This Notice of Review is submitted following the refusal of full planning permission under delegated powers on the 21st June 2024 for the siting of residential caravan, change of use of agricultural land to garden ground, formation of access, installation of drainage connection and associated works (in retrospect) at Woodlands Farm, Aberuthven under application 23/01523/FLL. (Doc 1)

The reasons for refusal are outlined below, relating to NPF4 Policies 14 and 17 and Local Development Plan Policies 1, 19 and 39 :-

- 1. The proposal is contrary to policy 17a) v, Rural Homes, of National Planning Framework 4 (2023) as it has not been demonstrated that the residential caravan is necessary to support the sustainable management of a viable rural business and there is an essential need for a worker to live permanently at or near their place of work.*
- 2. The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and its associated Housing in the Countryside Supplementary Guidance (2020) category 3.3 Economic Activity. No consideration has been given to the scope for renovating, converting or redeveloping any existing houses or non-domestic buildings within the applicant's landholding and no evidence has been submitted to demonstrate how the residential caravan is essential to the continued operation of any associated business.*
- 3. The proposal due to its design and siting is contrary to Policy 14a) and b) and c), Design, Quality and Place, of National Planning Framework 4 (NPF4) (2023), and Policy 1A and 1Bb) Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The proposed development does not improve the quality of the area, is not consistent with the six qualities for successful places set out in NPF4 policy 14b), is poorly designed and detrimental to the amenity of the surrounding area.*
- 4. The proposal is contrary to policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019) as development would conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. The fenced enclosure in combination with the poorly designed residential*

caravan has an adverse impact on the surrounding landscape character and adversely impacts on the setting of the other residential properties in the area.

The caravan is sited on land which is not used for agricultural use for livestock or cropping and is land which has become ancillary to the main dwellinghouse. It will be demonstrated that the caravan is considered to be acceptable in principle and that it will not have any adverse impact on the visual amenity or character of the landscape around Woodlands Farm.

Current Planning Policy Context

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 3: Biodiversity
Policy 13: Sustainable Transport
Policy 14: Design, Quality and Place
Policy 16: Quality Homes
Policy 17: Rural Homes
Policy 29: Rural Development

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 5: Infrastructure Contributions
Policy 8: Rural Business and Diversification
Policy 19: Housing in the Countryside

Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
Policy 39: Landscape
Policy 41: Biodiversity
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 Guidance

- Supplementary Guidance - Developer Contributions & Affordable Housing (adopted in 2020)
- Supplementary Guidance - Flood Risk and Flood Risk Assessments (adopted in 2021)
- Supplementary Guidance - Housing in the Countryside (adopted in 2020)
- Supplementary Guidance - Landscape (adopted in 2020)
- Supplementary Guidance - Placemaking (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

Creating Places 2013

Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute

to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating 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.

Reason for Refusal and Grounds of the Review

The caravan siting is acceptable in principle being an ancillary use to the main dwellinghouse

The Review proposal is not an application for an essential worker on Woodlands Farm to work the farmland as concluded in the Delegated Report. (Doc 2). It is for accommodation for the housekeeper and her partner who does gardening work at Woodlands House which is considered to be work which is ancillary to the main dwellinghouse. There is no other available accommodation on the farm for the housekeeper and her partner.

The Review site is on land which is ancillary to the main dwellinghouse. In the original consent for the main dwellinghouse in 2010 it was identified as a paddock area. (09/00594/FLL) It is no longer in that use and is now effectively part of the extended garden ground of the main dwellinghouse. It is not land which is grazed or cropped for the farm business. It is bounded by high hedging on 3 sides – see Photo 7 which shows the context.

The appellant lives on his own and when he is away from home the housekeeper and partner stay in the main house for security reasons and occupy the caravan when the appellant is at home. It is considered that this use of the caravan for his housekeeper and partner to look after the main house is a use which is ancillary to the use of the main residence.

The Review proposal falls within the definition of a caravan and Photos 1 and 2 confirms the construction and mobility, in accordance with the definition of a caravan outlined below:-

“any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted but does not include:

- a) any railway rolling stock which is for the time being on rails forming part of a railway system or*
b) any tent”

It is considered that the Review proposal should not have been assessed under Housing in the Countryside Policy or NPF4 Policy 17: Rural Homes as it is for the siting of a caravan which is a use ancillary to the use of the main dwellinghouse to accommodate the appellant's housekeeper.

