

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

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

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 ☐

Planning authority

Planning authority's application reference number

Site address

Description of proposed
development

Date of application

Date of decision (if any)

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) | <input checked="" type="checkbox"/> |
| 2. Application for planning permission in principle | <input checked="" type="checkbox"/> |
| 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) | <input type="checkbox"/> |
| 4. Application for approval of matters specified in conditions | <input type="checkbox"/> |

Reasons for seeking review

- | | |
|---|-------------------------------------|
| 1. Refusal of application by appointed officer | <input checked="" type="checkbox"/> |
| 2. Failure by appointed officer to determine the application within the period allowed for determination of the application | <input type="checkbox"/> |
| 3. Conditions imposed on consent by appointed officer | <input type="checkbox"/> |

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 | <input checked="" type="checkbox"/> |
| 2. One or more hearing sessions | <input checked="" type="checkbox"/> |
| 3. Site inspection | <input checked="" type="checkbox"/> |
| 4. Assessment of review documents only, with no further procedure | <input type="checkbox"/> |

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:

I am happy to go with the review bodys decision on whether or not the application needs further written submission or one or more hearings or a site inspection but i am open to providing any of the above if deemed necessary.

Site inspection

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

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

There is a gate upon entry and there is livestock in on the land but the Local Review Body would be able to undertake an accompanied site inspection no problem

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.

Statement of review and original statement along with all documents to support case see attached including additional documentation

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.

the new material i have provided in the statement could not be addressed before as it was in review but Inow have the full report to provide

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.

For list of supporting documents see attached

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

Amy Anderson

Date

05/08/24

In reply to the first reason for refusal. I believe the wrong information has been submitted. The refusal states it is not an identifiable site with long established boundaries which separates the site naturally from the surrounding ground, although there is a long established line of beech trees that run down the back of the site.

It also states that is not suitably sited or designed to be in keeping with area and would detrimentally impact on the amenity of residential properties adjacent to the site where as the site was chosen specifically not to affect the residential properties as the owners of the properties are extremely particular about privacy. We have also designed the site in keeping with the surrounding area. The majority of which is equestrian as are we. There are mobile homes, static caravans and log cabins within 400m of the site. The site is also dropped down from eye level so as not to be detrimental to the surrounding amenity and residents. It cannot be seen from the nearby road or by the residents in any direction.

The second reason for refusal states that this is a small-scale rural business proposal and the supporting information does not demonstrate there is an essential need for a worker to live permanently at or near their place of work. In reality this is only part of the business. Ochil View Canine and Equestrian Services has been running from the land since it was purchased almost two years ago. This is a successful business already but was planned around the permission being granted for accommodation and it is becoming almost impossible now for the business to keep expanding without permission for accommodation being granted. Business plans for the livery and breeding programme have been submitted along with the original planning application. If another business plan is required including the other side of the business this can be provided. It was

not thought that the other side of the business would be of importance but I now see that it is of the utter most importance as both the canine (mobile dog grooming and dog walking, this part of the business does not have and detrimental effects on the area/neighbours etc as it is mobile and runs from vans in the surrounding areas which include Dunfermline and Dollar. The land at Blairingone is the base site in which the businesses have been built around) and equine parts of the business MUST run from the same place to be successful as between me and my partner there has to be someone on the land 24/7. Please ask for any details that may be needed to progress this application further.

In reply to the third reason for refusal, the application site is a greenfield site and it has not been allocated for development and it is not explicitly supported by policies of the Perth and Kinross Local Development Plan. There is no actual development taking place. By the time this application comes to review I will have had permission granted already as I re applied as requested by the council for the access track and stables. The caravan is mobile as are the stables and can and will be removed after the temporary period expires allowing the site to be returned to its natural state.

In reply to the forth reason The proposal is to be served by a private water supply with other residential properties in the area served by private water supplies. Insufficient information has been submitted to demonstrate the proposal accords with LDP2 Policy 53E Water Supply and will not prejudice existing users of the private water supplies serving the area.

I am working in conjunction with the owner of the private water supply and have full permission to use it. The other properties in the area all use the same water supplied by Ron Brady as a gesture of kindness on his part.

Lastly I would like to add in some new information which I was unable to supply in my original application as the case was under review. I have a full report on the property I am living in at the moment from the Environmental Health Private Housing Standards Protective Services. Following contact from the police an inspection of the property took place on Thursday 30/05/24 in the presence of the current tenant (me, Amy Anderson) at which time it was found that the property failed to meet the tolerable standard as defined by the housing Scotland act 1987, part 5 The Tolerable Standard Section 86 and the repairing standard as defined by the housing (Scotland) act 2006, acts of the Scottish Parliaments asp 1 Part 1 chapter 4 the repairing standards section 13

I have the full report which I can provide as I understand this puts me in good stead as the house I am living in meets the unsatisfactory living standards clause.

The Current Occupier

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Environmental Health
(Water, Caravans, and Private Housing Standards)
Protective Services

If contacting, please ask for **Karina Brookes**

Mobile: [REDACTED]

email: [REDACTED]

Copy via email to;

Our Ref: KB/24/01624/PHS

The Occupier:

[REDACTED]

Date: **12/06/2024**

Letting Agent:

[REDACTED]

Landlord:

[REDACTED]
[REDACTED]

Housing (Scotland) Act 1987 UK Public General Acts 1987 c. 26 PART IV The tolerable standard Section 86

Housing (Scotland) Act 2006, Acts of the Scottish Parliament 2006 asp 1 Part 1 Chapter 4 The repairing standard Section 13

Property address; [REDACTED] Steelend, Dunfermline, Fife, [REDACTED]

Following contact from **Police Scotland** an inspection of the property took place on **Thursday 30/05/2024** in the presence of the current tenant at which time it was found that the property **failed to meet the tolerable standard** as defined by **Housing (Scotland) Act 1987, PART IV The tolerable standard Section 86** and the **repairing standard** as defined by the **Housing (Scotland) Act 2006, Acts of the Scottish Parliament 2006 asp 1 Part 1 Chapter 4 The repairing standard Section 13**.

I report on my inspection findings as follows:

Notes:

1. The Private Residential Tenancy Agreement entry is dated **12th May 2023.**
2. The letting agent is **Affitto Estate Agents**, Unit 4, 196 Sandhills Ave, Hamilton, Leicester LE5 1PL.
3. The tenant's deposit (£525) is held within **Letting Protection Service Scotland**, as detailed in the Private Residential Tenancy Agreement.
4. There is a First Tier Tribunal **Repairing Standard Enforcement Order** dated **23rd June 2022** outstanding on the property. Chamber Ref: FTS/HPC/RP/22/0442.

At the time of inspection, the following certificates and safety documents could not be provided;

- PAT certificate (Portable Appliance Test)

Limitations

- The inspection was a non-intrusive, visual inspection of exposed and accessible parts of the property.
- There was no access into the loft areas or areas at height.
- Visual inspection took place from ground/floor level.

Description of the property

This is a ground floor dwelling within a semi-detached property, there is a flat above. The property is of cavity wall construction under a pitched and tiled roof, there are cavity fill holes in the outer walls. Heating of the property is via electric radiators and hot water by a cylinder within the kitchen. The property comprises of 2 bedrooms, 1 kitchen, 1 bathroom/WC, 1 living room and a hallway. There are gardens to the front and back of the property.



Gable end and access into the property.

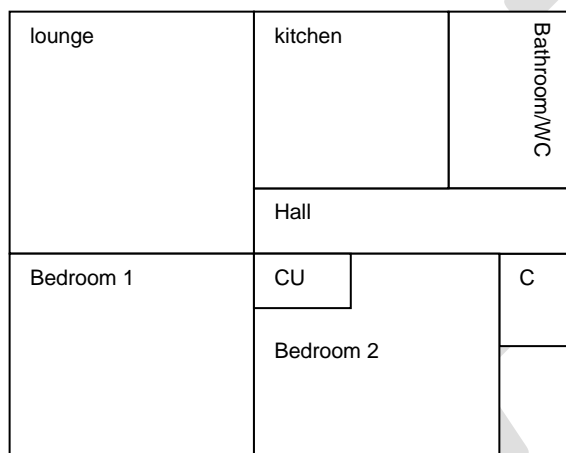


Front and gable end elevation.



Back elevation

Floor plan (not to scale):



Housing (Scotland) Act 1987 UK Public General Acts 1987 c. 26 PART IV The tolerable standard Section 86

*The **tolerable standard** is a basic level of repair your property must meet to make it fit for a person to live in.*

(1) Subject to subsection (2), a house meets the tolerable standard for the purposes of this Act if the house—

(b) is substantially free from rising or penetrating damp;

Description of Failure 86(1)b

At the time of inspection, it was noted that;

- There was an area of penetrating dampness to bedroom 1 exterior wall as it abuts bedroom 2 at lower level and under the window ledge area.
- The bathroom ceiling above the toilet and inner side of outside wall were showing signs of water penetration and dampness. **Note;** the owner occupier of the upper flat has been asked to check and attend to any possible water leaks coming from the room directly above the bathroom of No 23, which is assumed to be a bath/shower room with WC.
- There was dampness to the back wall at foundation blockwork level. The cavity may well be filled, if this is the case and the cavity wall insulation has become damp or the property is not satisfactorily heated and ventilated, can cause dampness to manifest in these areas within the property.

Photographs



Damp and mould to the bathroom ceiling.



Damp and mould to the bathroom ceiling



Bedroom 1 inside of the exterior wall, area read as being damp



The foundation blockwork read as being damp, moss evident and some bossed harling. Cavity fill holes.

The works required to meet the tolerable standard are as follows:

The landlord is to instruct a skilled and suitably qualified person to survey, repair/renew/organise as necessary the cause, repair, and redecoration to the water damaged bathroom ceiling and dampness to the wall of bedroom 1.

Timescale: The works specified above should be carried out as soon as reasonably practicable using a risk-based approach and completed no later than the **12th September 2024**.

(1) Subject to subsection (2), a house meets the tolerable standard for the purposes of this Act if the house—

(j) has satisfactory equipment installed for detecting, and for giving warning of, fire or suspected fire;

Description of Failure 86(1)i

At the time of inspection, the smoke alarm heads were missing from the system installed.

Photographs



Missing smoke head



Missing smoke head

The works required to meet the tolerable standard are as follows:

The landlord is to instruct a skilled and suitably qualified person to install smoke detection within the property that meets current Scottish Government requirements for a let property.

Timescale: The works specified above should be carried out as soon as reasonably practicable using a risk-based approach and completed no later than the **12th July 2024**.

Housing (Scotland) Act 2006, Acts of the Scottish Parliament 2006 asp 1 Part 1
Chapter 4 The repairing standard Section 13

*The **repairing standard** is a basic level of repair that all private rented properties must meet.*

(1)A house meets the repairing standard if—

(a) the house is wind and water tight and in all other respects reasonably fit for human habitation,

Description of Failure 13(1)a

At the time of inspection, it was noted that the front living room fan opening windows were not working as designed and shutting to their stops. In addition, a new lintel has been installed, however the area between the new lintel and window has been filled with expanding foam which is not protected from the elements.

Photographs



Opening fan windows, not shutting to stops.



View of the living room window from the front garden.



Exposed expanding foam between top of window frame and new lintel.



Exposed expanding foam between top of window frame and new lintel.

The works required to meet the repairing standard are as follows;

The landlord is to instruct a skilled and suitably qualified person to survey, repair/renew as necessary the windows and abutment between window and lintel to ensure the windows are working as designed and are appropriately sealed to prevent water and wind ingress.

Timescale: The works specified above should be carried out as soon as reasonably practicable but no later than **12th September 2024**.

(1) A house meets the repairing standard if—

(b) the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,

Description of Failure 13(1)b

At the time of inspection, it was noted that the bathroom and back bedroom 1 window lintel rebars/harling was starting to fail.

Photographs



Gable bathroom lintel, showing bossing of harling at lintel area.



Back bedroom 1 lintel, showing signs of cracking at the lintel area.

The works required to meet the repairing standard are as follows;

The landlord is to instruct a skilled and suitably qualified person to survey, repair/renew as necessary the potential causes of the cracked and bossed harling covering the lintels of the bathroom and bedroom 1 and make good the area on completion of the works.

Timescale: The works specified above should be carried out as soon as reasonably practicable but no later than **12th September 2024**.

Description of Failure 13(1)b

At the time of inspection, the cast iron downpipe on the gable end of the property had a patch repair which has failed. There are also other areas of drainage pipe that have been patch or temporarily repaired.

Photographs



Hole exposed in waste water pipe, gable.



Front waste water pipe, hole repaired with flashing.

The works required to meet the repairing standard are as follows:

The landlord is to instruct a skilled and suitably qualified person to survey, permanently repair/renew as necessary the damaged waste pipes and permanently repair any other breaches in the down or waste pipes.

Timescale: The works specified above should be carried out as soon as reasonably practicable using a risk-based approach and completed no later than the **10th August 2024**.

(1)A house meets the repairing standard if—

(c) the installations in the house for the supply of water, gas and electricity and for sanitation, space heating and heating water are in a reasonable state of repair and in proper working order,

Description of Failure 13(1)c

At the time of inspection, it was noted that the electric hall radiator was not secured fully to the wall.

Photographs



LHS hall radiator bracket has failed.

The works required to meet the repairing standard are as follows;

The landlord is to instruct a skilled and suitably qualified person to survey, repair/renew/secure as necessary the electric radiators within the property.

Timescale: The works specified above should be carried out as soon as reasonably practicable but no later than **12th August 2024**.

Description of Failure 13(1)c

At the time of inspection, the tenant advised that some sockets within the kitchen/pantry were not working as designed.

The works required to meet the repairing standard are as follows;

The landlord is to instruct a skilled and suitably qualified person to survey, repair/renew as necessary the electric supply/sockets to the kitchen/pantry, ensuring that on completion all the sockets within the property are working as designed and safe for continued use.

Timescale: The works specified above should be carried out as soon as reasonably practicable but no later than **12th July 2024**.

Description of Failure 13(1)c

At the time of inspection, it was noted that the bathroom and kitchen wall heaters were not working as designed.

Photographs



Wall fan in bathroom



Wall fan in kitchen

The works required to meet the repairing standard are as follows;

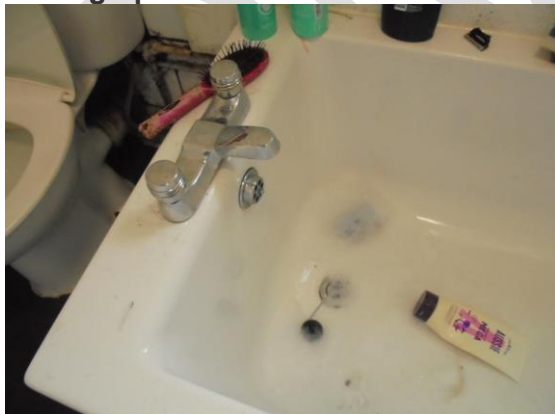
The landlord is to instruct a skilled and suitably qualified person to survey, repair/renew as necessary the electric wall heaters, so that they work as designed.

Timescale: The works specified above should be carried out as soon as reasonably practicable but no later than **12th September 2024**.

Description of Failure 13(1)c

At the time of inspection, it was noted that the bath and basin taps could not be turned completely off to stop the taps from dripping.

Photographs



Dripping bath tap



Dripping basin tap

The works required to meet the repairing standard are as follows;

The landlord is to instruct a skilled and suitably qualified person to survey, repair/renew as necessary the bath and basin taps so they operate as designed.

Timescale: The works specified above should be carried out as soon as reasonably practicable but no later than **12th August 2024**.

Description of Failure 13(1)c

At the time of inspection, it was noted that the main fuse safety tag was missing.

Photographs



Electric consumer unit and meter.



Missing main fuse security tag.

The works required to meet the repairing standard are as follows;

The landlord is to contact the electricity supplier and arrange for the replacement of the main fuse security tag.

Timescale: The works specified above should be carried out as soon as reasonably practicable but no later than **12th July 2024**.

(1)A house meets the repairing standard if—

(d) any fixtures, fittings and appliances provided by the landlord under the tenancy are in order,

Description of Failure 13(1)d

At the time of inspection, it was noted that the oven function and temperature setting identification markers were missing in part or in full from the oven fascia.

Photographs



Missing identification function and temperature markers for the oven.



Missing identification function and temperature markers for the oven.

The works required to meet the repairing standard are as follows;

The landlord is to instruct a skilled and suitably qualified person to survey, repair/renew as necessary the identification markers on the oven so the tenant can identify the function and set the temperature of the oven.

Timescale: The works specified above should be carried out as soon as reasonably practicable but no later than **12th August 2024**.

Description of Failure 13(1)d

At the time of inspection, the tenant advised that the washing machine, which is believed to be owned by the landlord, was not working as designed.

The works required to meet the repairing standard are as follows;

The landlord is to instruct a skilled and suitably qualified person to survey, repair/renew as necessary the washing machine.

Timescale: The works specified above should be carried out as soon as reasonably practicable but no later than **12th July 2024**.

Additional matters of note requiring attention

- i. At the time of inspection, it was noted that the fireplaces had been boarded over and vented however the fireplace vent cover was missing.



Missing vent cover to chimney vent in living room.

It is recommended that the landlord replaces any missing vent covers to ensure that there is air flow within the chimney area to ensure these areas remain well-ventilated and dry.

ii. Legionella/Legionnaires Disease

The current tenant was able to provide a legionella risk assessment that has been carried out for the property. However, the legionella risk assessment states that at the time of survey, there was no hot water at the property, as there is now a tenant in situ, the legionella risk assessment is to be completed and confirmed as satisfactory.

DocuSign Envelope ID: A0E90266-9122-413C-B624-ED779D8470CE

1. Water outlet temperature

Is cold water temperature at outlets below 20°C?	Yes. 8.3c
Is the hot water temperature above 50°C at outlets?	No hot water available at the time of my visit

Landlords and letting agents are obliged by law to carry out risk assessments for Legionnaires Disease, implement any necessary control measures and provide information to tenant(s). It is also important that the assessment is reviewed regularly in case anything changes in the system. More information is available at www.hse.gov.uk.

Timescale: The document must be provided as soon as reasonably practicable but by no later than **12th July 2024**. A copy is to be provided to the current tenant and Inspecting Officer.

iii. **Portable Appliance Test (PAT) Certificate**

The current tenant was unable to provide a copy of the Portable Appliance Test certificate for this property.

Landlords are required to:

- Ensure that regular electrical safety inspections are carried out by a suitably competent person, and
- Have regard to the guidance issued by Scottish Ministers on electrical safety standards and competent persons.

The tenant and inspecting officer are to be provided with a copy of your most recent PAT test certificate for any appliances you have provided.

Timescale: This document must be provided as soon as reasonably practicable but by no later than **12th July 2024**.

Summary

In terms of the **Housing (Scotland) Act 2006, Acts of the Scottish Parliament, 2006 asp 1, Part 1, Chapter 4, 14 (1)b**, the landlord must ensure that the house meets the repairing standard at all times during the tenancy.

It is recommended that the landlord is advised of any defects/repair works required to the property, so that the landlord can attend to the works required within a reasonable timescale to ensure that the property meets the repairing standard at all times during the tenancy.

For further information see; <https://www.mygov.scot/tenant-repairs> and **14 Landlord's duty to repair and maintain**; <https://www.legislation.gov.uk/asp/2006/1/part/1/chapter/4/>

If, however the works are not completed in a reasonable time the tenant has a right to make an application under the Repairing Standard to the First-tier Tribunal for Scotland (Housing and Property Chamber) for a determination as to whether a landlord has complied with their duties under the Repairing Standard.

A landlord is also entitled to make an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) for assistance in exercising their rights to gain access to carry out these repairs.

Please can you keep me informed about the completion of the works to be carried out in accordance with the timeframes set out above.

Should you wish to discuss any of the points do not hesitate to get in touch.

As agreed with the tenant, a copy of this letter has been sent via email to the following people; **The Occupier** [REDACTED], **Affitto Estate Agents** (Letting Agent), **Mr Mordecai Bamberger** (Landlord).

Yours sincerely,

[REDACTED]

Karina Brookes

*Building Standards Inspector (Private Housing Standards)
Environmental Health (Water, Caravans, and Private Housing Standards)*

Email: [REDACTED]

Mobile: [REDACTED]

Privacy Notice - Private Housing Standards;

<https://www.fife.gov.uk/kb/docs/articles/privacy-notice/private-housing-standards>



Appendix A - LINKS

Rented Sector web page

<https://www.fife.gov.uk/kb/docs/articles/housing/private-rented-sector>

Landlords Registration

<https://www.landlordregistrationscotland.gov.uk/>

Frontline Fife

Tel: 01592 800430 Email: info@frontlinefife.co.uk

<https://www.frontlinefife.co.uk/about/contact/>

Housing (Scotland) Act 1987 UK Public General Acts 1987 c. 26 PART IV The tolerable standard Section 86

<https://www.legislation.gov.uk/ukpga/1987/26/part/IV/crossheading/the-tolerable-standard>

<https://webarchive.nrscotland.gov.uk/20190116211035/http://www.gov.scot/Publications/2009/03/25154751/0>

Housing (Scotland) Act 2006, Acts of the Scottish Parliament 2006 asp 1 Part 1 Chapter 4 The repairing standard Section 13

<https://www.legislation.gov.uk/asp/2006/1/part/1/chapter/4>

Repairing Standard: statutory guidance for private landlords

<https://www.gov.scot/publications/repairing-standard-statutory-guidance-private-landlords/>

Housing (Scotland) Act 2006, Acts of the Scottish Parliament, 2006 asp 1, Part 1, Chapter 4, 14 Landlord's duty to repair and maintain

<https://www.legislation.gov.uk/asp/2006/1/part/1/chapter/4/>

Asking for repairs as a tenant

<https://www.mygov.scot/tenant-repairs>

Repairing Standard: statutory guidance for private landlords

<https://www.gov.scot/publications/repairing-standard-statutory-guidance-private-landlords/documents/>

Fire detection in private rented properties: guidance

<https://www.gov.scot/publications/fire-safety-guidance-private-rented-properties/>

Energy Performance Certificates: guide

<https://www.gov.scot/publications/energy-performance-certificates-guide/pages/private-rented-buildings/>

Housing and Property Chamber

<https://www.mygov.scot/landlord-repairs/housing-and-property-chamber>

Under One Roof

www.underoneroof.scot

Cozy Kingdom

<https://www.cosykingdom.org.uk/>

Appendix B

86 Definition of house meeting tolerable standard.

The tolerable standard is a basic level of repair your property must meet to make it fit for a person to live in.

