

## 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

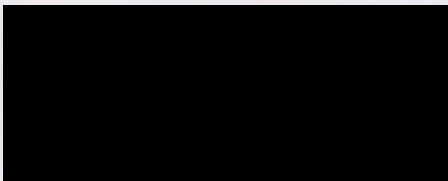
THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008


**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.**

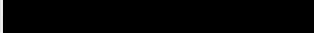
Use BLOCK CAPITALS if completing in manuscript

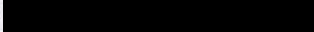
### Applicant(s)

Name JOHN MUNRO

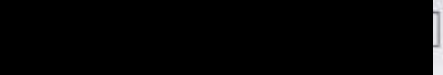
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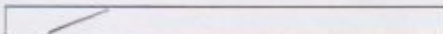
Contact Telephone 1 


Contact Telephone 2 

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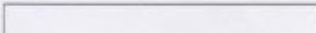
E-mail\* 

### 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: ☐

Yes ☒ No ☐

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority PERTH AND KINROSS

Planning authority's application reference number 24/00957/RPL

Site address 40m FROM 'WITCHHILL'  
KINHOULL TERRACE PERTH PH2 5DJ

Description of proposed  
development SINGLE HOUSE

Date of application 6/7/2024 Date of decision (if any) 7/9/2024

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



**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

I BELIEVE THE CASE INVOLVE CONVERSIAL POLICIE AND  
THE DIFFERENT WAYS IN WHICH THEY CAN BE USED

**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? ONLY THE EDGES CAN                              | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry?<br>NOT ENTIRELY | <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:

NO REASONS

**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.

REASONS PROVIDED ON SEPARATE DOCUMENT

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

Yes ☐ No ☒

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



**List of documents and evidence**

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

DESCRIPTION OF SITE AND PROPOSAL TOGETHER WITH LIST  
OF RELEVANT POLICIES (COPY WAS SENT WITH PLANNING  
APPLICATION)

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:


- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

OCT 20th 2024

## SPR Planning Local Review Body

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**From:** JOHN MUNRO [REDACTED]  
**Sent:** 04 November 2024 12:39  
**To:** jmunro98@yahoo.com; SPR Planning Local Review Body  
**Subject:** : Reasons for seeking review. ref 24/00957/ /IPL

**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.

The explanations given for refusal consist solely of personal subjective opinions not supported by any evidence..

Planning legislation is based on a presumption in favour of development and the onus is upon authorities to show that a proposal contravenes the development plan. Even if this is done they must consider whether there are "other material considerations" which could justify approval, It is not apparent that these have been done..

The Human Rights 1998 (Article 8 of the Convention and Article 1 of the First Protocol ) states that any restrictions on use of private property must be based on "laws" which already existed before the decision was taken. Moreover, application of these cannot entirely extinguish rights to use property beneficially . There must be a "fair balance" between public and private interests.

Any restrictions must be no greater than the level required to meet their stated objective and an owner must be allowed to make some "beneficial use" of his/her property. In this case the only practicable one is housing . Thus it is believed that an application for a single dwelling cannot legally be refused. (However, there is no conflict between private and public interests in this case)

PKC has no "laws" relating to the appearances of buildings. There is some very vague "supplementary guidance" relating to the subject but it cannot legally be used to prevent development but only to deal with details thereof.

This proposal clearly conforms to the LDP, "Tayplan" and Scottish Government policies. One of these (NPF 4) is to greatly increase the number of homes within 20 minutes access by "non-motorised " modes of places of employment, education, retailing and recreation This is now national policy which all authorities must follow and the site conforms to the above criteria. Nowhere is it said that personal opinions can over-ride this dictum. Housing density in this area is far below that specified in the local plan but there are very few vacant plots.

Information sent with the application described in detail the site, location and relevant policies. Key Issues of access and energy were listed This document was intended to save a case officer much time. Yet it is doubtful if it was read, Had it been there would have been no need to refer the application to other parties.

The officer's report seems to have been written in order by "to justify a refusal. The bias is obvious.

It is replete with baseless negatives and falls far short of professional standards. Although for many years a key aim in local governments has been to better integrate services and facilitate "joined-up thinking" there is little mention of finance, health, education housing or recreation.

Many years ago the then Chief Planner at the Scottish Office said planners had little concern for any matters of importance but concentrated on issues of little interest to the great majority. That seems still to be the case. I have spoken with many people but none knew anything about the planning system and its official aims. That probably applies to many local government employees.

