

2023-29

27<sup>TH</sup> September 2024

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

Emailed to: [planninglrpkc.gov.uk](mailto:planninglrpkc.gov.uk)

Dear Sir/Madam

**PLANNING APPEAL: LRB-2024-37**

**ERECTION OF 5 HOLIDAY ACCOMMODATION UNITS, A MANAGERS ACCOMMODATION UNIT AND WORKSHOP/GARAGE, FORMATION OF VEHICULAR, PARKING AREAS, LANDSCAPING AND ASSOCIATED WORKS**

**LAND 150 METRES NORTH WEST OF BARNHILL FARM, POWMILL, DOLLAR, FK14 7NS**

We are instructed by Mr and Mrs S Herron to respond to the representations received to the above planning appeal which have been issued to us dated 25<sup>th</sup> September 2024.

This response addresses matters rather than the individual responses themselves and is supported by evidence to demonstrate the case.

**RESPONSES**

***“No additional requirement”***

It has been claimed that as a larger scale tourism and holiday development (Whinstone Quarry) was recently approved by the planning authority and is nearby, then there is no requirement for further tourism and holiday development.

NPF4 Policy 30 (Tourism) Part b lists criteria in which new tourism development will be supported. There is no criteria which places any restraint on the scale or intensity of tourism development. It is accepted that Part b) could be interpreted as: ways or means to manage tourism development impacts on land use. However, the criteria reads to be geared towards avoiding loss of residential accommodation and ways to stop *“hindering the provision of homes and services for local people”* (per part iii of this Part of the policy). This proposal will not result in the loss of residential accommodation nor is there any ‘limits to capacity’ evidence other than the fact of a planning consent exists for the Whinstone Quarry development which may or may not be developed in the future. This all suggests that the proposed smaller scale tourism development (by capacity) would be irrelevant to whether the Whinstone scheme progressed and could ‘flood the market’ with the larger scale tourism development. It is generally market demand which will

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dictate the scale and capacity of tourism provision in each area and moving trends. It is recorded in the appellants' Planning Statement (**Appeal Doc GP03**), at paras 6.2 to 6.4 that there is an upward trend of demand for rural tourism development which includes hot-tubs (a feature this proposal will provide) and half of the quoted 2022 survey's respondents indicated they would choose a yurt, shepherds hut or lodge. The appeal proposal is targeting this growing market – the Whinstone case does not offer these features and therefore choice and variety would be widened and catered for to the benefit of the wider local economy.

#### ***“Condition of the Farm Track access”***

It has been claimed that the existing farm track character is already in a poor state and additional traffic use of it would further deteriorate it and would also heighten congestion / road safety concerns. However, the appellants have addressed this concern with a proposal to install passing-places in a safety upgrade of the track. The details were provided in the appeal submission at doc reference **GP09**. We are pleased to note that one of the representations received acknowledges the appellants' intentions to remedy the matter by that means.

#### ***“Active Travel encouragement”***

Due to the rural location (within a predominately rural local authority) the dependency on private motor vehicle is unavoidable for any rural development. However a modal-shift to public transport, cycling and walking where possible, is as one representation put it, “laudable” and must be recognised that all efforts are made by the appellant to mitigate where possible and reasonable. A planning condition or if so desired, a Planning Agreement under Section 75 of the planning legislation could enforce the appellant's proposal to recognise active travel. They are proposing provision of bikes, welcome literature to encourage off-road access and recreation close to the lodges and will encourage visitor behavioural change. These measures if appropriately managed by condition/agreement with the planning authority would be compliant with NPF4 Policy 13 (Sustainable Transport) Part b, criterion v, and Policy 30 (Tourism) Part b) criterion iv and Policy 29 (Rural Development) Part b.

#### ***“Loss of Greenspace”***

Representations cite the loss of mature trees, ‘greenbelt’ loss and impact on environment/biodiversity. It is not entirely clear what the representors mean by ‘greenbelt’ other than loss of open countryside as this location is not protected green belt in planning policy terms. That said there would be a change of character of the open countryside location to one of a cluster of modern high quality designed lodges set in a new tree planted setting. The appellants submitted a woodland report as part of the original planning application. That report recommends only the felling of four poor quality trees. There was also a detailed landscape plan submitted at the planning application stage which seeks to reinforce and enhance the natural habitat and biodiversity, by insect attracting plant species. The planning officer's report of handling (**Appeal Doc GP02**) at Page 16 notes on this matter (the felling) *“This would leave only three large trees along the northern boundary of the site which further reduces what is already sparse natural screening to the north of the site”*....however acknowledges that “whilst the proposed introduction of heavy standard trees is welcomed, this would leave an exposed south edge” but further state that a revised landscape strategy could be positive to mitigate those concerns. We would be happy to discuss the terms of a planning condition which would allow the planning authority to exert control over the form and type of new landscape planting to mitigate the four tree loss.

We trust the information enclosed is taken into consideration by the Local Review Body in its assessment of the appeal. If you require any further assistance, please contact me.

Yours sincerely,



**Neil Gray**

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Director

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