The local council can force you to carry out work to bring your home up to the tolerable standard.

(1) Subject to subsection (2), a house meets the tolerable standard for the purposes of this Act if the house—

(a) is structurally stable;

(b) is substantially free from rising or penetrating damp;

(c) has satisfactory provision for natural and artificial lighting, for ventilation and for heating;

[F1]*(ca) has satisfactory thermal insulation;]*

(d) has an adequate piped supply of wholesome water available within the house;

(e) has a sink provided with a satisfactory supply of both hot and cold water within the house;

*(f) has a water closet **[F2]** or waterless closet] available for the exclusive use of the occupants of the house and suitably located within the house;*

[F3]*(fa) has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;]*

(g) has an effective system for the drainage and disposal of foul and surface water;

[F4]*(ga) in the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installation for the purposes of that supply;*

“the electrical installation” is the electrical wiring and associated components and fittings, but excludes equipment and appliances;

“the relevant requirements” are that the electrical installation is adequate and safe to use;]

(h) has satisfactory facilities for the cooking of food within the house;

(i) has satisfactory access to all external doors and outbuildings;

[F5]*(j) has satisfactory equipment installed for detecting, and for giving warning of, fire or suspected fire;*

(k) has satisfactory equipment installed for detecting, and for giving warning of, carbon monoxide present in a concentration that is hazardous to health;]

13 The repairing standard

*If you're renting out a property, as the landlord you're responsible for carrying out some repairs. It's your duty to make sure the property meets **the repairing standard**.*

The repairing standard is a basic level of repair that all private rented properties must meet.

13 The repairing standard

(1) A house meets the repairing standard if—

(a) the house is wind and water tight and in all other respects reasonably fit for human

habitation,

(b)the structure and exterior of the house (including drains, gutters and external pipes) are in a reasonable state of repair and in proper working order,

(c)the installations in the house for the supply of water, gas **[F5]**, electricity (including residual current devices) and any other type of fuel] and for sanitation, space heating **[F6]**by a fixed heating system] and heating water are in a reasonable state of repair and in proper working order,

(d)any fixtures, fittings and appliances provided by the landlord under the tenancy are in a reasonable state of repair and in proper working order,

(e)any furnishings provided by the landlord under the tenancy are capable of being used safely for the purpose for which they are designed, **F7**...

F8(f).

F8(g).

[F9(h)the house meets the tolerable standard.]

[F10(i)any common parts pertaining to the house can be safely accessed and used,

(j)the house has satisfactory provision for, and safe access to, a food storage area and a food preparation space, and

(k)where the house is in a tenement, common doors are secure and fitted with satisfactory emergency exit locks.]

(2)In determining whether a house meets the standard of repair mentioned in subsection (1)(a), regard is to be had to the extent (if any) to which the house, by reason of disrepair or sanitary defects, falls short of the provisions of any building regulations.

(3)In determining whether a house meets the standard of repair mentioned in subsection (1)(b), regard is to be had to—

(a)the age, character and prospective life of the house, and

(b)the locality in which the house is situated.

(4)The reference in subsection (1)(c) to installations in a house includes reference to installations outwith the house which, directly or indirectly, serve the house and which the owner is responsible for maintaining (solely or in common with others) by virtue of ownership, any real burden or otherwise.

[F11(7)In determining whether a house meets the standards of repair mentioned in subsection (1)(c) to (k) regard is to be had to any guidance issued by the Scottish Ministers in relation to—

(a)the condition of pipes supplying water for human consumption,

(b)electrical safety standards in relation to—

(i)installations for the supply of electricity, and

(ii)electrical fixtures, fittings and appliances,

(c)installation of a fixed heating system,

(d)equipment for detecting fire and for giving warning of fire or suspected fire,

(e)the tolerable standard,

(f)the type of emergency exit locks to be fitted to common doors in tenements,

(g)equipment for detecting, and for giving warning of, carbon monoxide in a concentration that is hazardous to health,

(h)the provision for, and safe access to, a food storage area and a food preparation space.]

List of Supporting Documents and Evidence

Decision	DECISION NOTICE			
Select this document	27 Sep 2023	Application Form	APPLICATION FOR PLANNING PERMISSION	
Select this document	27 Sep 2023	Drawing	01	LOCATION PLAN
Select this document	27 Sep 2023	Drawing	02	SUPERSEDED PROPOSED BLOCK PLAN
Select this document	27 Sep 2023	Report	08	PLANNING STATEMENT
Select this document	19 Oct 2023	Drawing	03	CARAVAN ELEVATIONS AND FLOOR PLAN
Select this document	19 Oct 2023	Drawing	04	EXISTING BLOCK PLAN
Select this document	19 Oct 2023	Drawing	05	LOCATION PLAN RURAL
Select this document	19 Oct 2023	Drawing	06	SUPERSEDED PROPOSED BLOCK PLAN
Select this document	19 Oct 2023	Drawing	07	STABLES ELEVATIONS AND FLOOR PLANS
Select this document	06 Nov 2023	OS Extract	NEIGHBOUR NOTIFICATION MAPS	
Select this document	06 Nov 2023	Neighbour Notification List	NEIGHBOUR NOTIFICATION LIST	
Select this document	07 Nov 2023	Internal Consultees	INTERNAL CONSULTEE FROM COMMERCIAL WASTE TEAM	
Select this document	07 Nov 2023	External Consultees	EXTERNAL CONSULTEE FROM SCOTTISH GAS NETWORK	
Select this document	09 Nov 2023	External Consultees	EXTERNAL CONSULTEE FROM SCOTTISH WATER	
Select this document	16 Nov 2023	Objection Comment	OBJECTION COMMENT (ANDERSON)	

Select this document	16 Nov 2023	External Consultees		EXTERNAL CONSULTEE FROM THE COAL AUTHORITY
Select this document	22 Nov 2023	Objection Comment		ADDITIONAL COMMENTS (ANDERSON)
Select this document	23 Nov 2023	Objection Comment		OBJECTION COMMENT (FOSSOWAY AND DISTRICT COUNCIL)
Select this document	27 Nov 2023	Internal Consultees		INTERNAL CONSULTATION (CONTRIBUTIONS)
Select this document	29 Nov 2023	Objection Comment		OBJECTION COMMENT (HUMPHREYS)
Select this document	29 Nov 2023	Internal Consultees		INTERNAL CONSULTEE RESPONSE (PRIVATE WATER)
Select this document	30 Nov 2023	Objection Comment		OBJECTION COMMENT (PYE)
Select this document	30 Nov 2023	Objection Comment		OBJECTION COMMENT (DIXON)
Select this document	30 Nov 2023	Internal Consultees		INTERNAL CONSULTEE RESPONSE (TRANSPORT PLANNING)
Select this document	01 Dec 2023	Objection Comment		OBJECTION COMMENT (MCLNALLY)
Select this document	19 Jan 2024	External Consultees		EXTERNAL CONSULTEE FROM SCOTTISH GAS NETWORK (UPDATED)
Select this document	29 Feb 2024	Report	10	STATEMENT ON POLICY COMPLIANCE
Select this document	14 Mar 2024	Drawing	09	SUPERSEDED UPDATED ACCESS ROAD LAYOUT
Select this document	26 Mar 2024	Drawing	11	REVISED PROPOSED BLOCK PLAN
Select this document	28 Mar 2024	Internal Consultees		INTERNAL CONSULTEE-EHNO
Select this document	22 May 2024	Internal Consultees UPDATED		TRANSPORT PLANNING
Select this document	22 May 2024	Report		REPORT OF HANDLING



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Fax: 01738 475310 Email: onlineapps@pkc.gov.uk

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 100645577-001

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.

Type of Application

What is this application for? Please select one of the following: *

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Formation of access, erection of stables and siting of (residential caravan for temporary use of 3 years.)

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) *

Has the work already been started and/or completed? *

☐ No ☒ Yes – Started ☐ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

25/02/2023

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

The access track has been partially constructed as she did not realise that she would not need permission for the access track..

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: *	Alison	Building Name:	
Last Name: *	Arthur	Building Number:	85
Telephone Number: *		Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newburgh
Fax Number:		Country: *	Fife
		Postcode: *	KY14 6DA
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Amy	Building Number:	
Last Name: *	Anderson	Address 1 (Street): *	
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	
Extension Number:		Country: *	
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			

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 North of Muirhead cottages, Solsgirth, Dollar

Northing

695500

Easting

299600

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

3973.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Equestrian land

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

☒ Yes ☐ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<input style="width: 100%;" type="text" value="0"/>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<input style="width: 100%;" type="text" value="0"/>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
<input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide further details. What private arrangements are you proposing? *	
<input checked="" type="checkbox"/> New/Altered septic tank. <input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	
What private arrangements are you proposing for the New/Altered septic tank? *	
<input checked="" type="checkbox"/> Discharge to land via soakaway. <input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway). <input type="checkbox"/> Discharge to coastal waters.	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *	
<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">Please see attached statement for details</div>	
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Note:- Please include details of SUDS arrangements on your plans Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	

Are you proposing to connect to the public water supply network? *

- ☐ Yes
☐ No, using a private water supply
☒ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☐ No ☒ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☐ No ☒ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☐ Yes ☒ No

If Yes or No, please provide further details: * (Max 500 characters)

The applicant will take the rubbish home

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☐ No ☒ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Alison Arthur

On behalf of: Ms Amy Anderson

Date: 26/09/2023

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

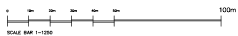
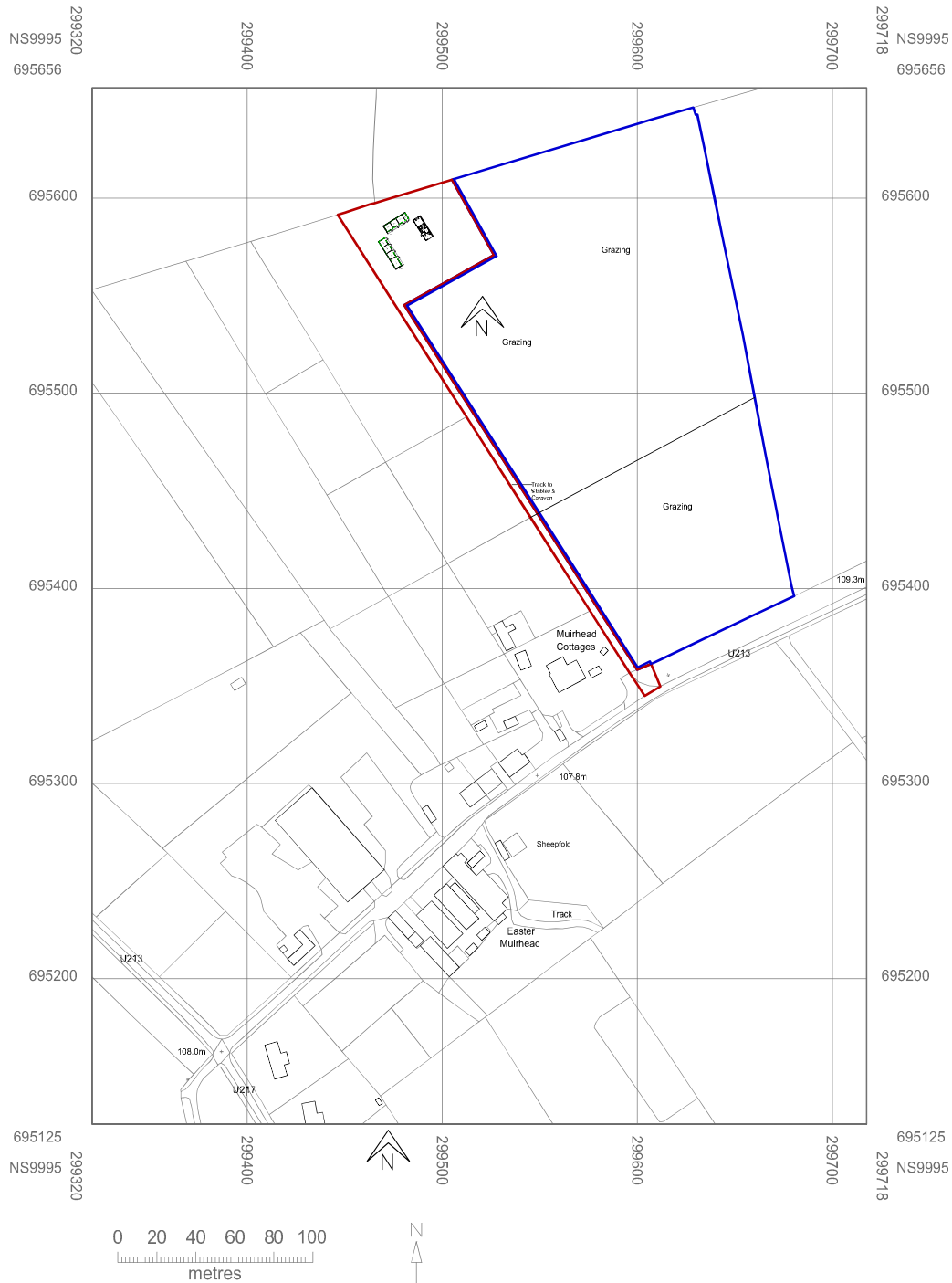
Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mrs Alison Arthur

Declaration Date: 26/09/2023



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.

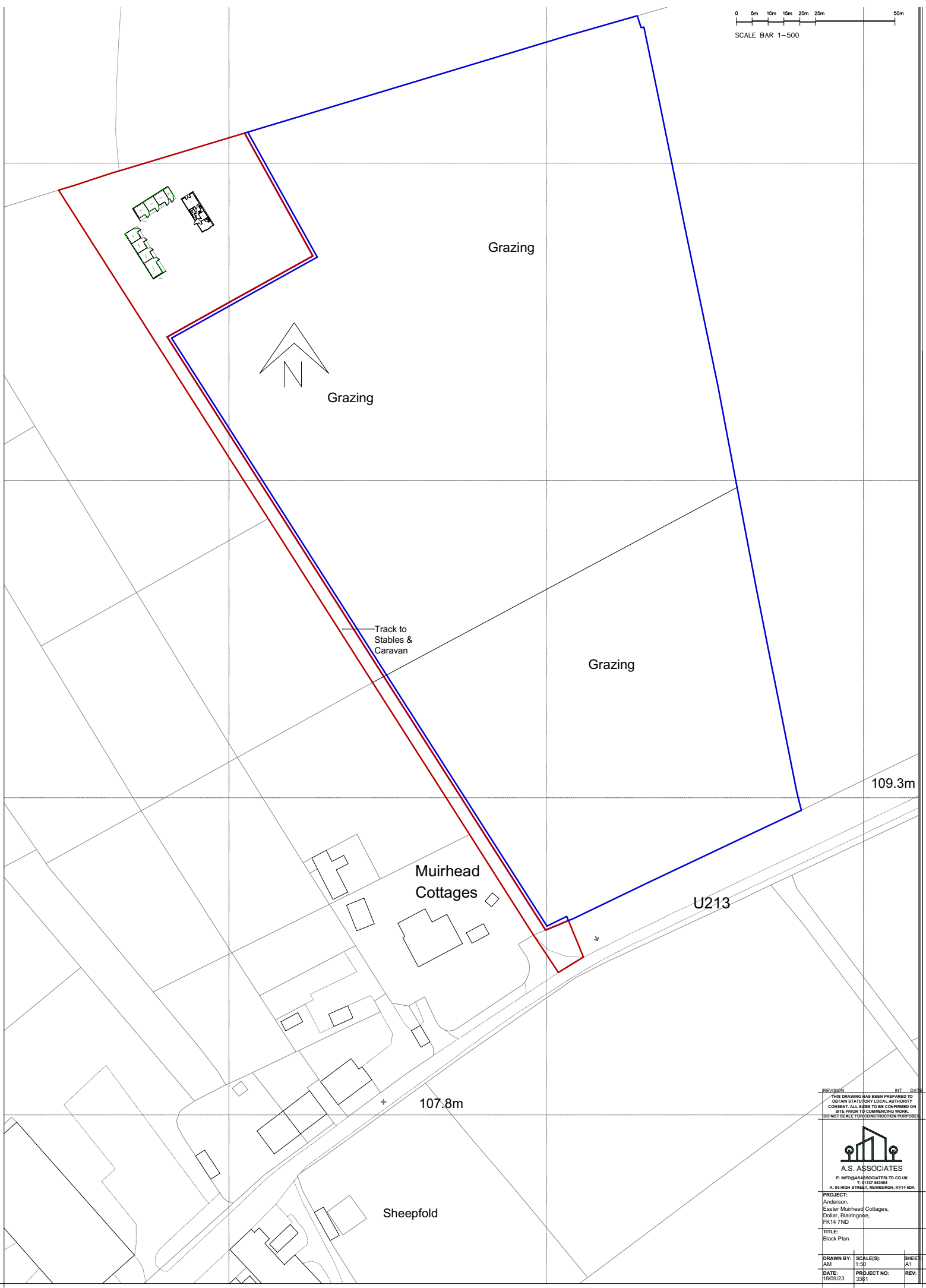
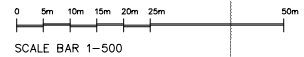


A.S. ASSOCIATES
E: INFO@ASASSOCIATES.CO.UK
T: 01337 540088
A: 85 HIGH STREET, NEWBURN, KY14 6UA

PROJECT:
Anderson,
Easter Muirhead Cottages,
Dolar, Blairingone,
FK14 7ND

TITLE:
Location Plan

DRAWN BY: AM	SCALE(S): 1:250/1:500	SHEET: 01
DATE: 12/05/23	PROJECT NO: 3361	REV: -



REVISION	INT	DATE
THIS DRAWING HAS BEEN PREPARED TO OBTAIN STATUTORY LOCAL AUTHORITY CONSENT. ALL USES TO BE CONFIRMED ON SITE PRIOR TO COMMENCING WORK. DO NOT SCALE FOR CONSTRUCTION PURPOSES.		
 A.S. ASSOCIATES E: INFO@ASASSOCIATES.LTD.CO.UK T: 01327 840888 A: 85 HIGH STREET, NEWBURGH, KY14 6DA		
PROJECT: Anderson, Easter Muirhead Cottages, Dollar, Blairingone, FK14 7ND		
TITLE: Block Plan		
DRAWN BY: AM	SCALE(S): 1:50	SHEET: A1
DATE: 18/09/23	PROJECT NO: 3361	REV:



85 High Street
Newburgh. KY14 6DA

Tel: 01337 840088



www.asassociatesltd.co.uk/
info@asassociatesltd.co.uk

Planning Statement

Formation of access, erection of stables and siting of residential caravan (for temporary period of 3 years).

Land NE of The Farmhouse, Easter Muirhead, Blairingone, Dollar, FK14 7ND

Prepared for Ms Amy Anderson
September 2023

1.0 INTRODUCTION

This statement has been prepared for Ms Amy Anderson to support her application for a proposal on land NE of The Farmhouse, Easter Muirhead, Blairingone. This statement provides information which we trust will assist the Council in assessing the proposal.

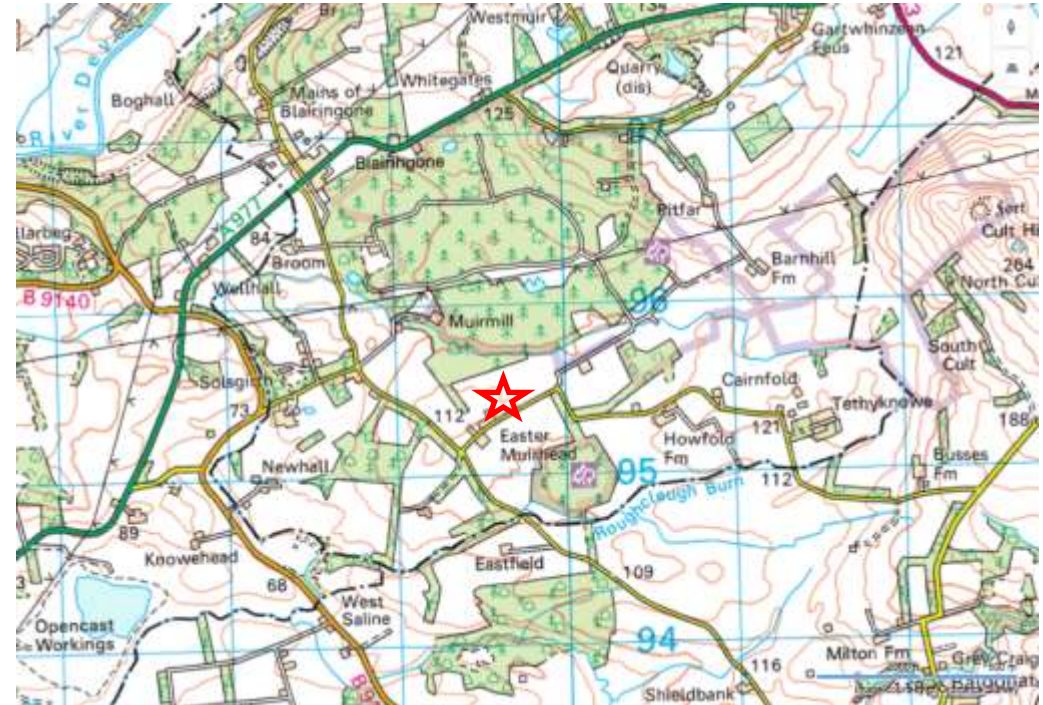
National Planning Framework 4 (NPF4) and the policies of the Perth & Kinross Local Development Plan 2019 (LDP2) have been the basis for the justification of the proposal, along with current supplementary guidance.

This submission has been prepared in relation to the Council's notice

23/00041/ALUNDV relating to alleged unauthorised development. Our client submitted a pre-application enquiry 23/00070/PREAPL for development on the field at East Muirhead. The initial response received, and further feedback in response to queries, has been very helpful in informing the preparation and justification of the now submitted proposal. This application excludes the dog exercise field that had been part of the proposal in the pre-application enquiry. Also, the change of use of the land to equestrian use is not included in the application, given that there is evidence, submitted, of it having been in that use for 21 years.

The following statement considers site context and description, the detail of the proposal, the principle of the development and detailed placemaking policies as set out in NPF4 and LDP2.