There were unnecessary consultations so increasing costs. The application was referred to a transport officer for comment although it was patently obvious that it complied with all national, regional and local aims. One would assume the case officer would know what the transport policy is and be able to apply it by herself. However this turned out not to be the case. The transport officer himself seemed not to know what it was (see below)

The 2006 Planning Act states that furthering "sustainable development" in its economic, social dimensions environmental dimensions is the purpose of the planning system. Yet the officer's report says little or nothing about these matters.

Instead it deals mainly with views and appearances which cannot be objectively examined and anyway are of no interest to the great majority of people. (One can walk the lengths of Tay and High Streets without seeing anyone looking at the buildings above ground level. They are 100 times more likely to be using their mobile phones)

Although PKC's official transport policy includes a "hierarchy" of 5 modes with walking at the top and car use at the bottom the transport official astonishingly did not mention it, despite the fact that the proposal conforms closely to the policy.. Instead the officer referred to car and truck movements saying there are inadequate sight distances at the nearby junction. Yet in my submission the issue was addressed in detail, noting that PKC has not erected a mirror at Kinnoull Terrace as it has at the next junction. It is then reasonable to assume that the authority deems such not to be needed as the present safety conditions are adequate.

The officer did not say what the traffic volumes on Bowerswell Road and note that, being narrow, speeds are low. Yet these are key factors in assessing the risk of collision. It follows that there are plenty of gaps long enough to all safe exits and entries from and into the terrace. I have made this turn countless times without seeing any other vehicle.

It is normal in undertaking a transport assessment to estimate the likely "modal split" which involves calculating the number of trips made to and from the proposed development on foot, cycle, bus and car. Given that the proposed house is very close to many destinations and its occupants would probably include children the likelihood is that most trips would be on foot or cycle. There is no indication that such analysis was carried out as it should have been.

This officer opined that the terrace is too narrow to allow large vehicles to turn at its end. How then does he think that such (which include

bin lorries) have delivered and removed materials over the many decades the houses on it have existed?

The answer is that they reversed into the terrace. This is usual in the case of cul-de-sacs. Even where there is a turning circle it is often too tight for large vehicles. It is astonishing that the officers did not know this,

Even if there really were the safety problems described these would not justify rejecting a proposal which conforms to all relevant policies. If that was allowed many plans would never be implemented and the large sums spent formulating them would be wasted. Planning decisions, like most others, involve competing considerations. so requiring compromises.

In my submission accompanying the application it was noted that there are commonly problems on the road in front of the school due to drivers stopping to let children out of their cars or vice-versa and opined that If more pupils lived closer these would be lessened. Yet here was no comment by any officer on this.

To have a policy giving priority to walking, cycling and public transport use and then reject a proposal located where these modes are easily available because the cars residents would not need might cause traffic problems is surely inexplicable..

The case officer opined that the development would damage local character. Since only eleven parties objected to the proposal in an area housing several hundred people there is no reason to believe this opinion is widely shared, if at all. She seemingly did not understand that what is "seen" is only an image in the brain and that no two people have the same one of a place or object. We cannot know what others see. There is much literature on the psychology and neuroscience of perception with which this officer seems not to be acquainted.

This subjective opinion is not anyway a valid reason for refusal. If so official plans would be useless as officers could ignore their provisions at will. A health official inspecting a restaurant is not free to consider his personal ideas on the furniture, decor etc. in making his decision. A teacher cannot rightly fail a pupil because she does not like his appearance. Nor can an officer be penalised because a superior dislikes her appearance, These actions would be misdemeanours justifying disciplinary action. .

PKC is building a new road over several miles of open countryside so the effect on local character will be hundreds of times greater than would be this development. There were several objectors. Yet as far as known the planning service was not one of them. ( A member of this told me that he thought the new road is not needed ). When landscapes are disfigured by huge turbines and pylons, over the design of which councils have little or no control, refusing consent to build a house in an established residential area because it would visually damage its environs seems nonsensical and embarrasses competent planners (contrary to popular assumption these do exist)

It has not been shown, with "hard" evidence, that the proposal contravenes the LDP (Oddly. this key document is scarcely mentioned by officers) and there is no mention of the property rights conferred by the HRA which are described above. It is then contended that the refusal is illegal.

The idea that the area would be damaged by the proposal is anyway ludicrous. The principal local visual feature is a main road carrying many heavy vehicles. It has double yellow lines on both sides and is bounded by high sodium lamp standards, fences and some large directional signs. There are several buildings which are very different in style so there is no overall unity.