The housekeeper and gardener's work are not involved or related to the viability of the farm business and should not have been assessed as such under NPF4 Policy 17 and Policy 19 of the Perth and Kinross Local Development Plan, concluding in reasons for refusal 1 and 2.

The Review proposal satisfies the definition of a caravan under the legislation and is capable of being moved from one place to the other.

It is considered therefore that the Review proposal is acceptable in principle having this mobility and being ancillary to the residential use of the main dwellinghouse.

The Review proposal will not have an adverse impact on the character or visual amenity of the countryside

The Review site is physically well contained and screened with high hedging on 3 sides. (Photos 3-7) There is an open aspect to the south towards the railway and any public views from the south would be distant. The caravan is single storey in scale.

As an ancillary building the Review proposal would have no greater visual impact than other ancillary buildings for example sheds or garages which fall under permitted development, or large agricultural buildings sited under prior notification.

Given the site containment and scale and character of the caravan there will be no adverse impact on the visual amenity or character of the landscape around Woodlands Farm.

Other Planning Considerations

There were no objections to the Review proposal from the main consultees subject to conditions on any consent, including Transport Scotland and Environmental Health.

The issues raised by the 2 objectors are discounted and covered in the consultee responses and by evidence on the ground, and therefore effectively counter any material planning considerations raised by objectors.

Conclusions

For the reasons outlined above it is considered that the Review proposal as a caravan sited in extended garden ground for a use ancillary to the main dwellinghouse is acceptable in principle. The Review proposal is not related to work which impacts on the viability of the farm business and NPF4 Policy 17 and Perth and Kinross Local Development Plan 2 Policy 19 are not applicable to this proposal.

The Review Site is well contained with high screening on 3 sides and due to the scale of the caravan there will be no adverse impact on the visual amenity or character of the countryside around it, and certainly much lesser impact than any large agricultural building which can be sited in the countryside under prior notification.

For the above reasons, it is respectfully requested that the Review is upheld.



Mr Donald Morton
c/o Mark Williamson
34 Hermitage Drive
Perth
PH1 2SY

Pullar House
35 Kinnoull Street
PERTH
PH1 5GD

Date of Notice: **21st June 2024**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/01523/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to **refuse** your application registered on 4th October 2023 for Planning Permission for **Siting of residential caravan, change of use of agricultural land to garden ground, formation of access, installation of drainage connection and associated works (in retrospect) Woodlands Farm Aberuthven Auchterarder PH3 1HJ**

David Littlejohn
Strategic Lead (Economy, Development and Planning)

Reasons for Refusal

1. The proposal is contrary to policy 17a) v, Rural Homes, of National Planning Framework 4 (2023) as it has not been demonstrated that the residential caravan is necessary to support the sustainable management of a viable rural business and there is an essential need for a worker to live permanently at or near their place of work.
2. The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and its associated Housing in the Countryside Supplementary Guidance (2020) category 3.3 Economic Activity. No consideration has been given to the scope for renovating, converting or redeveloping any existing houses or non-domestic buildings within the applicant's landholding and no evidence has been submitted to demonstrate how the residential caravan is essential to the continued operation of any associated business.
3. The proposal due to its design and siting is contrary to Policy 14a) and b) and c), Design, Quality and Place, of National Planning Framework 4 (NPF4) (2023), and Policy 1A and 1Bb) Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The proposed development does not improve the quality of the area, is not consistent with the six qualities for successful places set out in NPF4 policy 14b), is poorly designed and detrimental to the amenity of the surrounding area.

4. The proposal is contrary to policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019) as development would conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. The fenced enclosure in combination with the poorly designed residential caravan has an adverse impact on the surrounding landscape character and adversely impacts on the setting of the other residential properties in the area.

Informatives

- 1 The applicant is advised that the unauthorised residential caravan and associated development shall be removed from the site within three months of the date of this Decision or to a timetable agreed with the Planning Authority.