The applicant will be pleased to discuss any aspect of the proposal and provide **further information should this be required to assist with the Council's** assessment of the application.



Countryside map of site location (Bing maps)

Planning History of Surrounding Area

Easter Muirhead Farm lies adjacent to the application site and is an equestrian centre, Muirhead Stables (re consent 08/01561/FLM). This consent also included the erection of 4 cottages and 7 dwellinghouses. There is also a more recent consent (19/001539/FLL, approved April 2021) for four dwellinghouses within the earlier consented planning unit but with a revised layout and design.

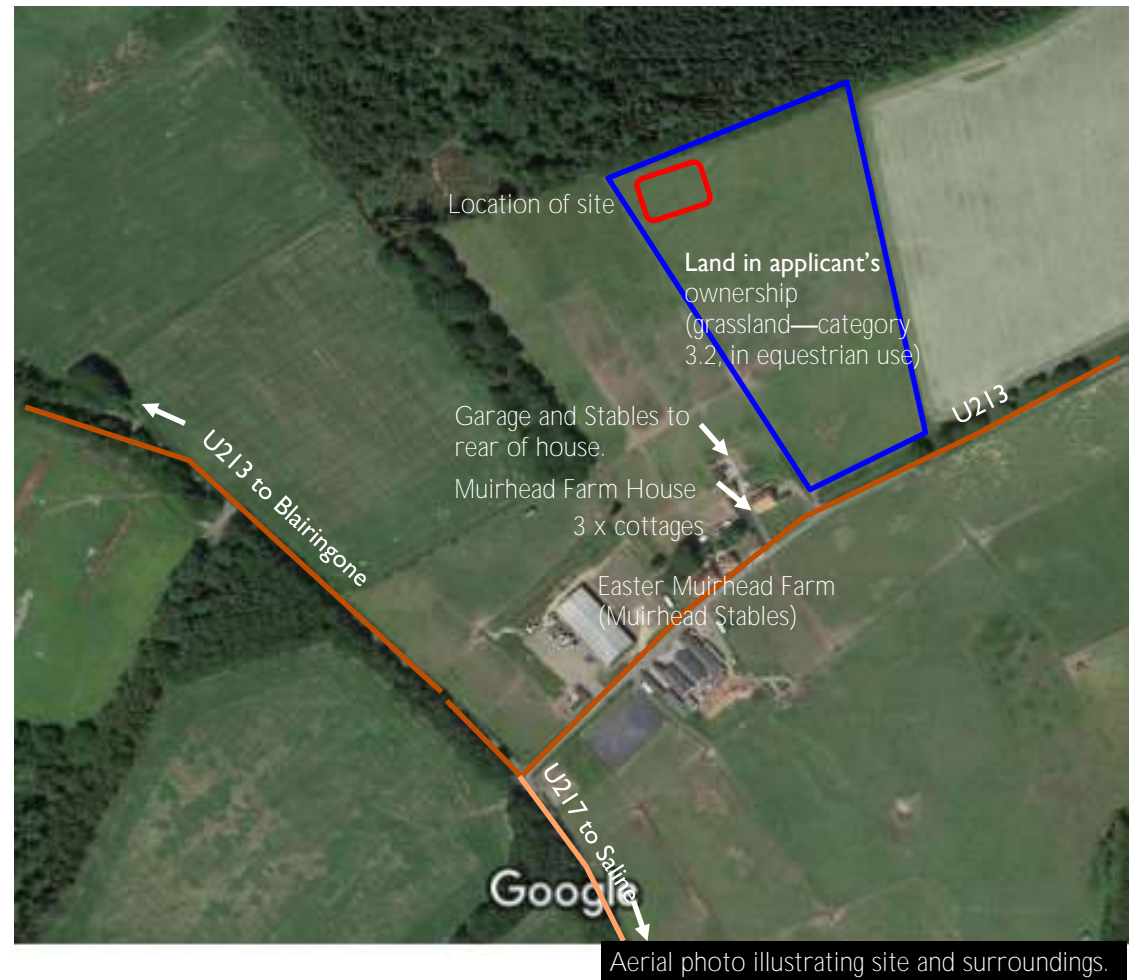
2.0 SITE CONTEXT AND DESCRIPTION

The proposed application site lies within two fields at Easter Muirhead, located to the south east of Blairingone, accessed from the U213 to Tethyknowe, leading from the A977 at Blairingone. The applicant owns the fields, with a total area of approx. 3.3ha. These were formerly part of Easter Muirhead Farm and have been in equestrian use for 21 years, as confirmed by the owner of Easter Muirhead Farm. The fields are bounded by post and wire/rail fencing and stone walls.

The application site includes the access from the public road and an area at the north west corner of the northernmost field. This is bounded to the north by woodland and on the other boundaries by the fields, currently in equestrian use.



Indicative layout of proposal



Aerial photo illustrating site and surroundings.

A cluster of buildings lies to the SW side of the site, including four dwellinghouses and Easter Muirhead Farm (in equestrian use).

The north end of the site lies at a lower level than the south part with a significant slope in the land at its mid point.

2.0 SITE CONTEXT AND DESCRIPTION



View towards N and site from south part of fields, near access from public road. Location for stables and caravan at N end of fields is not within view.



View towards N and site from mid point of fields.

2.0 SITE CONTEXT AND DESCRIPTION



View of site (access track partly constructed).



Views of site (ground scraped for site of stables and caravan).

2.0 SITE CONTEXT AND DESCRIPTION



View across fields to NE.

2.0 SITE CONTEXT AND DESCRIPTION



2.0 SITE CONTEXT AND DESCRIPTION



View of access to site and The Farmhouse, with high boarded fencing along the boundary of its garden ground.



Views from E across S end of site and towards The Farmhouse. Green strip beyond stone wall is not in applicant's ownership and provides access along roadside.



Views of field from S, with slope and significant dip mid field, with site of proposal at N end of field hidden from public view.

3.0 PROPOSAL

The applicant proposes to establish her horse livery and stud farm business on a site within her land (the two fields of 3.3ha) at Easter Muirhead. There would be a total of 8 horses using the stables. The land is already in equestrian use, having been previously owned by Muirhead Stables, located adjacent to the south side of the U213.

The applicant's business will be operated in association with Muirhead Stables, with her livery clients using the facilities of Muirhead Stables (including outdoor and indoor arenas). Muirhead Stables will use the applicant's facilities and expertise for horse breeding. For example, both facilities will be used at the time of weaning foals—separating the foals and mares—with the foals being looked after by the applicant at the Muirhead Stables accommodation, and the mares looked after at the applicant's stables. There will also be shared practical arrangements, with the applicant using Muirhead Stables muck heap for waste disposal.

A caravan, to provide the applicant's residential accommodation, is included in the proposal, to support the 24/7 needs of the business for security and animal welfare. The applicant is applying for temporary consent for siting of the caravan (3 years), intending that in the future she can demonstrate that her business is well established and justifies a dwellinghouse. In this case she would propose to locate the house adjacent to the public road, forming part of the cluster of development in this area.

The specific location of the stables and caravan, at the north west corner of the applicant's land has been proposed for detailed reasons:

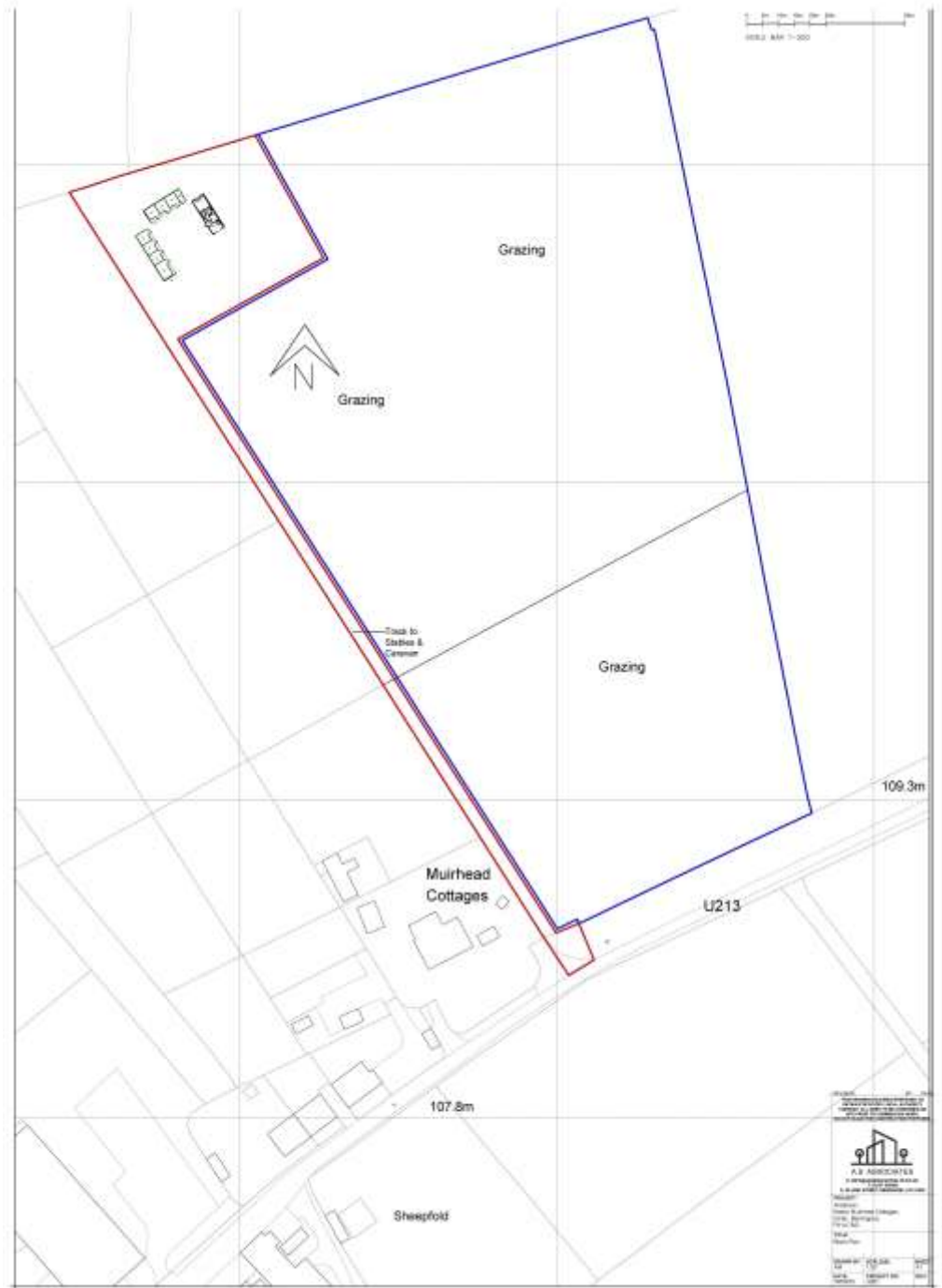
- The need for the stables to be unseen from the road
- The breeding mares need to be located away from the road/activity associated with the Muirhead Stables/other neighbours/dogs etc—to ensure peace and quiet.
- There is natural shelter in the north west corner of the fields—for both the stables and caravan.

The detail of the proposal includes:

- **Access track created with junction on to U213, east of The Farmhouse, Easter Muirhead. To be formed to meet with Council's standards.**
- Yard area with two stable blocks (including hay barn and tack room) and caravan, forming a U shape courtyard around a central hardstanding, including parking. **Site to be located in north west corner of the applicant's land.**
- **Stables for livery and applicant's own horses (for breeding plan).** The accommodation proposed is two stable blocks (12.8m x 3.6m x 2.7m high approx.) and (16.5m x 3.6m x 2.7m high approx.) to be sited on concrete bases. The stables will be of timber construction, with dark timber cladding, black Onduline roofing and black UPVC gutters/downpipes.
- Siting of a caravan within the yard area—to enable a 24/7 presence on site to support the business. Cosalt Monaco Deluxe 11.5m length x 4m width and 3m height (approx.) Dark timber cladding.
- Drainage infrastructure—septic tank and soakaway for foul drainage. Sustainable drainage for surface water. All hardstanding to be permeable materials.

4.0 PROPOSAL

Location and Block Plan
(not to scale)





0 0.5m 1m 1.5m 2m 2.5m 3m

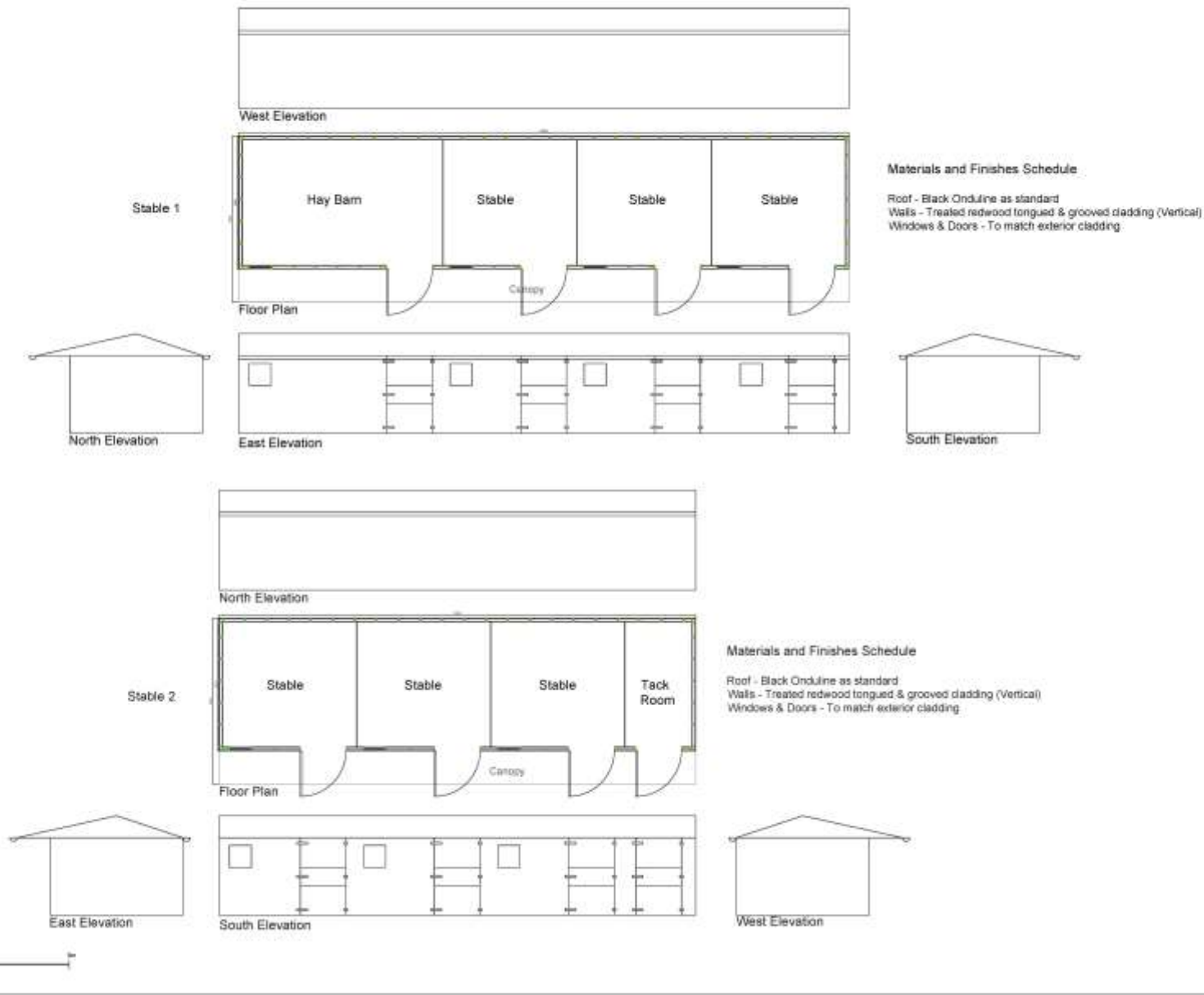
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3.0 PROPOSAL

Proposed Stable Blocks

(not to scale)



3.0 PROPOSAL



Proposed residential caravan—Cosalt Monaco Deluxe (to be dark finish)



4.0 PRINCIPLE OF DEVELOPMENT

The Town and Country Planning (Scotland) 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan which applies to this site is National Planning Framework 4 (NPF4) and the Adopted Perth & Kinross Local Development Plan 2019 (LDP2) **Perth & Kinross Council's adopted supplementary guidance** is also a consideration in the assessment of this proposal.

Rural Business

The policy intent of NPF4 Policy 29 Rural development is 'To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.'

The site is 'countryside' in terms of its policy consideration. LDP2 Policy 6: Settlement Boundaries provides policy direction where it indicates that *'Where there is no defined boundary, or for proposals on sites that do not adjoin a settlement boundary, Policy 19: Housing in the Countryside, or Policy 8: Rural Business and Diversification will apply.'* In this case we refer to both LDP2 Policy 8: Rural Business and Diversification and LDP Policy 19: Housing in the Countryside.

LDP2 Policy 8: Rural Business and Diversification

This policy provides support for the expansion of existing and creation of new businesses in rural areas. Although the policy indicates a preference for proposals to be within or adjacent to existing settlements, sites out with **settlements** *'may be acceptable where they offer opportunities to diversify an existing business or are related to a site specific resource or opportunity'*. Overall, we contend that the proposal complies with the criteria of Policy 8, as set out below. **Our client's proposed business, for full horse livery and a horse breeding programme, necessitates a rural location with ample land to provide the required facilities, and with access into the wider surrounding countryside**

for associated activity. The site is not remote and the proposal will not be isolated within an undeveloped rural landscape. It will sit within the context of neighbouring properties and the adjacent equestrian buildings and land.

LDP2 Policy 8 also requires that any proposal should also meet with a list of detailed criteria, and compliance with these is demonstrated, below.

Compliance with LDP Policy 8 criteria

'(a) The proposal will contribute to the local economy through the provision of permanent employment, visitor accommodation (see also Policy 9), additional tourism or recreational facilities, or the re-use of existing buildings.'

Our client's submitted Business Plan outlines that the business will be the permanent employment of our client. There will be the possibility of employing an additional worker in the future.

The Council's pre-application response clarified that the planning submission 'would require to demonstrate what site specific resource or opportunity is identified' explaining that what is needed to justify the proposal is evidence of what is special about the identified site that differentiates it from any other field in **Perth & Kinross, i.e. the applicant's proposal needs to be on the submitted site and cannot be elsewhere.** The earlier pre-application enquiry had referred to the locational advantages of the site. The pre-application advice **has been helpful in highlighting that giving more background to the applicant's business proposal will explain the site specific resource related to the applicant's site.**

The applicant purchased the field (already in equestrian use at that time) from the owner of Muirhead Stables, with the agreement that the business will operate in association, with the facilities of the Stables available to use as part of her business—including the outdoor and indoor arenas. **The applicant's livery clients will therefore have access to a full range of equestrian facilities.** The applicant will be providing livery spaces, along with the availability of facilities of Muirhead Stables, supporting that business—a mutually beneficial arrangement.

Muirhead Stables will also use the applicant's facilities and expertise for horse breeding. For example, both facilities will be used at the time of weaning foals—separating the foals and mares—with the foals being looked after by the applicant at the Muirhead Stables accommodation, and the mares looked after at the applicant's stables. **There will also be shared practical arrangements,** with the applicant using Muirhead Stables muck heap for waste disposal.

The business will provide recreational facilities for horse owners, with clients already on a waiting list for livery (all the available 4 places). The first criterion a) is met in terms of the provision of permanent employment and of recreational facilities.

(b) The proposal will not result in suburbanisation of the rural area or encourage unsustainable travel patterns.

This proposal is for an accepted and commonplace rural use at a scale that will not impact adversely on the rural character or visual amenity of the surrounding area. The proposal will adjoin an existing rural cluster, of dwellinghouses and agricultural/equestrian uses. The built development associated with the proposal is small scale and will not harm the rural character or visual amenity of the area. It will not create any suburbanisation of the surrounding rural area and will be a sustainable development in terms of travel patterns, (as considered further below in the Detailed Policy Considerations section of this statement).

(c) The proposed use is compatible with the surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site.

(d) The proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site.

(f) Where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the

scale of the existing buildings.

(g) The local road network must be able to accommodate, or be capable of upgrading in order to accommodate, the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact.

Criteria c), d), f) and g) are achieved by the proposal (as set out in the following **'Detailed Policy Considerations' section of this statement**).

(e) The proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities.

Policy 8 criterion e) includes that support may be gained where the proposal **'meets a specific need by virtue of its quality or location in relation to existing business or tourism facilities'**. **Our client's Business Plan illustrates the market** for the proposed business—for full livery and horse breeding. Our client has a waiting list for livery, demonstrating the demand. She also has confirmation from the owner of Muirhead Stables that the two adjacent businesses will be mutually supporting each other in the provision of specialist facilities and services.

Housing in the Countryside

At this stage of the business development, our client is only seeking consent for siting of a residential caravan to provide her own living accommodation. Although this is not a permanent dwellinghouse, NPF4 Policy 17 and LDP2 Policy 19 may be considered to apply given that the caravan will be occupied on a permanent basis.

NPF4 Policy 17—Rural Homes provides support for new homes in rural areas where **'the development is suitably scaled, sited and designed to be in keeping with the character of the area'** and where the development meets with one of several criteria, including **'v. is demonstrated to be necessary** to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority

control of a farm business) to live permanently at or near their place of work'. **We believe that the proposal is compliant with this policy.**

LDP Policy 19: Housing in the Countryside

This policy provides support to proposals for the erection, or creation through conversion, of single houses and small groups of houses in the countryside where they fall within several specified categories. The Housing in the Countryside Supplementary Guidance (2020) provides further assistance in assessing the acceptability of proposals.

This proposal is submitted as gaining support from one of the criteria attached to this policy, i.e., Category 3—New Houses in the Open **Countryside, falling within the sub category 3.3 'Economic Activity'**. This category provides support for the development of a new house to support an existing business. The policy guidance indicates that construction of a house in advance of development of the business is not permitted but that, provided the need for on-site accommodation is demonstrated, temporary accommodation may be appropriate. The applicant is seeking permission for siting of the caravan for a temporary period to enable her business to become securely established and to demonstrate the need for future permanent accommodation.