Views Northward are "closed" by Potterhill Flats and those to the south by traffic lights near the hotel. Just in what ways a two-storey house with a "footprint" of about 130 m<sup>2</sup> (20% of the plot) and hidden by evergreen trees could have any effect on the locality cannot be understood. Even if the trees were removed the visual impact of the house would be tiny. Its design, moreover, would have been approved by a PKC planner so one might conclude the case officer does not believe that she, or any other official is capable of setting conditions related to an approval. It is odd that she did not consult a Council architect. Did she assume that none of them were capable of designing a suitable building.?

Very few passers-by see this land and many are young children who are unlikely to take any interest in the views,. Neither are those in motor vehicles who are supposedly looking at the road.

This refusal indicates a kind of visual censorship which suggests an authoritarian controlling mindset. I dislike some buildings but don't think that means they should not have been approved. (That would make me a "control freak") Others may like them. Ideas change over time. Some buildings now "listed" were strongly criticised when first built. Enough of our freedoms are already curtailed.

There is of course a case for exercising some control over design but that should be by setting conditions on an approval. These should be based on a set of standards contained in a document adopted by a committee of the authority and not be just the personal opinions of members or officers who were not elected or appointed because their ideas on aesthetics were regarded as superior to most others. If no such document exists the two sides should seek agreement.

When in charge of a council planning service I decided that neither other staff nor myself should make decisions /recommendations on visual issues using our subjective, personal ideas on aesthetics. Therefore I drafted a set of "standards" relating to setbacks, heights, plot ratios etc. and submitted them to a committee. When adopted after discussion these were official policy. That meant staff were required to use them. Anyone could come to the office and have these explained. Moreover they were helped to know what they were and use them in formulating an application. Customers came to the office and the rules were explained to them. Moreover, we helped to draw up their plans and gain agreement on these. As a result there were very few refusals and no appeals or complaints. People did not have to submit applications without knowing what criteria would be used in assessing them.

When a former head of the GSA planning department and two experienced local architects visited this site they opined that there were no real problems for construction and the site offered an opportunity to create a building which would enhance the vicinity. One architect (who had designed the award-winning council housing at Bridgend) said that it was one of the finest sites he had ever visited.

In any situation there are usually some persons who see problems as reasons (or excuses) to do nothing and others who see them as challenges to be overcome. "we see things (and people) as we are, not as they are" It is sometimes said that the most interesting buildings are on the most awkward sites. Einstein said that imagination is more important than knowledge. I entirely agree. Unfortunately many others do not. Public agencies are rarely hives of imagination and innovation.

It seems that this case officer did not understand the different roles of applications for "approval in principle" and "detail" consent.



She said that the plans provided were inadequate, not realising they were only "indicative". This means that an approval does not include them. They showed only one way in which the site might be developed. The technician who accepted them for registration had said they were adequate for an application for "approval in principle." and a "design statement" was not required. The officer, however, did not know this.

She apparently did not understand that assessing an application is an iterative process. The first question to ask is not "Would I like the look of this development?" but "Does it make the best use of this land in economic social and environmental terms? This will depend on the location and the infrastructure/ services available, A key issue is what, if any, costs the authority would have to pay and the revenues which would be received in the form of local taxes and subventions. Yet these important issues were not referred by the case officer.

However In the report sent with the application they were discussed in some detail it was surmised that the house would be in tax band H so yielding at present levels over £4000 yearly. Capitalised at 3% this is over £120,000.

Only when the above issues are resolved should the issues of design addressed. As mentioned above, the HRA requires that restrictions be no more than those needed to achieve their stated purpose eg. if allowing 7 new homes to be built will do this there is no right to allow only 6. There is an analogy with the setting of speed limits on public roads. If these are too high then safety standards will not be met. If they are too low the capacity of the road may be inadequate.

The officer opined that the application said little about nature. This is untrue. A plan showing where trees would be removed, retained cut back or planted was supplied. The location of a possible fishpond which would attract many insects was also indicated.

Energy conservation was not mentioned by the officer. Yet it was analysed in the submission provided The position and design of the house shown were such that "solar gain" would be significant while trees would protect the site from cold winds

The role of the planning system is primarily, to facilitate the efficient use of land and services and its legal powers relate to that aim. However the management and maintenance of land is equally important, not least in a "conservation area" where gardens are a key feature

However legal powers over this are limited as the incidence of semi-dereliction in some areas (including " green belts) shows.

