

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 Ms Jecca Maxwell

Address Cottage Of Clunie

Forneth
Blairgowrie

Postcode PH10 6SG

Contact Telephone 1

Contact Telephone 2

E-mail*

Agent

Name 1504 Architectural & Building
Consultancy

Address Bishops well cottage
Dalguise
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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

Planning Authority

Perth and Kinross

Planning authority's application reference number 23/02091/fll

Site address Cottage Of Clunie, Forneth, Blairgowrie, PH10 6SG

Description of proposed development

Part demolition of garage outbuilding, erection of dwelling house and decking

Date of application 22/04/2024

Date of decision (if any) 30/08/2024

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

Nature of application

- | | | |
|----|---|-------------------------------------|
| 1. | Application for planning permission (including householder application) | <input checked="" type="checkbox"/> |
| 2. | Application for planning permission in principle | <input 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 mark more than one box if you wish the review to be conducted by a combination of procedures.

- | | | |
|----|--|-------------------------------------|
| 1. | Further written submissions | <input type="checkbox"/> |
| 2. | One or more hearing sessions | <input checked="" type="checkbox"/> |
| 3. | Site inspection | <input 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:

The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories

1) Building Groups - We are of the opinion that the existing Telephone exchange located to the north of the site is of a scale that in forming the new dwelling this would constitute a group of buildings as set out under the aforementioned policy.

2) Infill sites - Furthermore, the presence of the telephone exchange building to the north of the existing dwelling allows for the creation of an infill site between the two, replacing the existing outbuilding/garage structure

5) Conversion or replacement of redundant non-domestic buildings - Whilst the existing garage which is proposed to be replaced is most recently of domestic use. Its original use when built was as stables and agricultural storage the equivalent size of a cottage

The proposal is contrary to Policy 45A Lunan Lochs Catchment Area, of the Perth and Kinross Local Development Plan 2 (2019) The site lies within the Lunan Lochs Catchment Area where phosphorus mitigation is required to protect the Lunan Lochs SAC. No details of phosphorus mitigation have been submitted. -

The current occupancy as a result of the new dwelling would not increase , as the applicant would vacate the family home where she resides currently and move into the ancillary dwelling, as such no increase to phosphorus outfall risk from the properties.

Site inspection

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

1. Can the site be viewed entirely from public land? Yes
2. Is it possible for the site to be accessed safely, and without barriers to entry? No

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

The family own a number of dogs which freely access the grounds.

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.

As detailed in the supporting design statement and accompanying GP letter submitted as part of the planning submission:-

The proposals are to create a stand alone dwelling where the applicant can live providing not only the independence she seeks but also the close family support as and when it is required. The siting of a small stand alone dwelling adjacent to the existing family home provides the ideal solution to this.

As the existing garage outbuilding has become impracticable to store modern vehicles and the likes, it has become redundant and dilapidated over recent years and in need of major repairs. As such this provides the ideal site for locating the aforementioned small dwelling.

The dwelling would remain ancillary to the existing house, solely for the use of the applicant as stated above. and as such the overall number of persons residing between Cottage Of Clunie and the new dwelling would not increase the overall occupancy between the 2 properties.

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

Yes ☐ No ☒

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

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

Supporting design statement and GP letter

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: David Martin

Date: 22/10/24

DESIGN STATEMENT

Client - Ms J Maxwell

Site Address – Cottage of Clunie, Forneth, Blairgowrie, PH10 6SG

Project – Redevelopment of Existing Garage/Outbuilding to form Ancillary Dwelling House



Existing Garage Outbuilding as viewed from Northwest

Background

This application proposes the formation of 1no. dwelling house adjacent and ancillary to the existing dwelling at Cottage of Clunie.

The dwelling will be a room in the roof (storey and a half) 2-bedroom house, The proposal would include partial reuse of the existing building to the rear where the wall acts as a retaining structure to the existing garden ground, it is not currently foreseen that the remainder of the building will be structurally suitable for conversion.

However, the proposals will be scaled that the development being similar to the existing garage in height, massing and finishing materials all largely to match existing, whilst respecting the character and amenity of the existing adjacent house at Cottage of Clunie.

Improvements are proposed to the existing onsite services infrastructure provision (septic tank, drainage etc.), and will harness sustainable design principles maximising the use of renewable energy source including Air Source Heating & Solar Roof Panels.