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan Reference

01

02

03

04

05

06

07

NOTES

1. If the applicant is aggrieved by the decision to refuse planning permission or an application for approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the Planning Authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to:

The Secretary
Local Review Body
Perth and Kinross Council
Committee Services
Council Building
2 High Street
Perth
PH1 5PH

Email planninglr@pkc.gov.uk

The 'Notice of Review' form together with guidance notes for completion can be obtained from Perth & Kinross Council website www.pkc.gov.uk

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

The foregoing notes are explanatory only and reference must be made to the Town and Country Planning (Scotland) Acts and the appropriate Regulations or Orders for their full context.

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/01523/FLL	
Ward No	P7- Strathallan	
Due Determination Date	3rd December 2023 Extended to 21 st June 2024	
Draft Report Date	20th June 2024	
Report Issued by	Persephone Beer	Date 21 st June 2024

PROPOSAL: Siting of residential caravan, change of use of agricultural land to garden ground, formation of access, installation of drainage connection and associated works (in retrospect)

LOCATION: Woodlands Farm Aberuthven Auchterarder PH3 1HJ

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

Planning permission is sought for the siting of a residential caravan, change of use of agricultural land to garden ground, formation of access, parking and drainage connection and associated works. The caravan is already in position in a compound within a wider site that was used for storage of scaffolding and building materials at the time of the planning officer's site visit.

Supporting information submitted states that the application is for workers accommodation. However, the work is not related to agriculture or any business use but is as domestic housekeepers/gardeners for the applicant's property (Woodland) that is located next to the site.

The accommodation unit is a mobile caravan with wooden frame and finished in wooden panelling, profile steel roof and vinyl windows and doors. An ancillary shed is located to the northwest of the caravan. There was also a touring caravan on the site.

There are some existing trees outwith the site boundary around the area used for storage. There is limited landscaping to the southeast.

The Drainage arrangements for the proposal are for the foul water to connect into the existing system serving the main dwellinghouse to the northeast outwith the site boundary.

The access to the site is through a gated entrance from an existing track from the A9 Trunk Road. There is a further gate into the caravan's curtilage. Parking for two cars is indicated on the site plans.

SITE HISTORY

00/00813/FUL Erection of a portal frame building at 30 November 2000 Application Withdrawn

99/01911/PN Erection of forestry store/workshop at 24 January 2000 Application Refused

06/01754/PN Erection of a agricultural store 18 August 2006 Application Withdrawn

06/02463/FUL Erection of agricultural shed and hayloft 11 September 2007 Application Approved

08/01439/PN Erection of a cattle court 25 August 2008 Application Approved

21/01272/FLL S42 application to remove condition 3 (occupancy) of permission 09/00594/FLL 19 October 2021 Application Approved

PRE-APPLICATION CONSULTATION

Pre application Reference: None.

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 3: Biodiversity
Policy 13: Sustainable Transport
Policy 14: Design, Quality and Place
Policy 16: Quality Homes
Policy 17: Rural Homes
Policy 29: Rural Development

Perth and Kinross Local Development Plan 2 – Adopted November 2019

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The principal policies are:

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Policy 19: Housing in the Countryside
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Policy 39: Landscape
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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 Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
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- [Supplementary Guidance - Landscape](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (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:

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- 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

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Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating 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

Capacity for water supply. Capacity for a foul only connection in the Aberuthven Waste Water Treatment works to service the development. A formal application should be submitted to Scottish Water.

Transport Scotland

No objection.

Internal

Structures And Flooding

No response received.

Transportation And Development

No objection subject to condition requiring a covered cycle parking facility and informative with regard emptying of septic tank.

Development Contributions Officer
Auchterarder A9 Junction requirement contribution:
A9 Junction: 1 x £3,450
Total: £3,450

Environmental Health (Noise Odour)

Condition recommended that the caravan shall only be occupied by workers associated with the agricultural business.

Environmental Health (Contaminated Land)

Historical mapping indicates there was formerly a steading adjacent to the site. There is therefore the potential for the area of the proposed extended garden area to be impacted by contamination associated with this previous development. Should any contamination be found during the approved works, works should cease and the Land Quality team should be contacted on 01738 475000 or es@pkc.gov.uk for further advice.