Given the nature of the livery business/horse breeding, there is a justifiable need for our client (who will be the only worker in the early stages of the business) to have on-site accommodation. This is needed to ensure animal welfare and site security and manage the day to day operation of the business. The horses in livery require constant oversight as do the mare and foals in the breeding programme.

5.0 DETAILED POLICY CONSIDERATIONS

LDP2 Policy 1: Placemaking, Policy 1A and Policy 1B set out the detailed criteria to be met by all development proposals in responding to the **Placemaking process and the Scottish Government's 'six qualities of successful places.'** The criteria have been addressed in the content of the following pages.

Design and Layout

LDP2 Policy 1A and 1B: Placemaking indicates that new development should respect the character and visual amenity of the area. LDP2 Policy 8: Rural Business and Diversification advises that proposals should be appropriate to the landscape and environmental capacity of the site.

The proposed development is small scale and the design and materials to be used are considered to be appropriate to this rural location. The stables will be timber, and caravan given timber cladding, both dark in colour, to make them visually recessive. New planting on the site will also enhance its setting.

The buildings, hardstanding, track, parking and fencing will be appropriate to the surrounding agricultural/equestrian/forestry landscape. They will be typical of the surrounding countryside.

The proposed location of the caravan and stables, on the northern west part **of the applicant's land, lies on land dipping down to the north and this** provides that the buildings will not be seen from the public road, or the properties to the south. The buildings will not be intrusive in the wider landscape and, due to the topography, will be largely screened from, and not affect the visual amenity, of the residential development at Easter Muirhead Farm. The site has a backdrop of the woodland to the north, contributing to its setting. Future planting will provide further containment of the stables and caravan and screening of all elements of the proposal, providing a landscape framework for its location.

Landscape and Visual Impact

LDP Policy 39: Landscape requires that development and land use changes should be compatible with the distinctive features and characteristics of the Perth and Kinross landscape and maintain and enhance landscape qualities.

The site lies within the Lowland Basin landscape character type, within the Loch Leven Basin area, enclosed by the Lomond and Cleish Hills to the east and south, the Ochils to the north and extending to the west and south along river valleys. The Loch Leven basin is described as having, historically, been a focus for settlement and land use with its characteristics including the distribution of small building groups across the area.

The proposal contains minimal built development and is appropriate to the area, characterised by scattered groups of houses and buildings, including at Easter Muirhead Farm. The built aspects of the proposal—stables and caravan will not be seen from the public road or prominent in views from neighbouring properties and land. It is appreciated that a characteristic of the area is the cluster of buildings around Easter Muirhead Farm, on both sides of the public road. The applicant intends that a future application for a dwellinghouse will be located towards the roadside, as part of this cluster, as **suggested in the Council's pre-application response.** However, she believes that at this time, it is of less impact to have the temporary siting of a caravan located adjacent to the proposed stables.

We believe the proposal is an acceptable addition within the local landscape, without any adverse impact. The proposal does not conflict with the overall policy aim of maintaining and enhancing the landscape qualities of the area. It is very small scale, well contained and non intrusive with no erosion of any overall local distinctiveness, diversity or landscape quality.

We believe that this proposal can be considered to be compliant with Policy 39.

5.0 DETAILED POLICY CONSIDERATIONS

Amenity

LDP2 Policies 1A and 1B: Placemaking, Policy 55: Nuisance from Artificial Light and Light Pollution and Policy 56: Noise Pollution address ensuring the maintenance of residential amenity.

There are residential properties neighbouring the site, at its SW corner, alongside the public road. These properties are relatively distant from the proposed buildings and operational area—with the stables and caravan more than 200m distant. The stables and caravan will cause no loss of visual amenity as they will not be viewed from the south end of the site and the properties on the public road. Additional planting within the site can also provide further screening.

Given the relative locations of the properties there will be no issues of loss of privacy to the dwellinghouses. The Farmhouse, neighbouring the access to the site has hedging along its boundary, adjacent to its rear garden ground and its private garden area is therefore screened.

The proposal does not include any floodlighting. Any external lighting, such as security lighting, will be positioned and specified to prevent light pollution. It is not expected that there will be any loss of amenity due to noise associated with the stables. One of the particular needs of the site is that there is peace and quiet for the mares and the operation of the stables and its use will be strictly controlled to minimise noise.

Waste will be removed, stored and disposed appropriately, from both the stables and residential use of the caravan, to ensure that there are no issues of odour nuisance.

The applicant will submit a Management Plan to support this application, to set out the proposed daily operation of the facilities in terms of waste, recycling, noise, external lighting and hours of operation etc.

Overall, we believe that this current proposal remains compliant with Policy 1A, Policy 1B, Policy 55 and Policy 56.

Natural Heritage, Trees and Landscaping

LDP Policy 38: Environment and Conservation protects sites with international, national or local natural heritage designation from development proposal which may cause adverse impacts. LDP Policy 40: Forestry, Woodland and Trees provides support to proposals which meet with several criteria, including proposals which protect existing trees and woodland, especially those with high natural, historic and cultural heritage value and where new woodland planting is promoted. LDP Policy 41: Biodiversity seeks to protect and enhance wildlife and habitats, designated or otherwise. LDP Policy 42: Green Infrastructure requires all new development to contribute to the creation, protection, enhancement and management of green infrastructure.

The site was most recently grassland with an area of woodland/commercial plantation (Dam Wood) lying to the north. The Lambhill Burn passes through this area to the north, at approximately 130m distance from the north side of the site.

The site is not part of, or close to, any natural heritage designated areas. It is not expected that there will be any protected species within the development site or affected by the proposal.

There is opportunity through the proposal to enhance the biodiversity of the area through additional planting and to create networks to improve the movement of wildlife within and beyond the site. Overall, the proposal can be fully compliant Policy 38, Policy 40, Policy 41 and Policy 42 relating to the protection and enhancement of the natural heritage.

5.0 DETAILED POLICY CONSIDERATIONS

Transport and Access

LDP Policy 60: Transport Standards and Accessibility Requirements, 60B: New **Development Proposals requires that** *‘All development proposals that involve significant travel generation should be well-served by, and easily accessible to all modes of transport.’* The policy encourages the reduction of car travel and enhanced choice of travel modes. LDP Policy 8: Rural Business and Diversification (b) states that proposals in the countryside should not encourage unsustainable travel patterns.

Accessibility and Sustainable Travel

The proposal, by its nature, requires to be located in countryside, as supported **by the Council’s Policy 8: Rural Business and Diversification. We do not consider that the proposal will generate ‘significant’ travel, as described in Policy 60B.**

The site is well located in relation to the surrounding settlements, with only relatively short car journeys needed for access to the site, with several towns and villages located within 10km of the site, including:

Dunfermline—10km

Tillicoultry—9km

Dollar—5km

Saline—3.5km

Blairingone—2km

This business proposal, requiring a suitable rural location, is appropriate in terms of sustainable travel patterns.

Traffic Impact and Road Safety

The site is accessed from the A977 at Blairingone, south on the U213 for 2km and then east for 200m, from its junction with the U217, leading south to Saline.

The public road upgrading is noted, in relation to the earlier approval for the formation of an equestrian centre at Easter Muirhead Farm (08/01561/FUL), including the delivery of passing places.

The access from the U213 into the application site would be constructed in **accordance with the Council’s Roads Development Guide.**

Parking and turning space will be provided within the application site to ensure that there will be no parking on the public road or dangerous manoeuvres to enter or leave the site.

The number of vehicle movements to and from the site will be limited by the **operation of the site. The business will provide ‘full’ livery and therefore** there will be minimal traffic generated by owners visiting the site as our client will be providing daily care and turnout of horses. In addition, 3 of the horses on the livery waiting list belong to the same owner, further reducing traffic movements. It is anticipated that there will be minimal traffic generation associated with the proposal.

Overall, this proposal can be achieved in compliance with Policy 60 and Policy 8.

5.0 DETAILED POLICY CONSIDERATIONS

Infrastructure Impact

LDP2 Policy 5: Infrastructure Contributions and LDP Policy 20: Affordable Housing address the impact of new development in relation to current and future needs for additional infrastructure, community facilities and affordable housing. **The Council's Developer Contributions & Affordable Housing Supplementary Guidance (2020)** explains how developer contributions will be achieved.

We welcome confirmation, that contributions would not be required for this proposal as:

- the application site lies out with the area where a contribution to transportation infrastructure is required.
- in terms of education contributions, the site lies within the catchment of Fossoway Primary School where there are no current capacity concerns, and a contribution is not required.
- an affordable housing contribution is not required in relation to the proposed siting of a residential caravan.

Energy

LDP Policy 32: Embedding Low and Zero Carbon Generating Technology in New Development requires new buildings to demonstrate the carbon emissions reduction set by Scottish Buildings Standards, and the submission of a statement demonstrating this compliance. However, we believe that the policy does not apply in this case, due to the nature of the proposal—stables and temporary caravan accommodation.

Agricultural Land

LDP Policy 50: Prime Agricultural Land and LDP Policy 51: Soils protect against the loss of prime agricultural land and damage to areas of good quality agricultural soils. The application site is categorised as 3.2, non-prime agricultural land (Land capability for agriculture (partial cover) mapping, James Hutton Institute).

The proposed development will therefore not lead to a loss of prime land. The detailed elements of the proposal include minimal coverage of land by buildings and the site could readily revert to agricultural use at any future time (although currently in equestrian use). The proposal will not cause a loss of prime agricultural land or damage soils and demonstrates compliance with Policy 50 and Policy 51.

Flooding and Drainage

LDP2 Policy 52: New Development and Flooding addresses issues of flooding. LDP2 Policy 53A: Water Environment, 53B: Foul Drainage and 53C Surface **Water Drainage set out the Council's drainage requirements.**

The SEPA Flood Maps show that the development area of the site is not at risk from surface water or river flooding from the Lambhill Burn running approx. 150m to the north of the site. The applicant will implement sustainable drainage measures to deal with surface water drainage. We believe the proposal can be fully compliant with Policy 52 and Policy 53C.

The proposal will be connected to a private septic tank and soakaway arrangement, within the site, in accordance with Policy 53A and Policy 53B.

Gas Pipeline

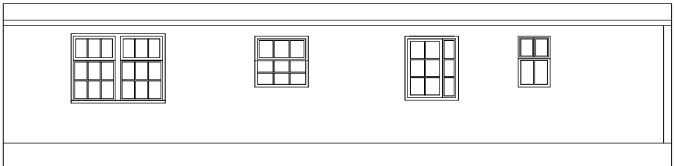
The site is near to a gas pipeline. However, we do not believe that there is any significant associated risk, as concluded by HSE in relation to the earlier applications for Easter Muirhead Farm.

6.0 CONCLUSION

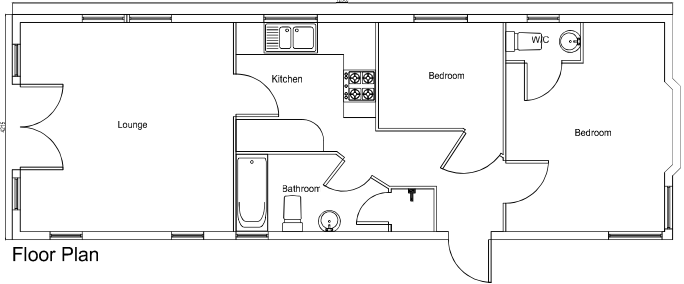
In conclusion the following points are made in support of this proposal. We contend that this proposal for a small scale recreational business fully complies with the relevant policies of NPF4 and the Perth & Kinross LDP2.

- The proposal will contribute to the rural economy of Perth & Kinross providing specialist recreational facilities.
- The proposal—in its relationship with Muirhead Stables—is shown to be **‘related to an existing site-specific resource or opportunity’ and meet a ‘specific need’ in terms of its location and the nature of the accommodation/use of land to be provided.**
- The proposal is small scale in terms of its built development and is of an appropriate scale and design for this rural location. It will have no additional suburbanisation impact. The facilities are well located for access for residents of surrounding villages and towns.
- There will be no adverse impact on surrounding land uses or the residential amenity of the properties to the west.
- There will be no adverse impact on the natural heritage or landscape quality of the site and there will be opportunities to enhance the overall environmental quality of the site through new planting.
- The proposal will generate a minimal amount of traffic and should have no impact on road capacity, road safety and environmental impact.
- Infrastructure will be provided to meet the needs of the development.

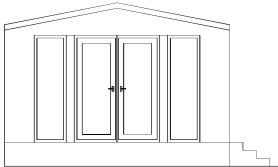
We look forward to receiving the Council’s feedback on the proposal and will be pleased to discuss the proposal prior to a decision being reached.



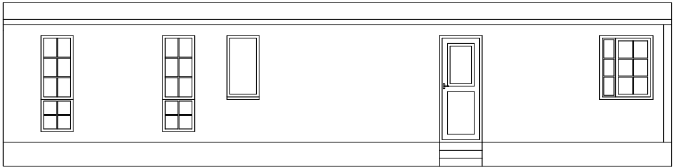
East Elevation



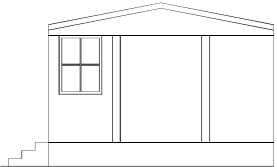
Floor Plan



North Elevation



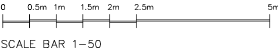
West Elevation



South Elevation

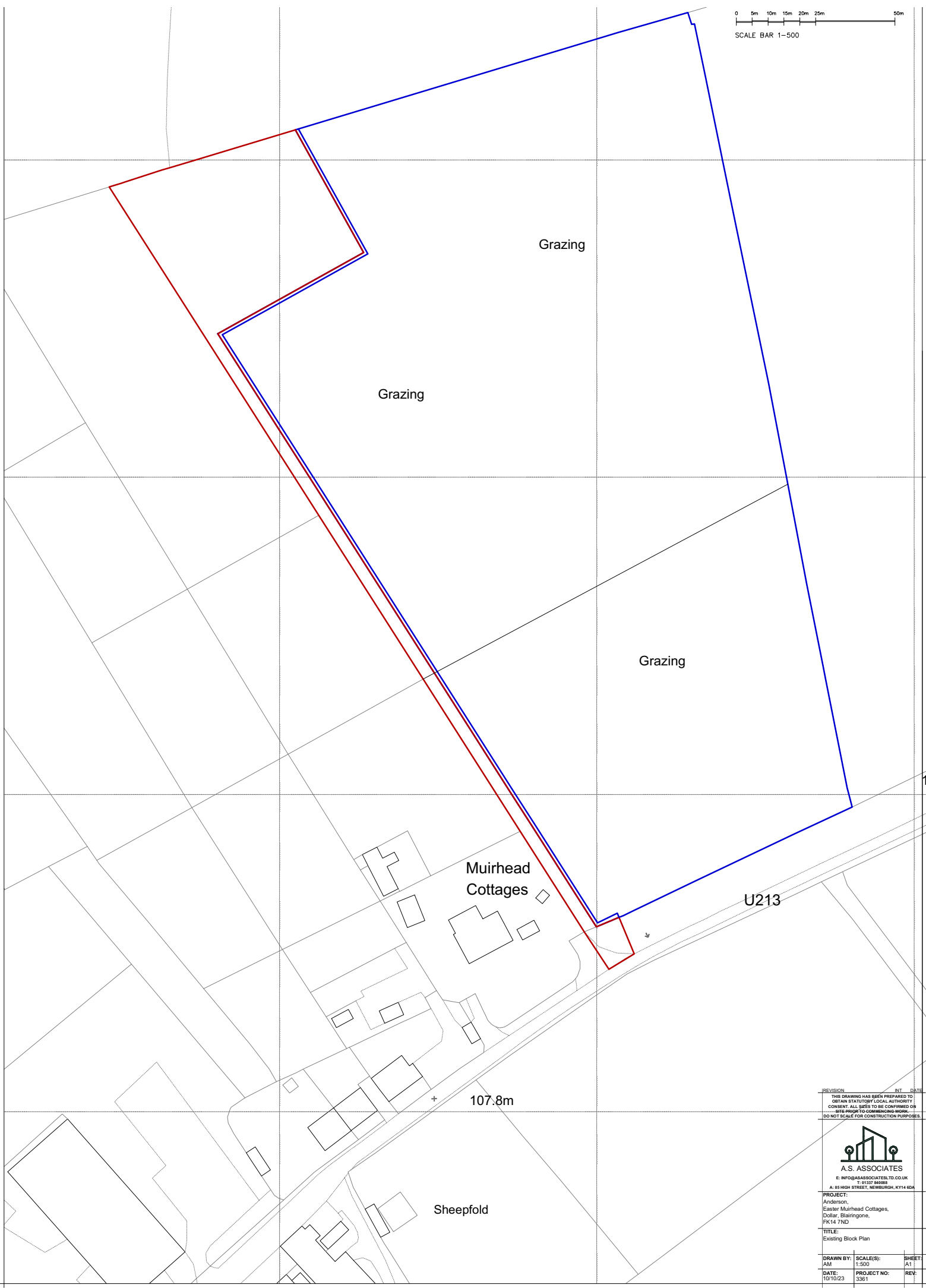
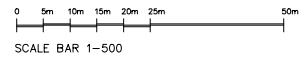
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Walls - Profiled Aluminium Cladding - Pistachio Colour
Windows & Doors - White Upvc

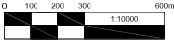
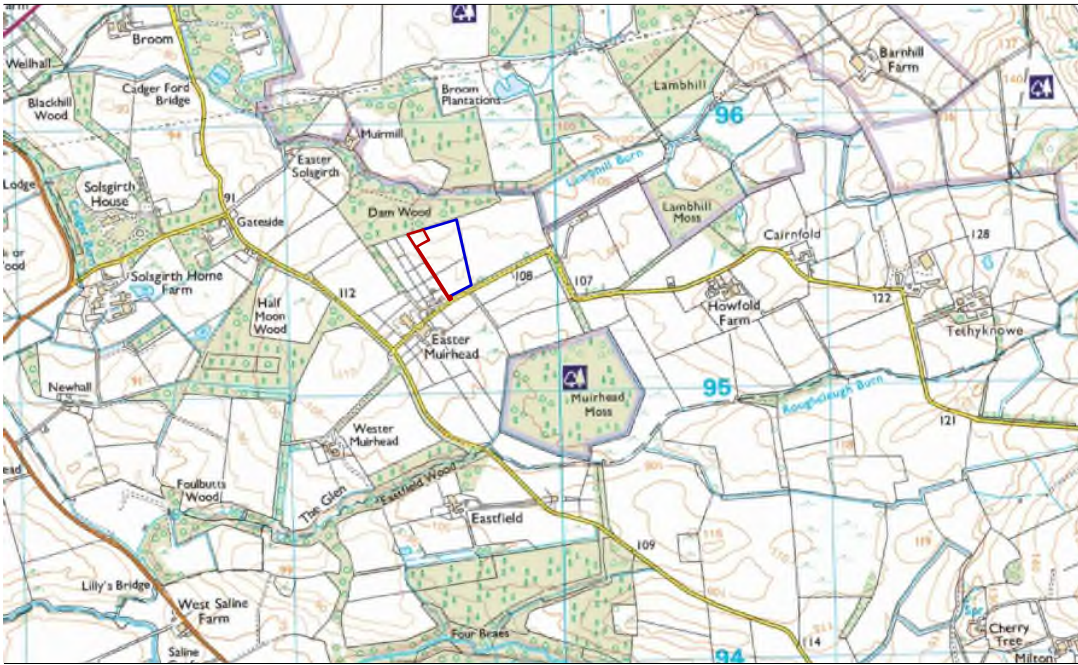
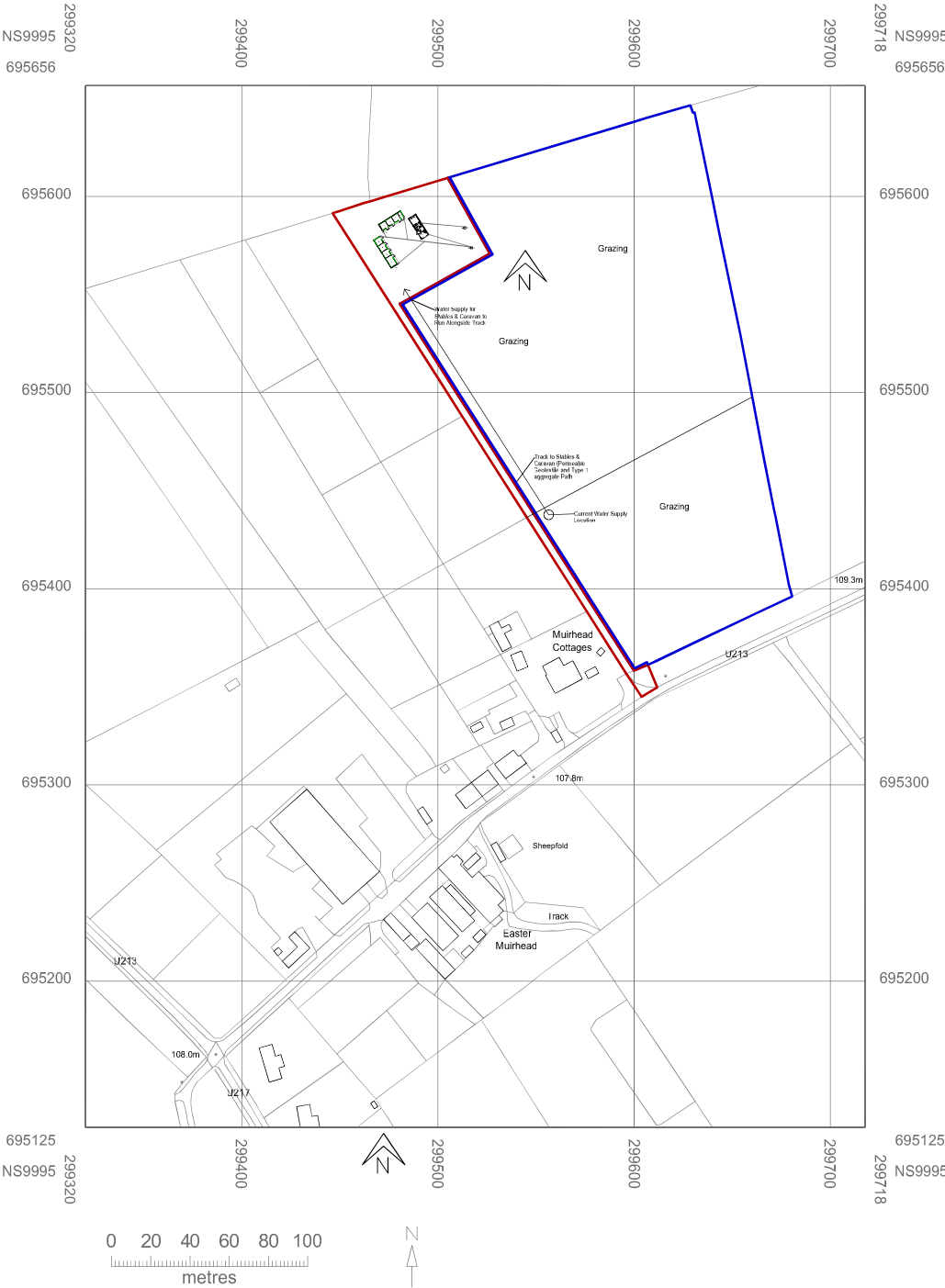