Frontage at Cottage of Clunie

Proposal

The redevelopment of the garage outbuilding is intended to remain subservient in scale and mass to the existing building at Cottage of Clunie with the proposed roof lines positioned as existing, this is intended to avoid the dwelling having an imposing visual impact from the local public road. Roof finishing materials are to be slate to match existing, whilst new window apertures will reflect the size and finishing appearance of those in the main house. There is an intention to use smooth render, painted to match the existing dwelling also.

With regards to the residential amenity, the new dwelling shall utilise an area of the existing hardstanding area to the western frontage to form an access path and 2 car parking spaces with the remainder of the site forming grass lawn and patio terracing to the north and east of the dwelling, Please refer to the proposed site plan for further clarification.

As the proposed dwelling is to be positioned to the 'north' of the existing dwelling this negates any possible overlooking or overshadowing to Cottage of Clunie, whilst at the same time also securing privacy for the occupants of both dwellings.

Justification

With regards to compliance with the relevant clause RD3 of Policy 19 - housing in the countryside. We would seek to achieve compliance with the following subcategories: -

(1) Building Groups

An existing building group is defined as 3 or more buildings of a size at least equivalent to a traditional cottage, whether they are of a residential and/or business/agricultural nature. In this case, the proposed development along with neighbouring buildings of the existing telephone exchange and Cottage of Clunie can be considered as a building group of 3 no buildings. The telephone exchange is a single storey gable roof building which has a footprint of approximately 50m² which could be interpreted that it could accommodate a small cottage type dwelling, with eaves and ridge heights similar to that of a single storey dwelling also. As a direct comparison the garage to be converted has a footprint of approximately 52m².

(2) Infill site

By defining the telephone exchange as a building which is comparable to that of a traditional cottage, the proposed site can be deemed to be infill between the aforementioned and the existing dwelling at Cottage of Clunie.



Telephone exchange Building – North Facing



Telephone Exchange - West Facing



Rear Of Existing Garage – viewed From Northeast



North Gable – Cottage of Clunie.

Further Justifications –

Personal Circumstances

The proposed self-contained dwelling is intended be ancillary to the existing main house at Cottage Of Clunie which currently acts as the Maxwell family home.

There is no intention for the new dwelling to be sold, rented long or short term or act as a guest accommodation.

The sole purpose is to provide the applicant, whom has been diagnosed with a number of conditions including autism and depression the opportunity and freedom to live within her own home, whilst having the benefit of having immediate family support as needed in the adjacent property.

Furthermore, please also refer to the supporting letter from the applicants GP Dr Benedict Tattersall as attached for further reference to this.

Phosphate Mitigation

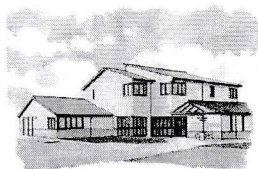
With the intention being that Ms Maxwell reside in the ancillary dwelling, in lieu of the existing dwelling house, there would be in fact no increase in occupancy to the site at Cottage Of Clunie overall, other than when the applicant has occasional guest visit.

As a result of this, the resultant impact on the Lunan Loch Catchment area of the Blairgowrie Lochs Special Area of Conservation from phosphorus outfall from the site would be neutral in comparison to the current circumstances and such would not contravene Policy 45A and the need for additional phosphorus mitigation requirements.

Wildlife Habitats

In accordance with Policy 41, biodiversity of the Perth & Kinross Local Development Plan 2 2019, Ecology surveys for the potential of roosting bats and breeding birds within the existing garage building have been undertaken on the 1st May 2023 and also on the 10th May 2023, it should be noted that no bats or breeding birds were recorded within the report and as such no ecological constraints would be required proceeding to any works being undertaken.

**Dr Andrew Buist
Dr Graeme Gatherer
Dr Jennifer Hartnett
Dr Jennifer Smith
Dr Benedict Tattersall
Dr Nicola Henderson**



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BT/LH

03 February 2023

To Whom It May Concern

Re: Jessica Maxwell, Cottage Of Clunie, Blairgowrie, PH10 6SG DOB: 09/12/87

With regard to the aforementioned patient, I can confirm that Jessica has diagnoses of depression and autism, for which she is in regular contact with me in my capacity as her general practitioner. She has previously been under the care of the psychiatry department also, and I have recently re-referred for their consideration once again. It is my understanding that Jessica is hoping to obtain planning permission to convert a building into a dwelling so she can be closer to her family. Given her past medical history, it is my opinion that this would be beneficial for Jessica to be near her family to have the appropriate support that only they can provide. As such I would be grateful if you could consider this in your deliberation as to whether to grant planning permission for Jessica.

Yours sincerely



Dr Benedict Tattersall