REPRESENTATIONS

2 representations were received objecting to the application on the following grounds:

- Traffic and strategic planning – approval would contradict refusal of 2013 application (13/01261/FLL) (renewal of 08/00762/FUL) for conversion of steading. Refused on road safety and traffic impact on the Trunk Road.
- Impact on residential amenity – noise and disturbance due to proximity of residential caravan to property
- Noise – building materials being unloaded/loaded
- Traffic – increase in vehicular movements
- Parking – 2 cars for residential caravan occupants, plus touring caravan and third car for occupants of the touring caravan
- Overlooking from shed
- Drainage – distance to septic tank would make it difficult to use existing septic tank, odour from foul drainage, using objectors soakaway
- Design- caravan did not have wheels as shown on drawings, arrived on a truck

The above will be covered in the appraisal section of the report.

Additional Statements Received:

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

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

The main part of the proposal is for the retrospective siting of a residential caravan. The principle of the acceptability of a rural home on this site will be assessed in terms of policies that support housing in the countryside. LDP2 policy 19 and NPF4 policy 17 are both relevant. Policy 17 of NPF4 sets out a number of criteria where new homes in rural areas will be supported. In this case section a) v. is applicable. This lends support to a house in the countryside where it is demonstrated to be necessary to support the sustainable management of a viable rural business 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.

The applicant has stated that the residential caravan is workers accommodation, but no supporting information has been submitted setting out how this is necessary to support a viable rural business for which there is an essential need for a worker to live permanently at or near their place of work. The principle is therefore contrary to NPF4 policy 17 a)v).

Policy 19 of the LDP2 in the associated supplementary guidance Category 3 provides opportunities, where there is a genuine need for a new house in the open countryside. In this case 3.3 Economic Activity provides support for workers accommodation for either farm or non-farming businesses. In all cases siting criteria must be met and applicants must 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. From reviewing the planning history in the area it is noted that the applicant's existing house, Woodlands, had provision in the original planning permission for an annex for ancillary accommodation which could potentially be used by a housekeeper/gardener associated with this property.

As no evidence has been provided for this application to demonstrate how the house is essential to the continued operation of the business the proposal is contrary to Policy 19 of the LDP and its associated supplementary guidance.

Design and Layout

The proposed residential caravan is clad with timber. Close boarded fencing has been erected around the site which is located in an area of hardstanding used for materials storage. The site and storage area were formerly identified in a planning application submitted in 2021 (21/01272/FLL) as a paddock. There is no record of planning permission being granted for a change of use for the existing storage area. This current application includes change of use of agricultural land for the caravan and its curtilage. The caravan is sited towards the top of a bank with views to the southeast.

The two other residential properties including a steading conversion close to the site are finished in stone and of more traditional appearance. The caravan with its extensive timber fence boundary is significantly out of character with the surrounding area and provides an incongruous development that is contrary to Placemaking policies. In particular c) the design and density does not complement its surroundings in terms of appearance, massing, materials, finishes and colours.

It is contrary to policy 14a) as the proposal does not improve the quality of the area. It is not consistent with the six qualities for successful places set out in 14b) and c) is poorly designed, detrimental to the amenity of the surrounding area and inconsistent with six qualities of successful places.

Landscape

LDP Policy 39 Landscape requires proposals, including individual developments, to demonstrate that they do not conflict with the aim to maintain and enhance the landscape qualities of Perth and Kinross. The siting of the development in an area of cleared paddock/agricultural land is not consistent to maintaining and enhancing the landscape qualities of Perth and Kinross. The fenced enclosure in combination with the poorly designed residential caravan has an adverse impact on the surrounding landscape character and setting of the other residential properties in the area. As such the proposal is contrary to policy 39, Landscape of the Local Development Plan.

Residential Amenity

The residential caravan is sited between 8 and 10m from the boundary of the adjacent dwellinghouse and is around 23m to the southeast of the house. Distance wise this is a sufficient distance to not impact on residential amenity in terms of overlooking, overshadowing or loss of sunlight/daylight. Overlooking from an associated shed is unlikely to be an issue as the shed is not a habitable room.

Objectors refer to noise generated by users of the residential caravan and other site users. It is acknowledged that being used to the site being an empty field which now has a residential caravan with associated vehicle and pedestrian movement could cause some disturbance. However the use of a one bedroom residential caravan should not cause significant issues that would impact on residential amenity. It is noted that other operations on the site such as movement of building materials etc are not part of this planning application and are potentially contributing to the disturbance experienced.