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PROJECT: Anderson, Easter Muirhead Cottages, Dollar, Blairingone, FK14 7ND		
TITLE: Proposed Plans for Caravan & Stables		
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DATE: 12/05/23	PROJECT NO: 3361	REV: -

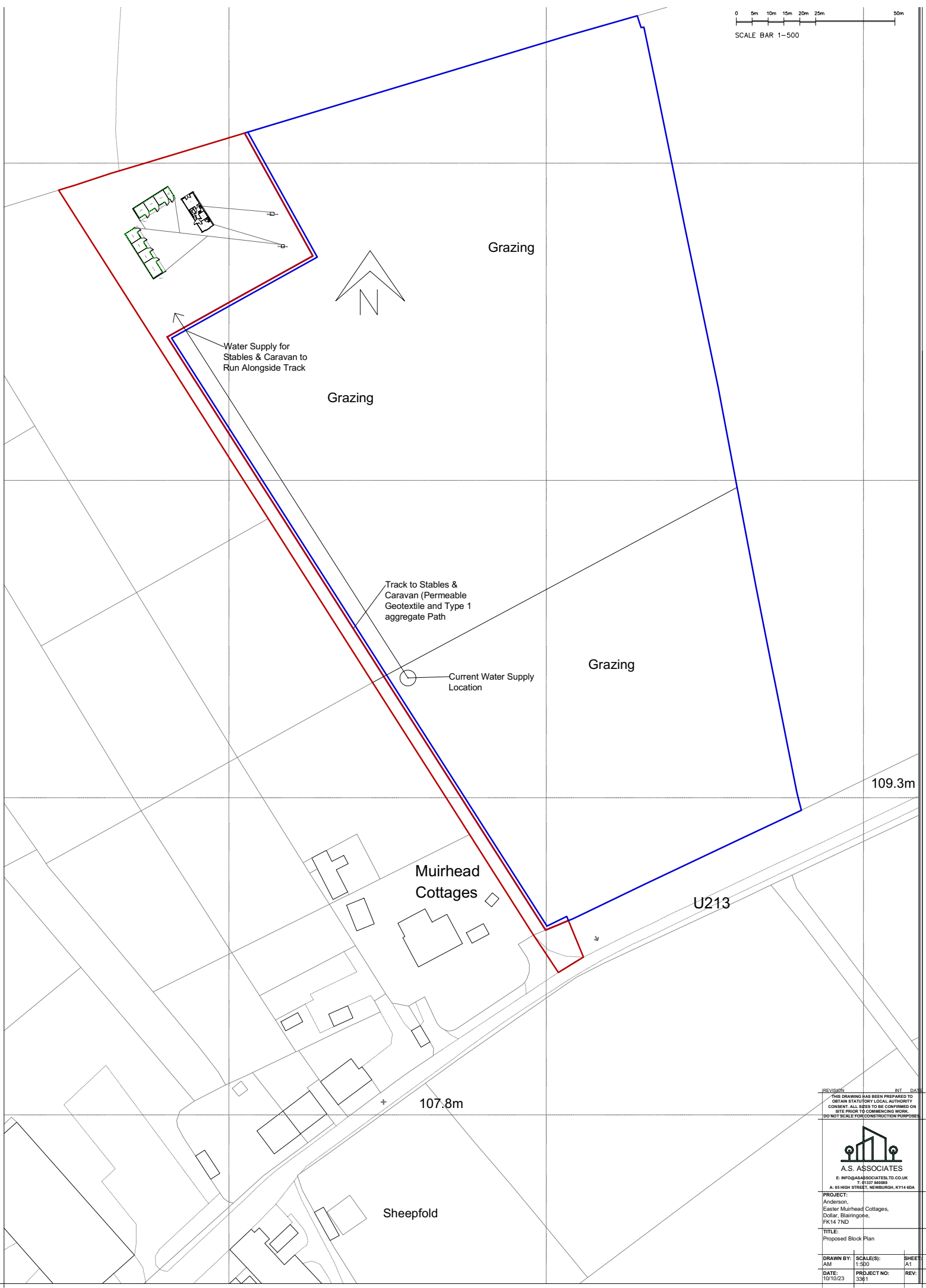
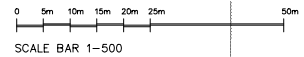



REVISION	INT	DATE
THIS DRAWING HAS BEEN PREPARED TO OBTAIN STATUTORY LOCAL AUTHORITY CONSENT. ALL SITES TO BE CONFIRMED ON SITE PRIOR TO COMMENCING WORK. DO NOT SCALE FOR CONSTRUCTION PURPOSES.		
 A.S. ASSOCIATES E: INFO@ASASSOCIATES.CO.UK T: 01327 840888 A: 85 HIGH STREET, NEWBURGH, KY14 6DA		
PROJECT: Anderson, Easter Muirhead Cottages, Dollar, Blairingone, FK14 7ND		
TITLE: Existing Block Plan		
DRAWN BY: AM	SCALE(S): 1:500	SHEET: A1
DATE: 10/10/23	PROJECT NO: 3361	REV:

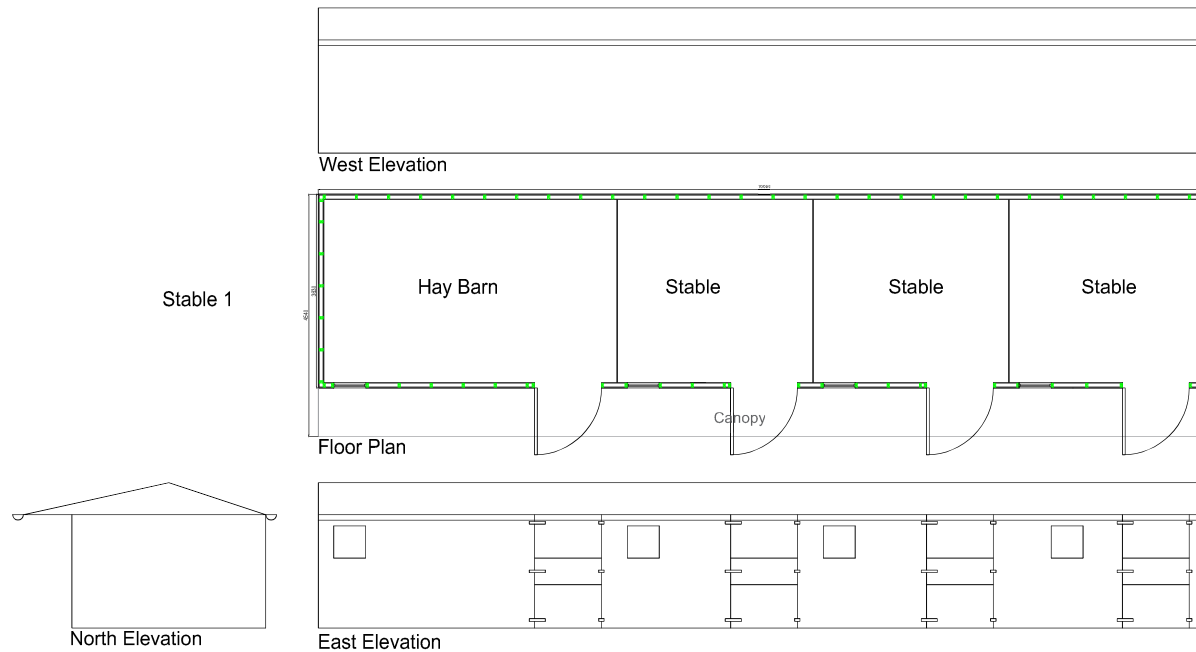


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THIS DRAWING HAS BEEN PREPARED TO OBTAIN STATUTORY LOCAL AUTHORITY CONSENT. ALL SIZES TO BE CONFIRMED ON SITE PRIOR TO COMMENCING WORK. DO NOT SCALE FOR CONSTRUCTION PURPOSES.		
		
A.S. ASSOCIATES		
E: INFO@ASASSOCIATES.CO.UK		
T: 01337 54000		
A: 85 HIGH STREET, NEWBOLTON, KY14 6UR		
PROJECT:		
Anderson, Easter Muirhead Cottages, Dollar, Blairingone, FK14 7ND		
TITLE:		
Location Plan		
DRAWN BY:	SCALE(S):	SHEET:
AM	1:1250 / 1:10000	A1
DATE:	PROJECT NO:	REV:
12/05/23	3361	-

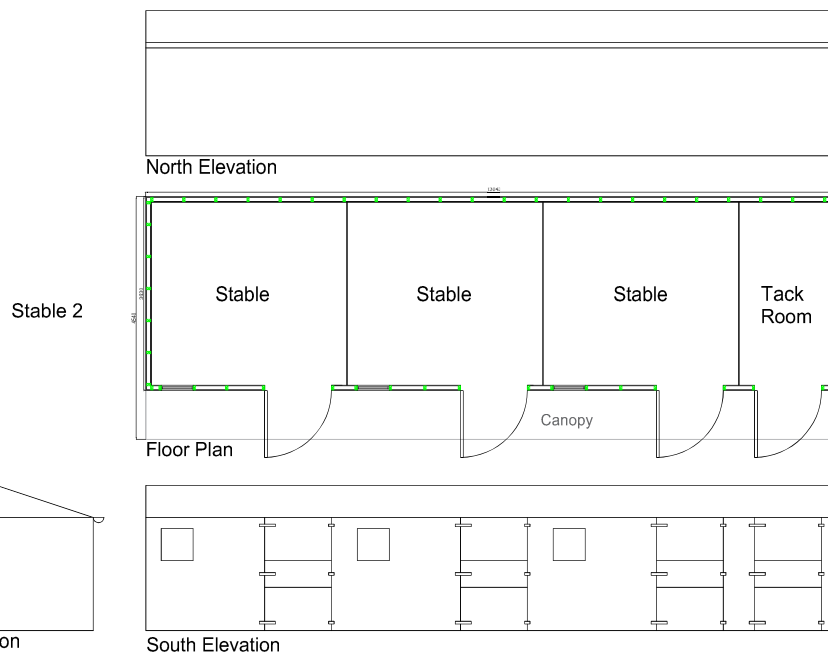


REVISION	INT	DATE
THIS DRAWING HAS BEEN PREPARED TO OBTAIN STATUTORY LOCAL AUTHORITY CONSENT. ALL USES TO BE CONFIRMED ON SITE PRIOR TO COMMENCING WORK. DO NOT SCALE FOR CONSTRUCTION PURPOSES.		
 A.S. ASSOCIATES E: INFO@ASASSOCIATES.CO.UK T: 01327 840888 A: 85 HIGH STREET, NEWBURN, KY14 6DA		
PROJECT: Anderson, Easter Muirhead Cottages, Dollar, Blairingone, FK14 7ND		
TITLE: Proposed Block Plan		
DRAWN BY: AM	SCALE(S): 1:500	SHEET: A1
DATE: 10/10/23	PROJECT NO: 3361	REV:



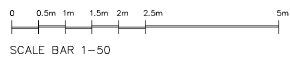
Materials and Finishes Schedule

Roof - Black Onduline as standard
Walls - Treated redwood tongued & grooved cladding (Vertical)
Windows & Doors - To match exterior cladding



Materials and Finishes Schedule

Roof - Black Onduline as standard
Walls - Treated redwood tongued & grooved cladding (Vertical)
Windows & Doors - To match exterior cladding

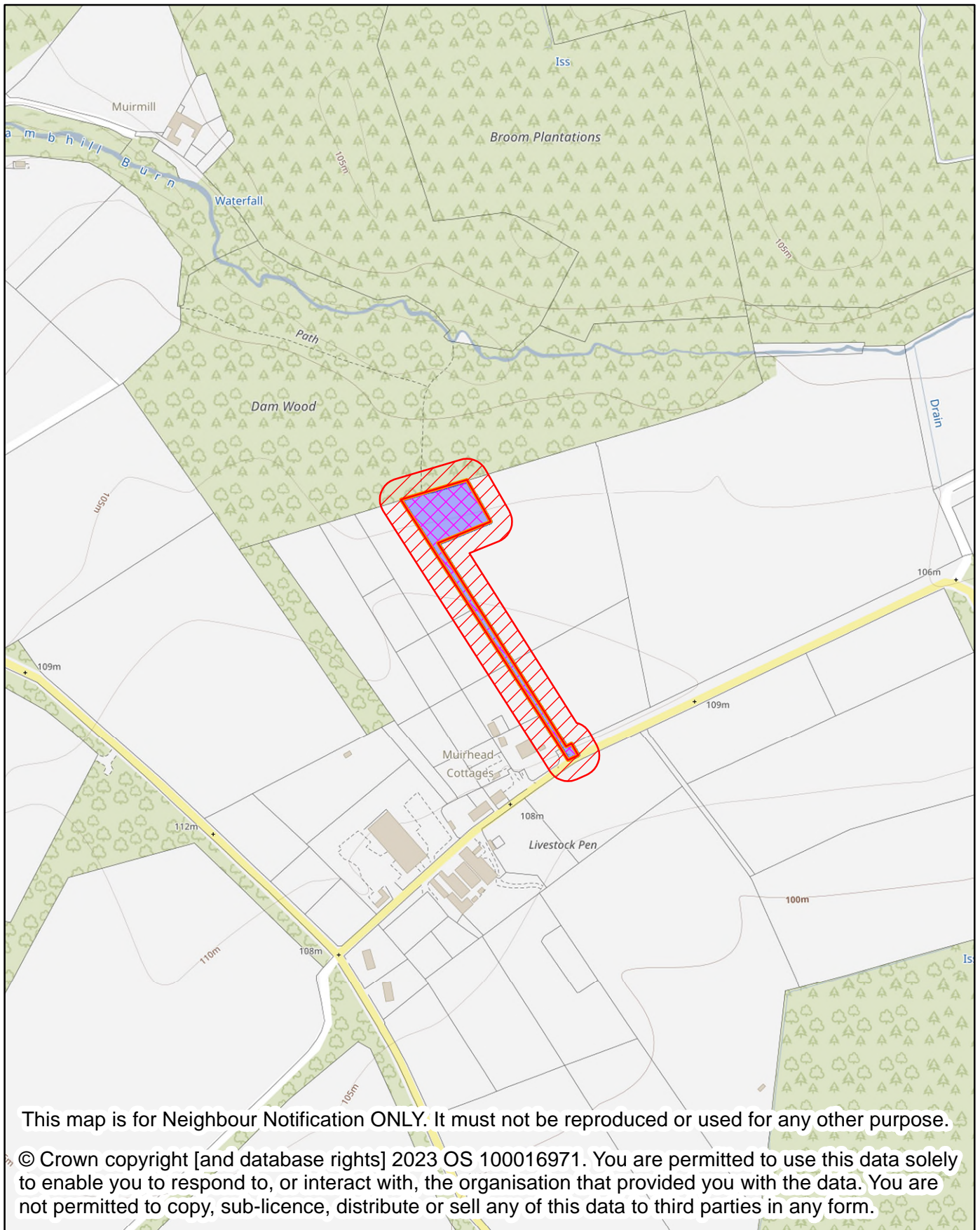


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 A.S. ASSOCIATES E: INFO@ASASSOCIATES.CO.UK T: 0131 640088 A: 85 HIGH STREET, NEWBURN, KY14 6DA			
PROJECT: Anderson, Easter Muirhead Cottages, Dollan, Blairingone, FK14 7ND			
TITLE: Proposed Plans for Caravan & Stables			
DRAWN BY: AM	SCALE(S): 1:50	SHEET: 01	
DATE: 12/05/23	PROJECT NO: 3361	REV: -	

Perth & Kinross Council

NEIGHBOUR NOTIFICATION

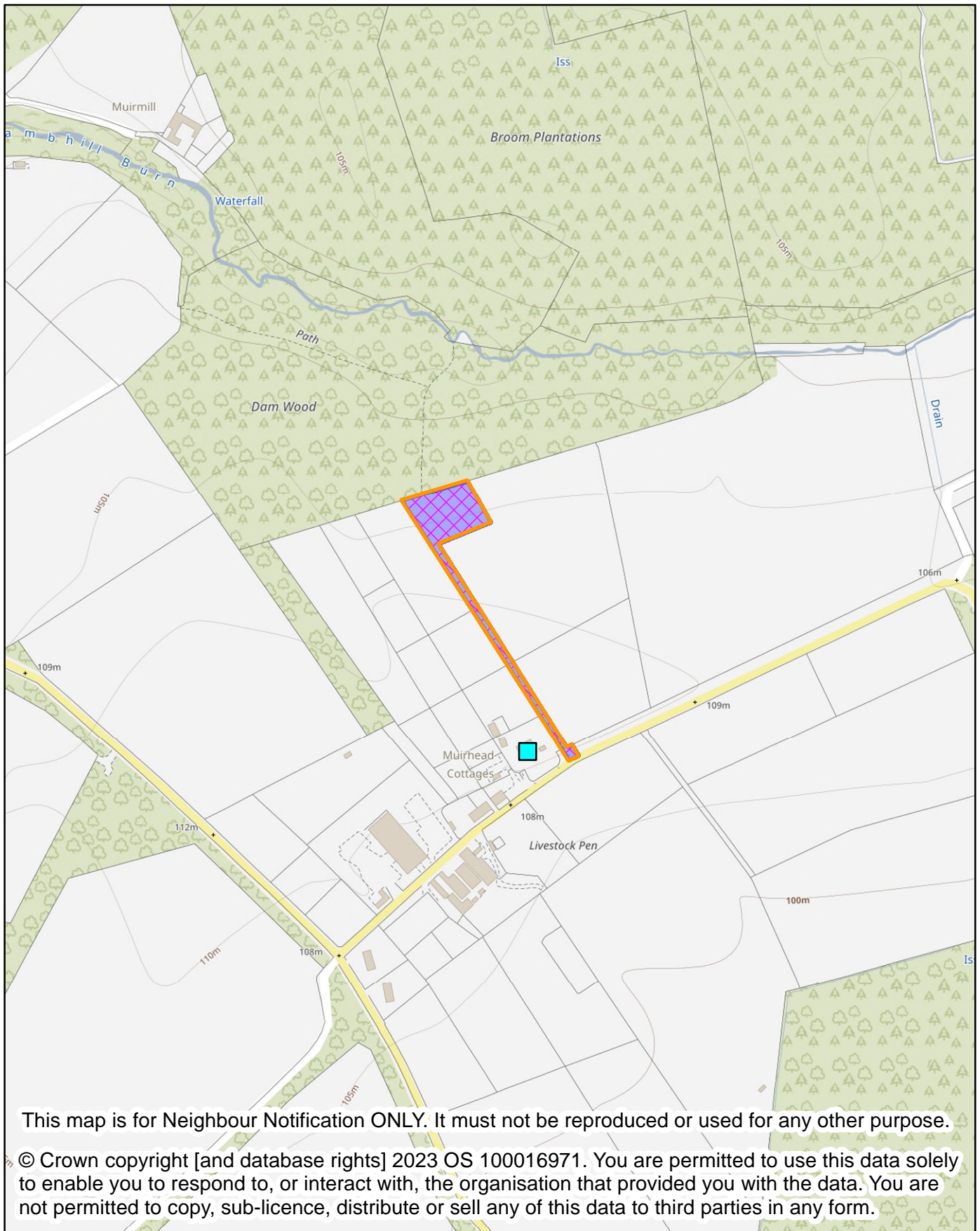
Location Plan showing planning application site



Perth & Kinross Council

NEIGHBOUR NOTIFICATION

Location Plan showing planning application site



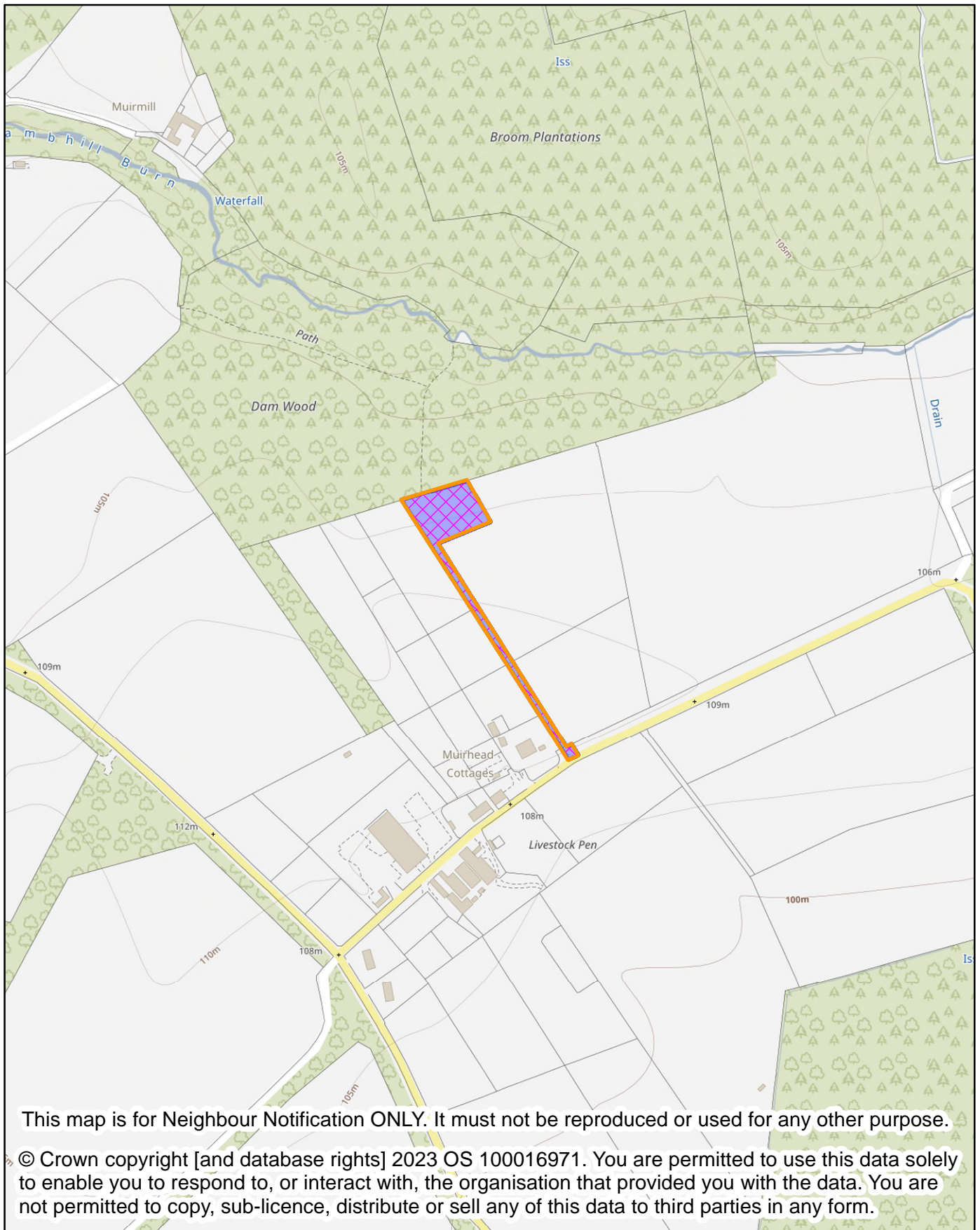
This map is for Neighbour Notification ONLY. It must not be reproduced or used for any other purpose.