Where a planning consent is sought there may be the opportunity to address the issue by imposing conditions on an approval

This site is heavily overgrown but that is not a health hazard justifying legal action. The presence of a house would remedy the problem and lead to the site being landscaped and maintained like adjacent properties. Yet the officer does not even mention the issue. This is astonishing.

The property is very private, not being over-looked and secure There are extensive views and a vast amount of "external" open space. It is believed that it might be technically possible to create a stairway to Dundee Road. There is a legal right for pedestrian access to the latter so planning consent would not be required.

It is worth noting that over many years some PKC staff have periodically noted risks of "rockfalls" from the cliffs beside the main road and required the landowner to remedy the situation at his own cost. If there is in future no owner the authority will have to pay for this itself.

There is now a "housing crisis" Prices and rents are far too high for many. Homelessness is at a record level . 20% of children experience poverty and thousands live in sub-standard dwellings. Levels of physical and mental health are too low.

The planning system was established mainly to help address the need for more homes and better health. These should still be among its main concerns .

The new "Community Plan" describes the many social issues now existing including the needs of the increasing percentage of elderly people.

It is noted that moves are now being made to make it more difficult to renew driving licences so the number of them driving is likely to fall

The Development Plan Service has undertaken surveys to learn of the needs and wishes of residents . The purpose of these is to help formulate planning policies geared to their wishes . Yet it seems that this case officer was unaware of these, or if so, did not think them relevant to this proposal It seems that the above service was not consulted.. That is hard to understand.

John Munro M.A. (Edin) M.T.C.P. ( Sydney) , P.G.C.E (London) Sometime Fellow of the R.T.P.I and Member of the Canadian Planning Institute.

Previous posts include

Principal Lecturer in Town and Country Planning, Nottingham Trent University.

Principal Planner, Swansea District Council.

Principal Planner, Irvine New Town Development Corporation

Senior Long Range Planner. City of Calgary, Alberta.

Town Planner, State Planning Authority of New South Wales.

Advisor, Office of National Planning, Government of Costa Rica

Advisor, Department of City and Regional Planning , Government of Indonesia.

Consultant . International Airports Authority, Government of Saudi Arabia..

Consultant, Canadian National Marine and Transport Canada .

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Sometime Fellow of the .R.T.P.I. and Member of the Canadian Institute of Planners..

Formerly Director, School of Town and Country Planning. Nottingham Trent University

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## SPR Planning Local Review Body

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**From:** JOHN MUNRO [REDACTED]  
**Sent:** 04 November 2024 11:49  
**To:** SPR Planning Local Review Body  
**Subject:** Fw: : Development Proposal

**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.

Reference 24/00957/ IPL This was sent with the application.

The land is situated just North of Kinnoull School on Dundee Road, Perth and is 5-6 meters higher than it. Access is via Kinnoull Terrace

There are a church and hall opposite while a large hotel, the "Rodney" gymnasium, riverside parks, Bridgend shops and bus stops, including one for the service to and from Perth High School are within 10 minutes walk. Most of the city centre, both sides, the Bell Library and Kinnoull Forest Park, are under 20 minutes away on foot.

Increasing "active travel" is a key aim of PKC. The development plan emphasises walking and cycling while the Transport Strategy involves a "hierarchy" of modes with walking at the top and car use at the bottom. NPF4 states that planning policy should aim to create places where retail, leisure, and education services are within 20 minutes reach by "non-motorised transport". The regional plan also favours "active" modes.

Walking is known to be very beneficial for health and one aim of the Community Plan is to increase the number of people doing it. The new document refers to the importance of health and the implications of an ageing population for it.

Since the epidemic there has been greater realisation of the relevance of trees and "greenspace" to health. It is widely accepted that the closer people live to such the more often they are likely to visit it.

For several years PKC has sought to reduce the percentage of trips made to the city centre by car. Limiting the availability of long term parking is one way of doing this. Very few households are within walking distance of licensed premises, as is this site, so many patrons of these travel by car to and from these.

Another relevant objective is to increase the proportion of children walking or cycling to and from schools. However many are driven to and from the one adjacent to this property. Cars taking pupils to or from the school stop on the main road causing traffic hazards. If more pupils lived nearby these would be reduced.

According to "Tactran" about 35% of Perth households do not have a car and under 10% have two. It is reasonable to assume that in and near the city centre the level of car ownership is lower than the above figure. Even where cars are owned the majority of trips are made on foot since in most households there are children, youth and/or elderly persons.