Environmental Health advise that if the accommodation is for a farm worker a caravan site licence is not required. However a condition is recommended that the caravan shall only be occupied by workers associated with the agricultural business. This is not relevant in this case as the application is being refused and it has not been sufficiently demonstrated that the workers accommodation is required either for an agricultural worker or for a worker associated with a non-farming business.

Visual Amenity

The design and finish of the building and its setting within a degraded area of land has an adverse impact on the visual amenity of the area.

Roads and Access

The site is accessed off an existing access track that joins the public road at the A9 close to Aberuthven. Transport Scotland was consulted and do not object. A representation has been received stating that an application for a residential conversion was refused in 2013 due to the impact on the Trunk Road network. This specific point was raised with Transport Scotland who commented that “ . . each planning application is considered on its own individual merit and in this instance, it was noted that the application is retrospective. Consequently, the low number and type of vehicle trips generated by the caravan are already using the existing access on the A9 trunk road. Our consideration of accident data over the previous 5 year period would indicate that there is no recent accident history that would indicate a pre-existing road safety problem that has been exacerbated as a result of these trips”. However, notwithstanding the above, Transport Scotland would not support any further intensification of use of the existing access.

Drainage and Flooding

The application shows the foul drainage connection going north east to join the foul drainage system associated with the applicant's property, Woodland. The connection is around 60m from the residential caravan. Odour has been reported from neighbours who queried whether this connection is in place/feasible. The surface water soakaway is indicated as going to field drainage to the south of the site. This application is being refused however further detailed drainage information would be required to ensure that foul and surface water drainage is adequately provided for should planning approval for residential use be given on this site.

Conservation Considerations

The site is not within a Conservation Area. There are not any Listed Buildings in the area. There will not be any impact on any built heritage assets.

Natural Heritage and Biodiversity

Policy 3, Biodiversity, of NPF4 requires local development to conserve, restore and enhance biodiversity. This proposal does not include any landscaping proposals and as such does not demonstrate any contribution to nature recovery or to the strengthening of nature networks as required by NPF4.

Developer Contributions

Primary Education

The Council Developer Contributions Supplementary Guidance requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity.

The proposed unit is one-bedroomed which is not assessed for contributions.

Auchterarder A9 Junction

The Council Developer Contributions Supplementary Guidance requires contributions from developments within the Auchterarder and wider Strathearn housing market area towards meeting the cost of delivering the A9 junction improvements which are required in the interests of safety.

A contribution will be sought from all residential developments within the identified boundary of the wider Auchterarder area (Appendix 2 of the Guidance) including single houses. The proposed development is a caravan but is intended for residential use as opposed to holiday accommodation. A contribution of £3,450 is required if the application is recommended for approval.

Economic Impact

The economic impact of the proposal is likely to be minimal.

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable 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 is contrary to policy 17a) v, Rural Homes, of National Planning Framework 4 (2023) as it has not been demonstrated that the residential caravan is necessary to support the sustainable management of a viable rural business and there is an essential need for a worker to live permanently at or near their place of work.
- 2 The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and its associated Housing in the Countryside Supplementary Guidance (2020) category 3.3 Economic Activity. No consideration has been given to the scope for renovating, converting or redeveloping any existing houses or non-domestic buildings within the applicant's landholding and no evidence has been submitted to demonstrate how the residential caravan is essential to the continued operation of any associated business.
- 3 The proposal due to its design and siting is contrary to Policy 14a) and b) and c), Design, Quality and Place, of National Planning Framework 4 (NPF4) (2023), and Policy 1A and 1Bb) Placemaking, of the Perth and Kinross Local Development Plan 2 (2019). The proposed development does not improve the quality of the area, is not consistent with the six qualities for successful places set out in NPF4 policy 14b), is poorly designed and detrimental to the amenity of the surrounding area.
- 4 The proposal is contrary to policy 39, Landscape, of the Perth and Kinross Local Development Plan 2 (2019) as development would conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross. The fenced enclosure in combination with the poorly designed residential caravan has an adverse impact on the surrounding landscape character and adversely impacts on the setting of the other residential properties in the area.

Justification

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

Informatives

- 1 The applicant is advised that the unauthorised residential caravan and associated development shall be removed from the site within three months of the date of this Decision or to a timetable agreed with the Planning Authority.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01	05
02	06
03	07
04	













Photo 7