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Perth & Kinross Council

NEIGHBOUR NOTIFICATION

Location Plan showing planning application site



Perth and Kinross Council

List of Neighbours notified for 23/01619/FLL

The Farmhouse
Easter Muirhead Farm
Blairingone
Dollar
FK14 7ND

Afternoon,

The commercial waste team will not comment on the above application. There's enough space for a bin store on-site.

Regards,

CWT

-----Original Message-----

From: Development Management <DevelopmentManagement@pkc.gov.uk>

Sent: Tuesday, November 7, 2023 11:59 AM

To: Communities Commercial Waste Team <CommercialWasteTeam@pkc.gov.uk>

Subject: Planning Application Consultation Request for Application No 23/01619/FLL

Please see attached.



SGN
Maintenance Operations
Scotland
Axis House
Edinburgh
EH28 8TG

07/11/23
Perth and Kinross Planning Department

Our Ref: **07/11N1/F01**
Your Ref: **23/01619/FLL**

Dear Sir or Madam

23/01619/FLL- Formation of access track, erection of stables, siting of a caravan, and associated works (for temporary period)(in part retrospect)

**Land 250 Metres North Of
The Farmhouse
Easter Muirhead Farm
Blairingone
Dollar
FK14 7ND**

With Reference to your recent correspondence regarding the above, I can confirm the presence of a High Pressure Gas Transmission Pipeline in the vicinity of the proposed development. The **building proximity distance for high pressure gas pipeline F01 is 39 metres**, in accordance with the recommendations of The Institution of Gas Engineers document TD/1 Edition 5.

A site meeting must be arranged with us to identify the location of the pipeline and discussions should take place with the developer to discuss which measures would be necessary and could be undertaken in order to safeguard the security of the pipeline.

In the meantime, please treat this letter as a formal objection to this planning application until such time as a detailed consultation has taken place.

Please find enclosed an extract from our mains records in the location of the area covered by the proposed development for guidance. This plan only shows those pipes owned by SGN in its role as a Licensed Gas Transporter (GT). It should be noted that gas pipes owned by other GTs or privately owned may be present in this area and information regarding such pipes should be obtained from the owners. Where SGN knows this, they will be represented on the plans as a shaded area and/or a series of x's.



The information shown on this plan is given without obligation or warranty and the accuracy cannot be guaranteed. Service pipes, valve siphons, stub connections etc. are not shown but their presence should be anticipated. Your attention is drawn to the information disclaimer on these plans. The information included on the plan is only valid for 28 days.

Please note that the pipeline in the vicinity of the proposed development is a **Major Accident Hazard Pipeline** in terms of the Pipelines Safety Regulations 1996. Please note the HSE guidance document *L82*:

A Guide to the Pipelines Safety Regulations 1996, (<http://www.hse.gov.uk/pubns/books/l82.htm>), in particular the guidance on safety regulations 15 and 16 and the emergency plan under Regulation 25.

In addition, please note your requirements under HSE Document: *PADHI: HSE's Land Use Planning Methodology* (<https://www.hse.gov.uk/landuseplanning/padhi.htm>) for any major accident hazard pipeline.

This pipeline is also legally protected by a Deed of Servitude which restricts building and other works within the servitude area (as described in the deed).

Yours faithfully

Bryan Young
Pipeline Officer.

Wednesday, 08 November 2023



Local Planner
Planning and Development
Perth and Kinross Council
Perth
PH1 5GD

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

**Land 250 Metres North Of, Farmhouse Easter Muirhead Farm Blairingone,
Dollar, FK14 7ND
Planning Ref: 23/01619/FLL
Our Ref: DSCAS-0097967-SRV
Proposal: Formation of access track, erection of stables, siting of a caravan,
and associated works (for temporary period)(in part retrospect)**

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Glendevon Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- ▶ Please note the nearest public water main is 1.5 kilometres from your site

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.
-

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.
-

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email

TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?".

Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Claire Fletcher

From: Development Management
Sent: 16 November 2023 10:07
To: Claire Fletcher
Subject: FW: Planning application. 23/01619/FLL.

-----Original Message-----

From: John Anderson [REDACTED]
Sent: Tuesday, November 14, 2023 8:45 PM
To: Development Management <DevelopmentManagement@pkc.gov.uk>
Subject: Planning application. 23/01619/FLL.

CAUTION: This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

Dear Sir/Madam,

We wish to object to the above application.

This would be the third equestrian centre up our local single track road. As you are aware I am sure, large horse transports and towed horse boxes are not the most manageable vehicles for passing/reversing on narrow roads and though the applicant has mentioned the installation of passing places installed for Muirhead stables last development, they are few and far between and not of a good quality especially nearing Blairingone. 2 delivery vans recently became wedged and had to be pulled apart by the local farmers tractor.

It should be noted that the water supply to Muirhead stables and cottages is a private supply not adopted by Scottish Water. Our property is also on this supply and a recent deterioration in water pressure is noticeable due to the increase in users. I personally would put a stop to any other consumers on this pipe. Scottish Water have indicated a suitable supply for this application 1.5 kilometres away.

The siting of another caravan in the countryside is being used as a means to enable the eventual building of another house in a rural situation, the applicant has admitted this. With one new farmhouse, two bungalows recently completed and another four in the pipeline, this rural area is becoming urbanised.

Yours faithfully,

John and Sheila Anderson

[REDACTED]

Sent from my iPad



The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Claire Myles

Perth and Kinross Council

[By Email: developmentmanagement@pkc.gov.uk]

16 November 2023

Dear Claire Myles

PLANNING APPLICATION: 23/01619/FLL

Formation of access track, erection of stables, siting of a caravan, and associated works (for temporary period)(in part retrospect); LAND 250 METRES NORTH OF THE FARMHOUSE EASTER MUIRHEAD FARM, BLAIRINGONE, DOLLAR, FK14 7ND

Thank you for your consultation notification of the 13 November 2023 seeking the views of The Coal Authority on the above planning application.

The Coal Authority Response: **Material Consideration**

I can confirm that the above planning application has been sent to us incorrectly for consultation.

The application site **does not** fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

The Coal Authority Recommendation to the LPA

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

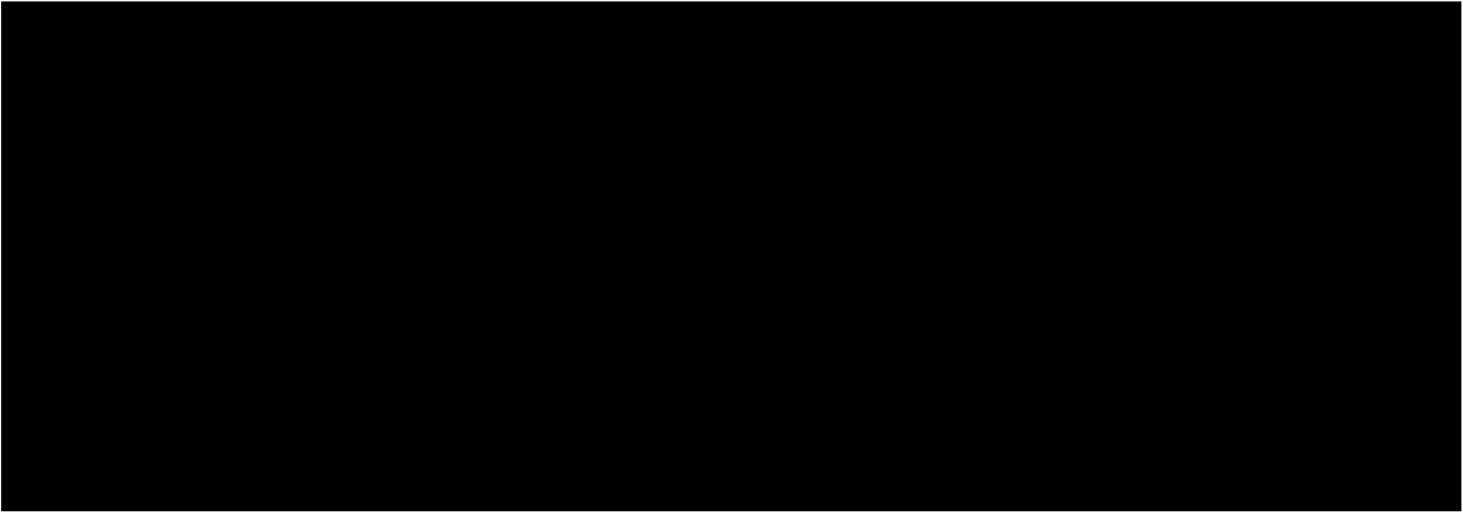
Yours sincerely

Christopher Telford BSc(Hons) DipTP MRTPI
Principal Development Manager

Dear Sir or Madam,

Further to our objection of the application 23/01619/FLL. The attached current advert seems to still indicate use of the site for dog exercise. This activity would not be a good mix adjacent to breeding horses.

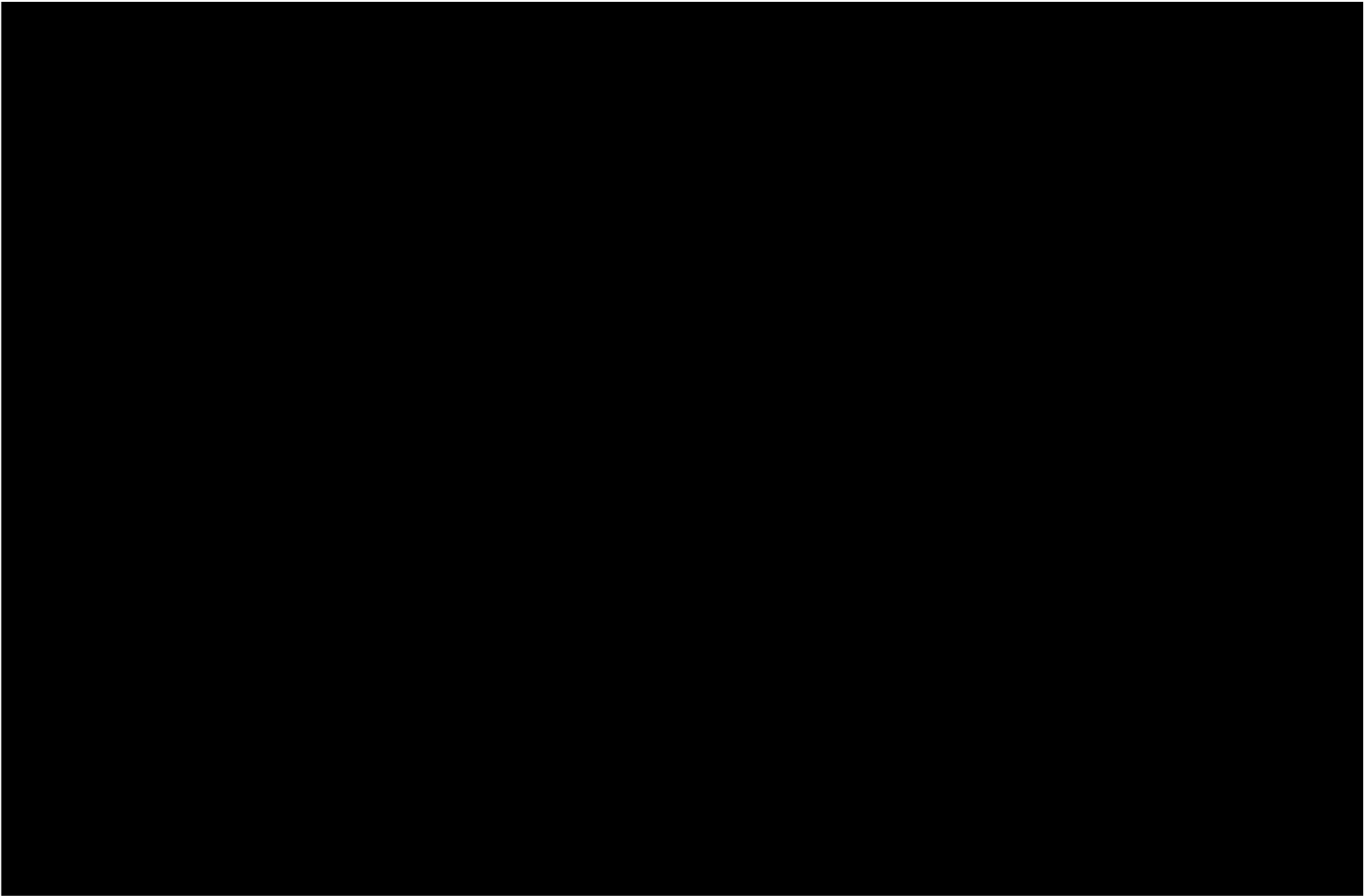




23/01619/FLL | Formation of access track, erection of stables, siting of a caravan, and associated works (for temporary period)(in part retrospect) | Land 250 Metres North Of The Farmhouse Easter Muirhead Farm Blairingone Dollar Fk14 7nd Blairingone

The Fossoway and District Community Council object to this planning application as access to the development is via a narrow single-track road which does not have adequate passing places for horse boxes and delivery vans. It is our view that the application therefore does not comply with NPF Policy 29 as without the formation of adequate passing places the transport needs of the development in this rural location have not been taken into account.

Kind regards



**Comments to the Development Management & Building Standards Service
Manager on a Planning Application**

Planning Application ref.	23/01619/FLL	Comments provided by	Lucy Sumner
Service/Section	Planning & Housing Strategy	Contact Details	Development Contributions Officer: Lucy Sumner Email: TESDevelopmentContributions@pkc.gov.uk
Description of Proposal	Formation of access track, erection of stables, siting of a caravan, and associated works (for temporary period)(in part retrospect)		
Address of site	Land 250 Metres North Of The Farmhouse Easter Muirhead Farm Blairingone Dollar FK14 7ND		
Comments on the proposal	The proposal seeks temporary consent for which a contribution will not be required. I have no comments to make on this proposal in terms of the Developer Contributions and Affordable Housing Supplementary Guidance. If the proposal seeks permanent consent in future a further contributions assessment will be carried out.		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	27 November 2023		

Mr and Mrs Humphreys



Planning Department
Perth and Kinross Council
Pullar House
Kinnoull Street
Perth
PH1 5GD

24th November, 2023

Dear Sir/Madam,

OBJECTION TO:

Planning Application – 23/01619/FLL
Formation of Access Track, Erection of Stables, Siting of Caravan and Associated Works (for a temporary period) (in part retrospect)

We wish to object to the above application on the following grounds:

1). Lack of sustainable infrastructure/detrimental impact on residential amenities

i). Impact on public services – water supply

As per the drawings submitted, the applicant intends to take a spur off an existing water trough located towards the centre left of the property. The water supply to this and surrounding properties is private and has, in recent years, been subject to increasing demand leaving the pressure extremely low and, even in its current state, almost unserviceable. There is simply no capacity to furnish both another dwelling and business (from this supply) and it is our fear that further burden in this regard would leave the current supply completely unusable for existing residents.

ii). Vehicular access – public roads

The single-track (walking and biking friendly) country road servicing the area is unsuitable for the burden of further traffic that a third equestrian facility along the same postcode would present. Incomplete road widening from previous developments and a lack of passing places for associated equestrian traffic would lead to a detrimental effect on already stretched highways in this area.

2). Loss of Privacy/Overlooking - track access

The driveway/entrance to the property is jointly owned between [REDACTED] and the applicant and we would not wish it to be subject to the wear and tear associated with business traffic. Furthermore, the access track that has already been installed (and was subject to a planning contravention notice), is directly adjacent to [REDACTED] meaning business traffic to the far end of the property would negatively impact our privacy. It has been installed without sufficient distance and there is furthermore a high likelihood that part of the land on which the track has been installed could be the subject of adverse possession.

3). Nature of Business

As indicated by the applicant, the proposed business, in part, includes a horse breeding proposal. However, in the plans submitted, there is no indication of any foaling boxes (typically double-sized stables accommodating both a mare and a foal). Furthermore, the distribution of a flyer (as outlined in another objection) to the residents of Dollar early in October shows intentions incongruent with the plans submitted. I refer here to correspondence dated March of this year with your department in which Mr Graham Stewart informed me of the applicant's intention to install a dog park on the land in question. The deer fencing already partially installed would further attest to this and it is my concern that not only do the two businesses seem incompatible, but that further traffic would be generated and increase the burden on the services aforementioned.

4). Non-compliance with other council planning policies

An equestrian property, which has both more land and stables (along the same postcode) has been denied the right to offer livery services. Also, another (already successful) equestrian business at the end of the postcode, has been denied the right to live on site. Both examples given indicate precedence.

If any of the above needs further clarification, or supporting documentation, please get in touch.

Yours faithfully,

Jonathan and Vicki Humphreys

Memorandum

To Development Quality Manager

From Regulatory Service Manager

Your ref 23/01619/FLL

Our ref MA

Date 29/11/2023

Tel No 01738 476476

The Environment Service

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

Formation of access track, erection of stables, siting of a caravan, and associated works (for temporary period)(in part retrospect) Site Land 250 Metres North Of The Farmhouse Easter Muirhead Farm Blairingone Dollar

I refer to your letter dated 24 November 2023 in connection with the above application and have the following comments to make.

Water (assessment date – 29/11/2023)

Recommendation

I have no objections to the application but recommend the undernoted informatives be included in any given consent.

Comments

The development is for an access track etc in a rural area with private water supplies believed to serve properties in the vicinity. To maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance please note the following informatives. It should be noted that once the development is operational this Service may have statutory duties detailed in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 to monitor the water quality.

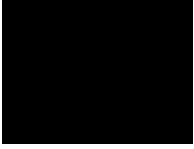
WAYL - Informative 1

The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.

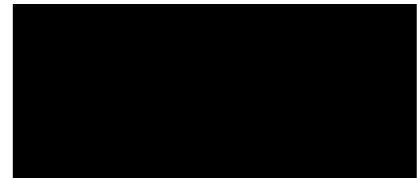
PWS - Informative 2

The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an

adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.



Development Quality Manager
The Environment Service
Perth and Kinross Council
Pullar House
35 Kinnoull Street
PERTH
PH1 5GD



29th November 2023

23/01619/FLL | Formation of access track, erection of stables, siting of a caravan, and associated works (for temporary period)

We are writing to object to this planning application for the following reasons:

- As we understand it, and this is referred to in the application, the original intention was to apply for planning permission for a dog walking/exercise business. This does match with Ms Anderson's current business in dog grooming and walking as evidenced on her current Facebook page. It is a very big step from this to running a stud farm and the application does not contain any business plan demonstrating the viability of this business or the applicant's expertise in this very specialised field.
- The application also includes a static caravan for on-site accommodation with the indication of an application in due course for a permanent house. A dog walking/ exercise business would not justify the need for on-site accommodation so might this be part of a long term strategy to acquire another house on green field countryside.
- A major issue associated with this application is the increase on traffic that will result from this business on this small rural road. When planning was granted some 15 years ago for the extension of the equestrian business at Easter Muirhead stables, together with the building of 10 residential properties, a planning condition was included which required the public road which passes through the stables to be widened to double width from its current single width. This was required to be carried completed before any part of the development was occupied. It is now over 10 years since the first part of the development was occupied, namely the indoor arena, and since then four of the residential properties have been built and occupied. We have been in contact with Perth and Kinross Planning Enforcement for many years requesting that this condition be enforced but have received no positive information on this matter.

The result of all these developments, which has also resulted in the equestrian business operating on both sides of the road, results in both vehicular and equine traffic across and along the road which already impedes through traffic.

- Even if this business were to operate in isolation it would increase vehicular, people and equine traffic on this already congested section of road. However, there are a number of specific points made in the application which will significantly increase this daily traffic:
 - this business will dispose of its waste on the Easter Muirhead stables muck heap
 - livery clients will use both the indoor and outdoor arenas of Easter Muirhead stables, which will result in horses moving between the two businesses
 - the facilities of both businesses will be used for the breeding business with potentially both

mares and foals moving between them

- the applicant has stated that the livery business will operate a full livery service and that three of the horses on her waiting list belong to the same client. These are irrelevant factors. In practice her business will be driven by demand at any given time and in time that may be for DIY livery with every horse being owned individually. That will result in the owners visiting at least once if not twice a day to both care for and ride their horses. It is impractical for Perth and Kinross Planning Enforcement to manage planning conditions at this level even were they to be applied. Experience both here at Easter Muirhead and at Dollar Equestrian, which is located on this same road, has demonstrated how hard it is to enforce planning conditions. [REDACTED]
[REDACTED]

- In addition to the impact this additional vehicular, people and equine traffic will have on the road it will also have a major impact on The Farmhouse – the property adjacent to this proposed business. The access track – which has already been substantially built – is directly alongside their boundary. This daily traffic will be very intrusive and have a significant impact on the amenity of the residents of this property.
- An equestrian business requires a significant amount of water. The water supply in this particular area is provided via a private water infrastructure which was not designed for the demands now placed on it and hence the water pressure is very low. When businesses such as this are at peak demand the water flow to other properties in the area is severely impacted such that they can lose their water supply completely. No new businesses/properties should be connected to this supply until the infrastructure is improved.

Yours faithfully

Jan and Graham Pye

Development Management

From: Jan Dixon [REDACTED]
Sent: 30 November 2023 09:10
To: Development Management
Subject: 23/01619/FLL

[REDACTED]

I would like to make an objection about the above planning proposal near Easter Muirhead.

This will be the third stables within a mile on this single track road. Many of the riders use this road, but are unable to ride in traffic or allow cars to pass. If this is also a dog park, then there will be even more traffic on the single track road, which is already busy.

I have woodland backing onto this field where they plan to add dog walking – we are trying to encourage wildlife to return to the natural woodlands, which will not be helped by a dog park.

With the recent addition of 2 more houses at this junction, there are already several buildings in the countryside, which does mean adding more stables block to this area would not be right.

Regards,

Jan Dixon,
[REDACTED]

[REDACTED]

Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01619/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Formation of access track, erection of stables, siting of a caravan, and associated works (for temporary period)(in part retrospect)		
Address of site	Land 250 Metres North Of The Farmhouse, Easter Muirhead Farm, Blairingone, Dollar FK14 7ND		
Comments on the proposal	<p>The applicant is proposing to form a new access and site a caravan on land north of Easter Muirhead Farm.</p> <p>The vehicle access to the public road network for the property will be via a new proposed access taken off the U213. There has been many concerns with the utilisation of the public road by nearby properties, as such there is limited information regarding the number of vehicles that will be using the vehicle access and public road to access the facility on a regular basis, as such, further details are requested. More information required.</p> <p>The plans submitted are basic and provide no information or detail on where parking will be provided nor how the septic tank can be accessed for desludging. More information required.</p> <p>If the applicant is successful in gaining planning consent, they must apply for a Vehicle Access Consent before starting works on its formation. More information on the process can be found on the following website: https://www.pkc.gov.uk/vehicleaccess. Please note, that as planning permission has been applied for, currently no fee is required for the Vehicle Access Consent (VA1 form), please include the planning application number on your VA application form.</p> <p>Transport Planning are not in a position to support this application as further information is required from the applicant.</p>		
Recommended planning condition(s)			
Recommended informative(s) for applicant			
Date comments returned	30 November 2023		

Development Management

From: Kay Buist [REDACTED]
Sent: 30 November 2023 21:04
To: Development Management
Subject: OBJECTION TO: Planning Application: 23/01619/FLL

[REDACTED]

Dear Sir/Madam

Formation of access track, election of stables, sitting of caravan and associated works for a temporary period (impart retrospect)

Planning application: 23/01619/FLL

In relation to the above we would like to put forward our objection.

The applicant is intending on using water that is on a private water supply. This supplies us and surrounding properties, a supply which has seen a significant rise in demand and a huge decrease in pressure over the years. There is a real possibility that any further demand on the supply will deem it unusable.

The proposed site is situated next to an already busy single-track road with very little passing places. It's simply not equipped to deal with the increase of traffic that would be generated from a third equestrian business on the same stretch of road.

Also on the matter of what type of business has been put forward, apart from a livery/stud, there has also been a flyer distributed just a month back regarding a dog park. This is backed up with high fencing in the progress of being erected. If this is the case this would further more impose a burden on the roads and amenities mentioned previously

If you need any further information or clarity on the above, please don't hesitate to contact us.

Yours faithfully

John & Kay McNally

[REDACTED]

[REDACTED]



19/01/24

SGN
Maintenance Operations
Scotland
Axis House
Edinburgh
EH28 8TG

Perth and Kinross Council Planning Dept

Your Ref: 23/01619/FLL

23/01619/FLL- Formation of access track, erection of stables, siting of a caravan, and associated works (for temporary period)(in part retrospect)

Dear Sir or Madam,

Reference to the above, and to our letter of objection.

I can confirm that the developer has consulted with SGN and agreed to adhere to safe working practises near the High Pressure pipeline and SGN are satisfied with the plans and works. If any drainage work in the field(s) or any service crossings are to take place SGN will visit site and instruct on the works. The developer will also be responsible for ensuring any contactors working for them are aware of the pipeline location and the need to make SGN aware of works in the area of interest (30m).

Please note however that should the extent or design of the planning permission be amended, then we may require further consultation with the developer.

Please note the following:

Excavations, stockpiling of material, vehicles crossing over the route of the pipeline, changes in ground levels, drilling, piling and the siting of temporary structures, cabins and containers are all activities that can have a negative impact on the pipeline. This list is not exhaustive and SGN advice should be sought if in any doubt.

Contact should be made with the local Pipeline Engineer Jordan Irvine (07970 127350) with regards to work commencing near the HP pipeline.

Yours faithfully



Bryan Young
Pipeline Engineer.

Compliance of proposal with NPF4 Policy 29 (and NPF4 Policy 17 'Rural homes'), LDP2 Policy 8 Rural Development and Policy 19 Housing in the Countryside

The policy intent of NPF4, Policy 29 'Rural development' is *'To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.'* The policy provides support for proposals that *'contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including: i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected'.*

The applicant's Business Plan and Planning Statement both highlight how the proposed business will make a valuable contribution to the rural economy and rural communities and that the development provides for **'a site specific resource'**. It is self-evident that a horse livery and breeding business requires a countryside location. As highlighted in the submissions, the co-location of the applicant's proposal and the equestrian business at Easter Muirhead, will be extremely important to the operation of her business, with mutual benefits to both businesses – making the application site an ideal location.

This would seem to be appropriate justification of the site location. It is noted that a similar recent application for a rural business use of a field for a dog park was approved based on an assessment that *'the development provides a site-specific resource which cannot be satisfactorily achieved within existing settlements either by lack of provision or absence of safe enclosed spaces to enable off-lead activities. The proposals are as a result, deemed to in accordance with policy 8 of LDP2.'* (Application 23/00467/FLL)

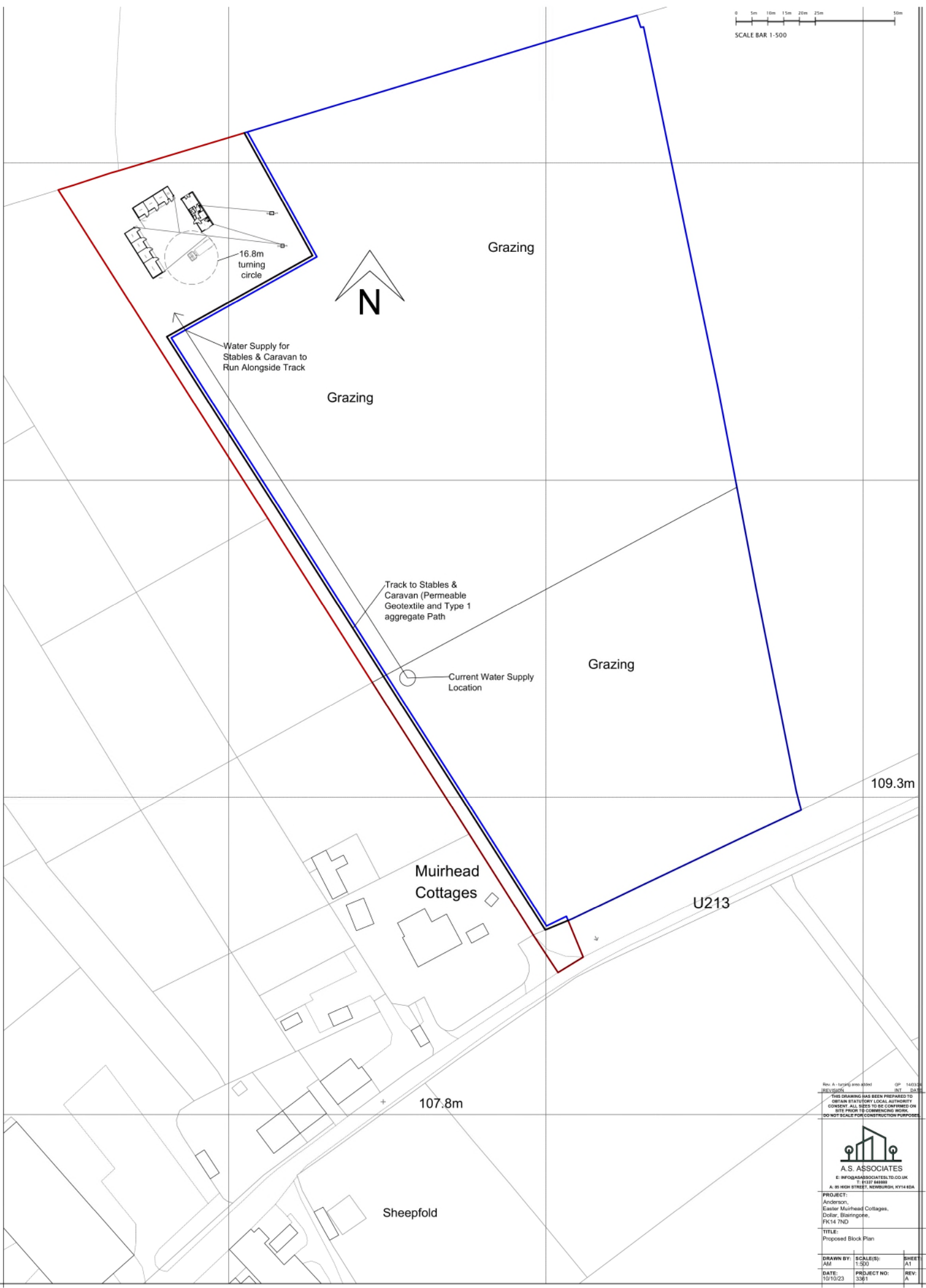
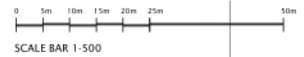
In terms of the detailed criteria relating to LDP2 Policy 8 Rural Development, each has been addressed in the Planning Statement and indicates that the proposal is compliant.

As detailed in the Planning Statement the applicant is seeking consent for siting of the **caravan for a temporary period**. This is a solution that will enable her to meet the essential need for her to live on the site, in terms of animal welfare and the detailed needs of operating her business. It also allows her time to demonstrate the viability of her business on the site.

This approach complies with NPF4 Policy 17—'Rural homes' criteria where it supports new homes in rural areas where it *'v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority 16 control of a farm business) to live permanently at or near their place of work'*.

LDP2 Policy 19: Housing in the Countryside and the Housing in the Countryside Supplementary Guidance (2020) supports new houses for 'Economic Activity' – to support businesses in the countryside. The guidance is clear that **temporary accommodation** can be appropriate in advance of a business being recognised as 'established' – where there is a need for on-site accommodation.

It is **essential** to the business that the applicant lives on site, for **animal welfare, site security** and to **manage the detailed day to day operation** of her livery/horse breeding business. Details are provided in the applicant's Business Plan and the Planning Statement.



Rev A - 10/10/23 - 140328

REV	DESCRIPTION	DATE
1	ISSUED FOR TENDER	10/10/23

THIS DRAWING HAS BEEN PREPARED TO OBTAIN STATUTORY LOCAL AUTHORITY CONSENT. ALL SECS TO BE CONFIRMED ON SITE PRIOR TO COMMENCING WORK. DO NOT SCALE FOR CONSTRUCTION PURPOSES.

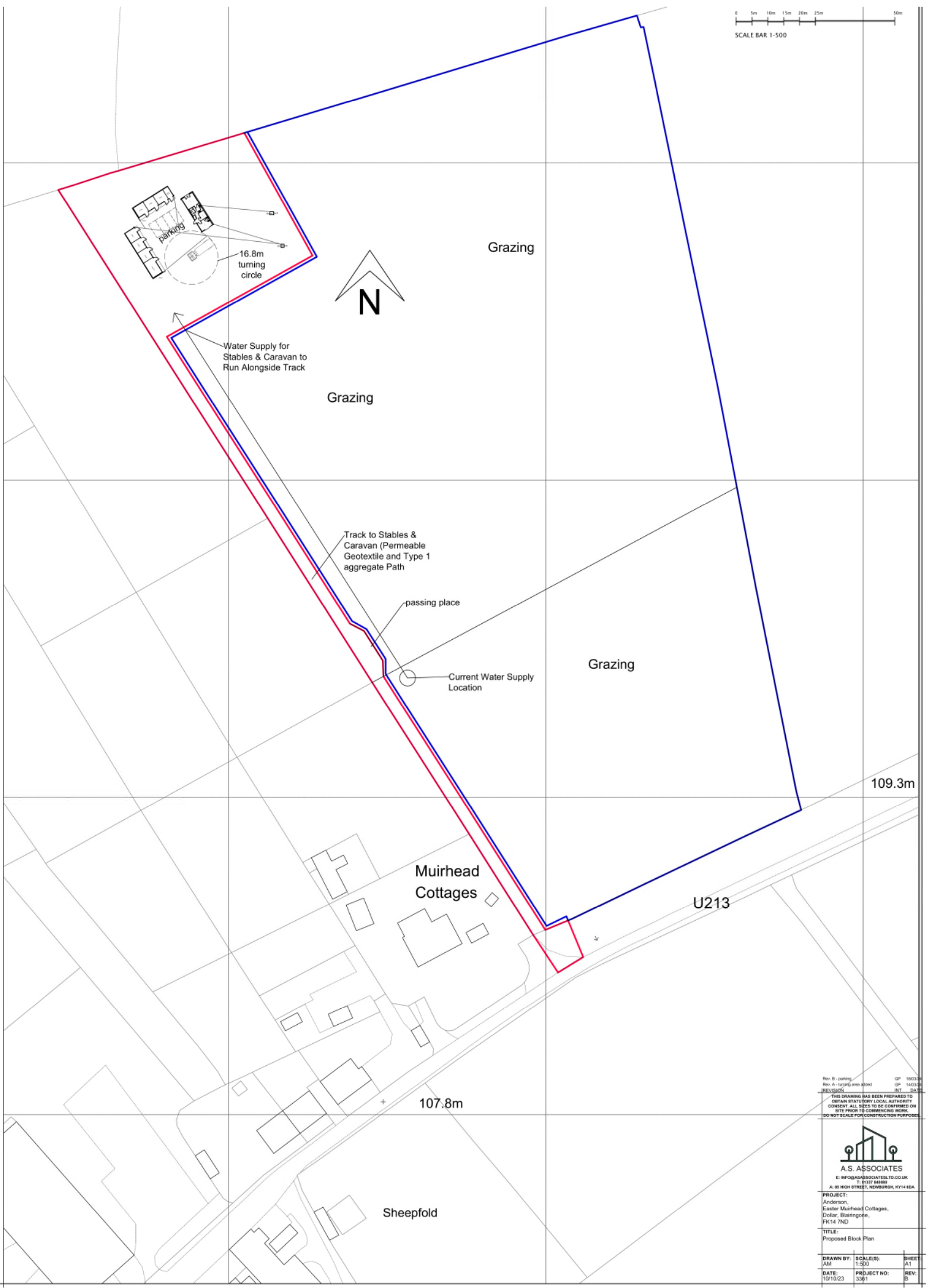
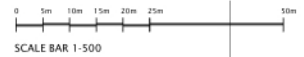
A.S. ASSOCIATES
E: INFO@ASASSOCIATES.CO.UK
A: 85 HIGH STREET, NEWBURGH, KY14 8DA

PROJECT:
Anderson,
Easter Muirhead Cottages,
Dollar, Blairnape,
FK14 7ND

TITLE:
Proposed Block Plan

DRAWN BY:	SCALE(S):	SHEET:
AM	1:500	A1

DATE:	PROJECT NO:	REV:
10/10/23	3361	A



Rev. B - parking GP 1003/24
Rev. A - top of area added GP 1403/24
REVISED BY DATE

THIS DRAWING HAS BEEN PREPARED TO OBTAIN STATUTORY LOCAL AUTHORITY CONSENT. ALL SECS TO BE CONFIRMED ON SITE PRIOR TO COMMENCING WORK. DO NOT SCALE FOR CONSTRUCTION PURPOSES.



A.S. ASSOCIATES

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A: 85 HIGH STREET, NEWBURN, WY14 8DA

PROJECT:
Anderson,
Easter Muirhead Cottages,
Dollar, Blairnane,
FK14 7ND

TITLE:
Proposed Block Plan

DRAWN BY: SCALE(S): SHEET:
AM 1:500 A1

DATE: PROJECT NO: REV:
10/10/23 3361 B

Memorandum

To Development Management & Building
Standards Service Manager

From Regulatory Services Manager

Your ref 23/01619/FLL

Our ref LRE

Date 28 March 2024

Tel No 01738 476462

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5G

Consultation on an Application for Planning Permission

23/01619/FLLRE: Formation of access track, erection of stables, siting of a caravan, and associated works (for temporary period)(in part retrospect), Land 250 Metres North of The Farmhouse Easter Muirhead Farm Blairingone Dollar.

I refer to your letter dated 14 March 2024 in connection with the above application and have the following comments to make.

Environmental Health

Recommendation

I have no objections to the application but recommend that the undernoted conditions are included on any given consent.

Comments

This application is for the erection of two stable blocks with a total of six stables, 3 within each block. There will also be a hay store and tack room on existing land already used for equestrian use.

The stables are to be used for the applicant's livery and horse breeding business and the siting of the caravan is to allow the applicant to live on site to ensure the welfare and security of the animals.

The stables have the potential to cause odour disamenity due to poor husbandry and in particular from the storage of manure.

The Code of Good Practice "Prevention of Environmental Pollution from Agricultural Activity" recommends that residential housing should be at least 400 metres from buildings used to house livestock and where possible should be downwind of residential areas.

Given that there are residential properties within 400m of the stables, there is the potential for odour nuisance to arise, however, odour disamenity can be controlled through good husbandry and management of waste manure at the site.

There are existing stables within the surrounding area such as Easter Muirhead, commercial equestrian with arena within 400m of properties.

I believe odour can be controlled through an effective odour and waste management plan.

Therefore, to protect the residential amenity of neighbouring dwellinghouses I recommend the following condition is attached to any given consent.

Conditions

- A Waste Management Plan (WMP) shall be submitted for the approval of the planning authority. Once approved the WMP shall be strictly adhered to during the operation of the site. The WMP shall be a fluid document which shall be updated to reflect any changes to the operation of the site and to address any substantiated complaints by residents. The details contained within the WMP, as approved by the Council as Planning Authority in writing shall be implemented in full as part of the operation of the site.

EH11 All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

EH31 All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.



Comments to the Development Quality Manager on a Planning Application

Planning Application ref.	23/01619/FLL	Comments provided by	Lachlan MacLean Project Officer – Transport Planning
Service/Section	Transport Planning	Contact Details	TransportPlanning@pkc.gov.uk
Description of Proposal	Formation of access track, erection of stables, siting of a caravan, and associated works (for temporary period)(in part retrospect)		
Address of site	Land 250 Metres North Of The Farmhouse, Easter Muirhead Farm, Blairingone, Dollar FK14 7ND		
Comments on the proposal	<p>The applicant is proposing to form a new access and site a caravan on land north of Easter Muirhead Farm.</p> <p>The vehicle access to the public road network for the property will be via a new proposed access taken off the U213. There have been many concerns with the utilisation of the public road by nearby properties, as such there is limited information regarding the number of vehicles that will be using the vehicle access and public road to access the facility on a regular basis, as such, further details were requested. The applicant has confirmed at this time, that there will be two livery spaces at the site, which would attract one to two cars associated with the operation, depending upon if the livery is fully supported by the applicant or partially supported.</p> <p>The applicant has provided a swept path to show that there will be sufficient space for a lorry to turn at the site. In turn this will be sufficient for a septic tank lorry. The applicant has shown that four car parking spaces can be accommodated on the site, whilst still providing suitable turning for a lorry.</p> <p>If the applicant is successful in gaining planning consent, they must apply for a Vehicle Access Consent before starting works on its formation. More information on the process can be found on the following website: https://www.pkc.gov.uk/vehicleaccess. Please note, that as planning permission has been applied for, currently no fee is required for the Vehicle Access Consent (VA1 form), please include the planning application number on your VA application form.</p> <p>Insofar as the Roads matters are concerned, I have no objections to this proposal on the following condition.</p>		

Recommended planning condition(s)	<p>Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type A Road construction detail. The Type B Road construction detail shall continue to the entrance for a distance of 3 metres. Once provided, the vehicular access shall thereafter be permanently retained as such.</p> <p>Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.</p>
Recommended informative(s) for applicant	<p>The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.</p>
Date comments returned	22 May 2024

REPORT OF HANDLING

DELEGATED REPORT

Ref No	23/01619/FLL	
Ward No	P8- Kinross-shire	
Due Determination Date	1st January 2024 Extended to 31 May 2024	
Draft Report Date	15th May 2024	
Report Issued by	Claire Myles	Date 15/5/24

PROPOSAL: Formation of access track, erection of stables, siting of a caravan, and associated works (for temporary period) (in part retrospect)

LOCATION: Land 250 Metres North Of The Farmhouse
Easter Muirhead Farm Blairingone Dollar Fk14
7nd Blairingone

SUMMARY:

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

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application is for the formation of a vehicular access, erection of stables and siting of a residential caravan (for a temporary period of 3 years).

The application is in part retrospect as work started on the vehicular access and this application is the result of an enforcement enquiry (23/00041/ALUNDV).

The application site is on land north of an unclassified road (U213) and east of Easter Muirhead Farm. The site is bound to the north by woodland and a post and wire fence on the three other boundaries defines the applicant's land which once formed part of Easter Muirhead Farm. The applicant owns the wider area of 3.3 ha as shown by a blue line on the location plan (drawing 01).

The proposed buildings comprise 2 stable blocks and a caravan set out in an informal u-shape on the northwest corner of a field. The two stable blocks (12.8m x 3.6m x 2.7m high approx. and 16.5m x 3.6m x 2.7m high approx.) will be of timber construction, with dark timber cladding, black Onduline roofing and black UPVC gutters/downpipes to be set on concrete bases. The caravan 11.5m length x 4m width and 3m height (approx.) is to be finished in dark timber cladding.

The vehicular access from the public road runs parallel to the west boundary of the site. All hardstanding is to be permeable materials and foul drainage infrastructure includes a septic tank and soakaway.

There are residential properties to the east of the site and the surrounding area is mainly equestrian uses, agriculture and forestry.

SITE HISTORY

07/01798/FLL – Formation of an equestrian centre including utility shed, riding school, stables, erection of 6 chalets and 6 dwellinghouses with parking – APPLICATION WITHDRAWN

08/01561/FLM - Formation of an equestrian centre including utility shed, riding school, stables, erection of 4 chalets and 7 dwellinghouses with parking – APPROVED

16/01874/FLM - Deletion of condition 6 (occupation) of permission
08/01561/FLM (Formation of an equestrian centre, utility shed, indoor riding school, stables, 4 chalets/cottages and 7 dwellinghouses with associated car parking) – APPROVED

19/01539/FLL – Proposed four dwellinghouses (Part of larger planning unit 08/01561/FLM) - APPROVED

PRE-APPLICATION CONSULTATION

Pre application Reference: 23/00070/PREAPL - Change of use - agricultural land to equestrian use and dog exercise park including erection of stables and siting of residential caravan.

The pre-application response advised the proposals as outlined are unlikely to be supported on policy grounds. The applicant may wish to consider if there is merit in rethinking the extent of the proposals and associated policy compatibility, to bring forward a development that is more focused and in keeping with the characteristics of the local area. Irrespective, of the comments noted, any subsequent application will need to suitably demonstrate that there is a specific need for one/all of these development proposals to be located at this site by virtue of its quality or location, in relation to an existing rural business or distance from settlements etc. Additionally, you should be mindful of what enhancement measures can be undertaken to an extent which improves the site in terms of its wider landscaped setting and mitigation of potential off-site impacts.

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 9: Brownfield, Vacant and Derelict Land and Empty Buildings

Policy 13: Sustainable Transport

Policy 14: Design, Quality and Place

Policy 17: Rural Homes

Policy 22: Flood Risk and Water Management

Policy 23: Health and Safety

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 8: Rural Business and Diversification

Policy 19: Housing in the Countryside

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 55: Nuisance from Artificial Light and Light Pollution

Policy 56: Noise Pollution

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

Statutory Supplementary Guidance

- [Supplementary Guidance - Flood Risk and Flood Risk Assessments](#) (adopted in 2021)
- [Supplementary Guidance - Green & Blue Infrastructure](#) (adopted in 2020)
- [Supplementary Guidance - Housing in the Countryside](#) (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 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

CONSULTATION RESPONSES

External

Scottish Water - No objection.

Scotland Gas Networks Plc – initial objection removed following correspondence with the applicant (letter dated 19 January 2024).

Fossoway and District Community Council - Objection.

The Coal Authority – Response highlights the site is in a Low-Risk Area. Informative recommended should permission be granted.

Internal

Development Contributions Officer - No comment.

Commercial Waste Team - No comment.

Environmental Health (Noise Odour) - No objection, subject to conditions to control noise and odour in order to protect residential amenity.

Environmental Health (Private Water) – private water supplies are believed to serve properties in the vicinity. It is recommended that informatives are attached to any planning permission granted to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.

Transportation And Development – No objection subject to condition. Initial concerns raised and further information submitted during the application process. There have been many concerns with the utilisation of the public road by nearby properties, as such there is limited information regarding the number of vehicles that will be using the vehicle access and public road to access the facility on a regular basis, as such, further details were requested. The applicant has confirmed at this time, that there will be two livery spaces at the site, which would attract one to two cars associated with the operation, depending upon if the livery is fully supported by the applicant or partially supported. The applicant has provided a swept path to show sufficient space for a lorry to turn at the site. In turn this will be sufficient for a septic tank lorry. The applicant has shown that four car parking spaces can be accommodated on the site, whilst still providing suitable turning for a lorry.

REPRESENTATIONS

Seven representations were received objecting to the proposal. The issues raised include –

- Capacity of road to deal with the increase in traffic generated by the business
- Deterioration of water supply to neighbouring properties
- Urbanisation of rural area due to new housing
- Inadequate passing places on road for horse boxes, delivery vehicles etc
- Road Safety – risks to walkers, cyclists and riders

- Location of access track detrimentally impacts residential amenity

The representations also highlighted a flyer circulated in the community advertising a dog park on the site. The applicant confirmed this forms no part of the application proposal which is for a livery and horse breeding service only.

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	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

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 key policies to be assessed include NPF4 Policy 29 Rural Development which aims to encourage rural economic activity, innovation and diversification whilst ensuring that the character, natural assets and cultural heritage of rural areas are safeguarded and enhanced. The policy states the following:

Paragraph a) *Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported.*

Ten sub-criteria are listed, and criterion (i) is the most relevant to the proposal due to the proposal being for a *land use business*.

Paragraph b) states *development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.*

The related local policy is LDP2 Policy 8: Rural Business and Diversification which states – *The Council will give favourable consideration to the 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. Sites outwith settlements may be acceptable where they offer opportunities to diversify an existing business or are related to an existing site-specific resource or opportunity.* The policy sets out criteria (a-i) that all proposals will be expected to meet.

Also relevant are national and local placemaking policies including NPF4 Policy 14 Design, Quality and Place which seeks *well designed development whether in urban or rural locations and regardless of scale.* It states *development which is poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported.* LDP2 Policy 1: Placemaking requires development to contribute positively to the quality of the surrounding built and natural environment. *The design, density and siting of development should respect the character and amenity of the place, and should create and improve links within and, where practical, beyond the site. Proposals should also incorporate new landscape and planting works appropriate to the local context and the scale and nature of the development.* Policy 1B sets out the placemaking criteria which should be met.

NPF4 Policy 17 Rural Homes supports development proposals for new homes in rural areas where the development is *suitably scaled, sited and designed to be in keeping with the character of the area* and the proposal meets eight criteria listed (i-viii) with criterion (v) being relevant to the application – *is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work.*

Aligning with NPF4 is LDP2 Policy 19: Housing in the Countryside and related Supplementary Guidance which allows some form of temporary accommodation providing on-site accommodation is demonstrated to be essential to the continued operation of the business and it meets the siting criteria set out in Category 3 of the Housing in the Countryside Supplementary Guidance.

These policies are considered further under the topic headings below.

Land Use

The applicant's supporting information includes a Planning Statement (08) a Statement on Policy (10) and a revised Business Plan prepared by the applicant (12). In response to NPF4 Policy 29 and LDP2 Policy 8, the supporting statements note that the site is not in or adjacent to a settlement however the site is related to a site-specific resource, with the land being in equestrian use for over twenty years. The proposed business - horse livery and breeding - requires a countryside location and the land offers a site-specific resource in line with policy. The statements highlight that the co-location of the applicant's proposal and the equestrian business at Easter Muirhead, will be extremely important to the operation of the business, with mutual benefits to both businesses. The applicant provided supporting information during the application process to demonstrate the business tie in with Easter Muirhead with costs associated with this showing in the Business Plan.

Further supporting information, including emails from the applicant containing sensitive information, have been submitted during the application process. In summary, the supporting information highlights that the applicant currently operates a mobile dog grooming business, and her partner is a dog walker in the Dollar, Tillicoultry and Dunfermline area. The current business operations are mobile and off-site, and the applicant and her partner will share the responsibility of running the proposed livery yard. The supporting documents highlight the requirement for an onsite presence for animal welfare and the need to live on the land to run the new enterprise successfully alongside the other businesses. Living on site in a caravan on a temporary basis would allow time to demonstrate the viability of the business. The applicant has submitted information to demonstrate her experience working with horses and that there is a waiting list for the new stables.

In terms of siting and design, the applicant selected the location in the northwest corner of the field as it will not be visible due to the natural sloping topography dipping down at the north boundary with the woodland as a backdrop. The caravan is to be clad in wood to blend more naturally with the surroundings. Also, the area is quieter, away from the road and residential properties for mares in foal and the foaling process. The supporting documents emphasise it is essential to the business that the applicant lives on site, for animal welfare, site security and to manage the detailed day to day operation of the livery/horse breeding business.

Response -

National and local planning policy wishes to encourage the expansion of existing businesses and the creation of new ones in rural areas. The broad principle of such a rural business can be accepted where the other policy criteria are met.

The Housing in the Countryside Supplementary Guidance states there must be reasonable certainty that the business will succeed before allowing a new house to be built in the countryside. 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.

Six stables are proposed as noted in the Business Plan and on the drawings. The initial Business Plan submitted (September 2023) states a livery service for three horses and a breeding service producing three foals. It also notes the applicant already has mares in foal due around 9 months in the summer of 2024. The revised Business Plan (February 2024) states the plan is to offer a full livery service for two horses as well as additional breeding services. The Planning Statement notes there is a waiting list for all four livery spaces. The supporting information notes the applicant has horses and the pre-application information states livery for four horses and the applicant's own two horses producing two foals a year for sale.

There are inaccuracies within the applicant's supporting information - is the livery service for two, three or four horses – despite this the numbers show this is a small-scale livery business of 2-4 horses. There is also uncertainty surrounding the breeding service.

The proposed business has evolved from the pre-application which was for stables and a dog park. The applicant has confirmed through this application process that the dog park does not form part of the proposed development.

There is no justification to live on site to provide a small-scale livery service for 2-4 horses. The supporting documents emphasise it is essential to the business that the applicant lives on site, for animal welfare, site security and to manage the detailed day to day operation of the livery/horse breeding business. However, this is a small-scale livery business which does not justify a house and there is uncertainty surrounding the breeding service. For operational reasons there is a requirement to live on site to allow the applicant to run the new business alongside their other non-rural business - this does not justify a house on site. The business plan has not been independently prepared and does not demonstrate the business is financially sound and economically viable. The need for on-site accommodation has not been demonstrated.

LDP2 Policy 8 requires new countryside business proposals to meet several criteria. The criteria applicable to this proposal are listed below with the consideration of each criterion in italics:

a) the proposal will contribute to the local economy through the provision of permanent employment - *The supporting statements note the proposed business will make a valuable contribution to the rural economy and rural communities through the co-location of the applicant's proposal and the equestrian business at Easter Muirhead. However, this is a small-scale business proposal to be run by the applicant and her partner. A Business Plan prepared by the applicant was submitted and revised during the application process (Document 12). This does not demonstrate a financially sound and economically viable business. The further supporting information submitted in email format by the applicant outlines the new business will run alongside*

their mobile dog grooming and dog walking businesses which are non-rural. Their future aspiration is to expand the livery business, employ others and use the caravan for employees once a dwellinghouse is approved on site for their own use. There is no certainty the proposal will contribute to the local economy.

b) the proposal will not result in suburbanisation of the rural area or encourage unsustainable travel patterns – *the proposal would be predominantly car dependent due to its location and the nature of the use.*

c) the proposed use is compatible with surrounding land uses and will not detrimentally impact on the amenity of residential properties within or adjacent to the site – *The site is in a rural area characterised by equestrian uses and the proposed use is therefore compatible. However, the application is the result of an enforcement enquiry with the vehicular access track installed. The objections raise concern with the siting of this and its proximity to the neighbouring residential property with the potential for loss of privacy and amenity from vehicle movements. The proposal is poorly sited and designed and will negatively impact the amenity of residential properties.*

d) the proposal can be satisfactorily accommodated within the landscape and environmental capacity of the site – *The proposal is poorly located and designed and will have a detrimental effect on visual amenity.*

e) the proposal meets a specific need by virtue of its quality or location in relation to existing business or tourist facilities – *This is a small-scale proposal which is compatible with a nearby equestrian business. The revised Business Plan has not been independently prepared and does not demonstrate a financially sound and economically viable business.*

f) where any new building or extensions are proposed they should achieve a high quality of design to reflect the rural nature of the site and be in keeping with the scale of the existing buildings – *The stables are of a timber design and the caravan is to be clad in timber complementing the rural nature of the site. However, the proposal is poorly sited. The development to the west runs alongside the public road and the location of the application site is some 240m from the road in the northwest corner of the field. The proposal fails to respect the existing pattern of development.*

g) the local road network must be able to accommodate, or be capable of upgrading in order to accommodate, the nature and volume of the traffic generated by the proposed development in terms of road capacity, safety and environmental impact. *There have been concerns raised in the representations about the utilisation of the public road, as such, further details were requested by Transportation and Development. The applicant has confirmed at this time, that there will be two livery spaces at the site, which would attract one to two cars associated with the operation, depending upon if the livery is fully supported by the applicant or partially supported. A swept path has also been provided to show sufficient space for a lorry to turn at the site. In turn this will be sufficient for a septic tank lorry. The applicant has*

shown that four car parking spaces can be accommodated on the site, whilst still providing suitable turning for a lorry. This is a small-scale proposal which can be accommodated on the local road network. Transportation and Development have no objection to the proposal with the issues arising being addressed through the application process.

The proposal is not of a scale that will contribute to the viability, sustainability and diversity of rural communities and local rural economy. The siting and design of the proposed development is not in keeping with the existing pattern of development in this rural area. The proposal does not satisfy NPF4 Policy 29 Rural Development paragraphs a) and b) and LDP2 Policy 8: Rural Business and Diversification.

Design and Layout

The application site is the northwest corner of a field owned by the applicant. It is not an identifiable site with long established boundaries which separates the site naturally from the surrounding ground. As stated in the Housing in the Countryside Supplementary Guidance, the sub-division of a field or other land, for example by post and wire fence or newly planted hedge or tree belt specifically in order to create the site, will not be acceptable.

A timber design is proposed for the stables and the caravan is to be clad in timber complementing the rural nature and woodland setting of the site. However, the proposal is poorly sited. The development to the west runs alongside the public road and the location of the application site is some 240m from the road in the northwest corner of the field. The proposal fails to respect the existing pattern of development.

The proposal does not satisfy NPF4 Policy 14: Design, Quality and Place, NPF4 Policy 17 Rural Homes, NPF4 Policy 29 Rural Development and LDP2 Policy 1: Placemaking and associated Supplementary Guidance (2020), LDP2 Policy 8: Rural Business and Diversification and LDP2 Policy 19: Housing in the Countryside and associated Supplementary Guidance (2020) of the Perth and Kinross Local Development Plan 2 (2019).

Residential Amenity

The application is the result of an enforcement enquiry with the vehicular access track installed. The objections raise concern with the siting of this and its proximity to the neighbouring residential property with the potential for loss of privacy and amenity from vehicle movements along the track.

Environmental Health were consulted and note in their response that the stables have the potential to cause odour issues due to poor husbandry and in particular from the storage of manure. The Code of Good Practice "Prevention of Environmental Pollution from Agricultural Activity" recommends that residential housing should be at least 400 metres from buildings used to house livestock and where possible should be downwind of residential areas.

Given that there are residential properties within 400m of the stables, there is the potential for odour nuisance to arise, however, odour disamenity can be controlled through good husbandry and management of waste manure at the site. There is an existing stable within 400m of properties. It is considered that odour can be controlled through an effective odour and waste management plan and a condition is recommended to request this is submitted for written approval of the Planning Authority and once approved shall be strictly adhered to.

Conditions are recommended by Environmental Health to ensure there is no impact on residential amenity from noise from plant and equipment and also no impact from the use of external lighting. Conditions could be attached to ensure the proposal accords with Policy 55: Nuisance from Artificial Light and Light Pollution and Policy 56: Noise Pollution of the Local Development Plan 2.

Overall, through poor design and siting the proposal will negatively impact the amenity of residential properties. The proposal does not satisfy NPF4 Policy 14 c) and LDP2 Policy 1: Placemaking.

Roads and Access

Transportation and Development raised initial concerns due to the lack of information. As a result, further information was submitted by the applicant during the application process and to also address the issues raised in the representations.

Limited information was submitted regarding the number of vehicles that will be using the vehicle access and public road to access the facility on a regular basis. The applicant has confirmed at this time, that there will be two livery spaces at the site, which would attract one to two cars associated with the operation, depending upon if the livery is fully supported by the applicant or partially supported. The applicant has provided a swept path to show sufficient space for a lorry to turn at the site. In turn this will be sufficient for a septic tank lorry. The applicant has shown that four car parking spaces can be accommodated on the site, whilst still providing suitable turning for a lorry.

Transportation and Development have reviewed the further information submitted and have no objection to the proposal. A condition is recommended to ensure the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail, of Type A Road construction detail.

The applicant has demonstrated that the proposal will not have a detrimental impact on the local road network. The proposal satisfies NPF4 Policy 13 and LDP2 Policy 60B.

Drainage, Flooding and Water supply

Flooding

In respect of NPF4 Policy 22 Flood Risk and Water Management and LDP2 Policy 52, there are no flooding issues associated with the site.

Drainage

The site plan shows a septic tank and soakaway for a private foul drainage system in line with LDP2 Policy 53B. The supporting statement notes the applicant will implement sustainable drainage measures to deal with surface water drainage and to comply with NPF4 Policy 22 c) and LDP2 Policy 53C.

Policy 53E: Water Supply

The proposed site plan shows the current water supply location on the applicant's land and that the connection serving the proposed development will run along the new track (Drawing 11).

The representations highlight the proposed development will exacerbate the current water demand issues experienced by neighbouring residential development.

Policy 53E states - All new development must be served either by a satisfactory mains or private water supply complying with the Water (Scotland) Act 1980 and associated Private Water Regulations, without prejudicing existing users. It will be the responsibility of the developer to demonstrate that any new supply is suitable and is safe to be consumed as drinking water in line with the above act and regulations.

Environmental Health recommend standard informatives are attached to any planning permission granted to ensure all associated Water Supply regulations and requirements are complied with to maintain water quality and supply in the interests of residential amenity.

Insufficient information has been presented by the applicant to demonstrate the proposal accords with LDP2 Policy 53E Water Supply and the proposed development will not prejudice existing users of the private water supplies serving the area.

Natural Heritage and Biodiversity

The applicant proposes planting and biodiversity enhancements as outlined in supporting information (email) including native boundary hedges and trees, integrated nest boxes for bird species such as swallows, swifts, owls and provide bat housing.

Further detail could be conditioned to ensure accordance with national and local planning policies on the natural heritage and biodiversity.

Greenfield Site

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

Material Considerations

Applicant's Supporting Information

The applicant was advised during the application process that the case presented to live on site was weak and not supported by national and local planning policy. The applicant requested time to present further information on the business and to address the matters raised in the representations and consultation comments. The supporting information was presented to Planning in a piecemeal fashion in various formats including emails and copies of text messages which cannot be viewed on the public system. As outlined in the report, the supporting statements and further information are ambiguous, and the proposal has clearly evolved from the pre-application stage.

The applicant has two horses to be stabled on site alongside the livery/breeding service. The scale of the business does not justify a house on site. The proposed stables on their own could be supported by planning policy if better sited on the applicant's land.

Planning advised the applicant and their agent to withdraw the planning application and resubmit with a comprehensive package of supporting information including independently prepared reports to demonstrate a viable rural business proposal.

Representations

Seven representations were received objecting to the proposal. The issues raised include road capacity and road safety concerns and the detrimental impact on neighbouring residential amenity.

The matters raised have been considered in the report above. The road issues raised have been reviewed and addressed by the further information submitted through the application process and Transportation and Development are satisfied there would be no impact on the local road network from the proposed development. However, the impact on surrounding residential amenity is of significant weight to justify refusal of the application.

Developer Contributions

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

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

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

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

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 fails to respect the existing pattern of development, is not an identifiable site with long established boundaries which separates the site naturally from the surrounding ground, is not suitably sited or designed to be in keeping with area and would detrimentally impact on the amenity of residential properties adjacent to the site. The proposal does not satisfy the requirements of NPF4 Policy 14: Design, Quality and Place, NPF4 Policy 17 Rural Homes, NPF4 Policy 29 Rural Development and LDP2 Policy 1: Placemaking and associated Supplementary Guidance (2020), LDP2 Policy 8: Rural Business and Diversification and LDP2 Policy 19: Housing in the Countryside and associated Supplementary Guidance (2020) of the Perth and Kinross Local Development Plan 2 (2019).
2. This is a small-scale rural business proposal and the supporting information does not demonstrate there is an essential need for a worker to live permanently at or near their place of work. The proposal does not satisfy NPF4 Policy 17 Rural Homes and LDP2 Policy 19: Housing in the Countryside and associated Supplementary Guidance (2020) of the Perth and Kinross Local Development Plan 2 (2019).

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

4. The proposal is to be served by a private water supply with other residential properties in the area served by private water supplies. Insufficient information has been submitted to demonstrate the proposal accords with LDP2 Policy 53E Water Supply and will not prejudice existing users of the private water supplies serving 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

None.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01

03

04

05

07

08

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Date of Notice: **31st May 2024**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **23/01619/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 2nd November 2023 for Planning Permission for **Formation of access track, erection of stables, siting of a caravan, and associated works (for temporary period) (in part retrospect) Land 250 Metres North Of The Farmhouse Easter Muirhead Farm Blairingone Dollar Fk14 7nd Blairingone**

David Littlejohn
Strategic Lead (Economy, Development and Planning)

Reasons for Refusal

1. The proposal fails to respect the existing pattern of development, is not an identifiable site with long established boundaries which separates the site naturally from the surrounding ground, is not suitably sited or designed to be in keeping with area and would detrimentally impact on the amenity of residential properties adjacent to the site. The proposal does not satisfy the requirements of NPF4 Policy 14: Design, Quality and Place, NPF4 Policy 17 Rural Homes, NPF4 Policy 29 Rural Development and LDP2 Policy 1: Placemaking and associated Supplementary Guidance (2020), LDP2 Policy 8: Rural Business and Diversification and LDP2 Policy 19: Housing in the Countryside and associated Supplementary Guidance (2020) of the Perth and Kinross Local Development Plan 2 (2019).
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is not explicitly supported by policies of the Perth and Kinross Local Development Plan 2 (2019). The proposal is therefore contrary to NPF4 Brownfield, Vacant and Derelict Land and Empty Buildings Policy 9 b).

4. The proposal is to be served by a private water supply with other residential properties in the area served by private water supplies. Insufficient information has been submitted to demonstrate the proposal accords with LDP2 Policy 53E Water Supply and will not prejudice existing users of the private water supplies serving 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.

Notes

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

03

04

05

07

08

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10

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12