The 2006 Planning Act states that furthering "sustainable development" in its economic, social and environmental dimensions the key role of the planning system. Making more efficient use of land, infrastructure, and public services is a key aim of this policy. The subject is referred to in some detail in the "Main Issues Report" issued before preparation of the local development plan.



This proposal would benefit from existing adjacent water , sewerage and solid waste collection services. Roof water would flow to a new pond which would be emptied gradually by gravity allowing water to flow through a "soakaway".

No significant increases in public expenditure would be required to provide services and the revenue from council and "Scottish Water" taxes would be many times greater than any costs incurred.

Energy conservation is a key issue in regard to "sustainable development" . The large villa adjacent shelters this land from cold North Easterly winds and there are high evergreen trees on the Western and Southern peripheries of the site which protect it from winds. A new building would require to be designed to meet PKC energy saving standards

The junction between Kinnoull Terrace and Bowerswell Road is very safe and there is no history of accidents . Traffic volumes are very low. Sight distances are adequate. A previous council created a splay on the lower side of the terrace . This means vehicles ascending can easily be seen. . That the Council deems the conditions to be safe is shown by the fact that no mirror has been erected, as exists at the junction with Brompton Terrace nearby,.

The local "conservation area" was designated in 1989 when an "EIS" was not required before such could happen . It is believed is known there has never been one carried out. . The "Listed Buildings and Conservation Areas (Scotland) Act requires authorities to arrange public meetings with owners of property in "conservation areas" . . If this was ever done here it was very many years ago. .

The "Conservation Area Appraisal " does not make clear just what features should be retained or not and gives sparse guidance for property owners and developers. In any case it is a form of "supplementary guidance" (albeit "non statutory)" so cannot be used to reject proposals but only to help assess detailed plans.

Some time after designation of the "Conservation Area" many changes were made to Dundee Road in order to cater for increased traffic which is now many times greater than it was then. These included painting double yellow lines and erecting direction signs. High "modern" lighting standards were erected . This hugely changed the visual character of the road . It is very different from what it was in 1989 and even more so from it was in the 1870s when it carried only pedestrians and horse drawn vehicles and there was no lighting. . .

There are "listed" buildings near this site. However a new one on it would not affect any existing views of these or even be able to be seen together with them because of its position on the site and the trees referred to above. These are subjected to a tree preservation order so consent is required to cut them .

The land can only be seen from within a distance of around 300 meters to the South. There are very few pedestrians on Dundee Road.

PKC has set minimum and maximum housing densities for different areas according to their location. The highest figures are for areas where pedestrian and public transport accessibility is greatest . The indicated range for these is 26-40 homes per hectare . Present densities in this area well below those. although the level of pedestrian access is high. In most cities areas so close to the city centre have much higher housing densities. .

. The new building would be either a single house or two flats . It would constitute "infill" since this is a "gap site." The present distance between the adjacent villa and the school is about three times that between the former and its neighbour to the North . Gaps between the new structure and adjacent buildings would be similar in length to those between the villas to the North. It would be on a level between these and that of the school. The "setback" from Dundee Road would be similar to that of the latter..

The site has exceptional landscape attractions .There are extensive views to the South East and, if the heights of trees on the Western periphery were reduced there would also be views across Perth to the mountains. There are no overlooking buildings so residents would enjoy very high levels of security and privacy.

These attributes have been noted by two architects, a former professor of urban design and a property surveyor. They opined it offers an unusual opportunity for a high quality housing project . The unusual landscape provides an opportunity for a "wildlife garden" since it is already well wooded. .

In the case of single house council tax would be £3,000 - £4000 pa. For flats it would be circa £10,000 - With the authority facing major financial deficits due to Government "cuts" is necessary that it raise

more funds itself. so this is a relevant concern.

The Human Rights Act (Article 8 of the Convention and Article 1 of the First Protocol) refers to the rights of property owners and the powers of public bodies to restrict these. It states that controls can only be imposed on the basis of "laws" which have been adopted by a public authority. The onus is on such to show that a proposal would contravene one or more of these.

Any restriction must be only what is necessary to achieve a specific purpose and applied only to the extent needed to achieve that. For example if an applicant proposes to build 10 houses on a site and the authority decides that no more than 9 should be provided it must justify this..

Public interests can never entirely outweigh private ones. There must always be a "fair balance" between these. Some rights to use property beneficially must be granted. In this case the only beneficial use is housing. It follows that refusal to give planning consent for a single house would contravene the provisions of the HRA

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24/00957/IPL

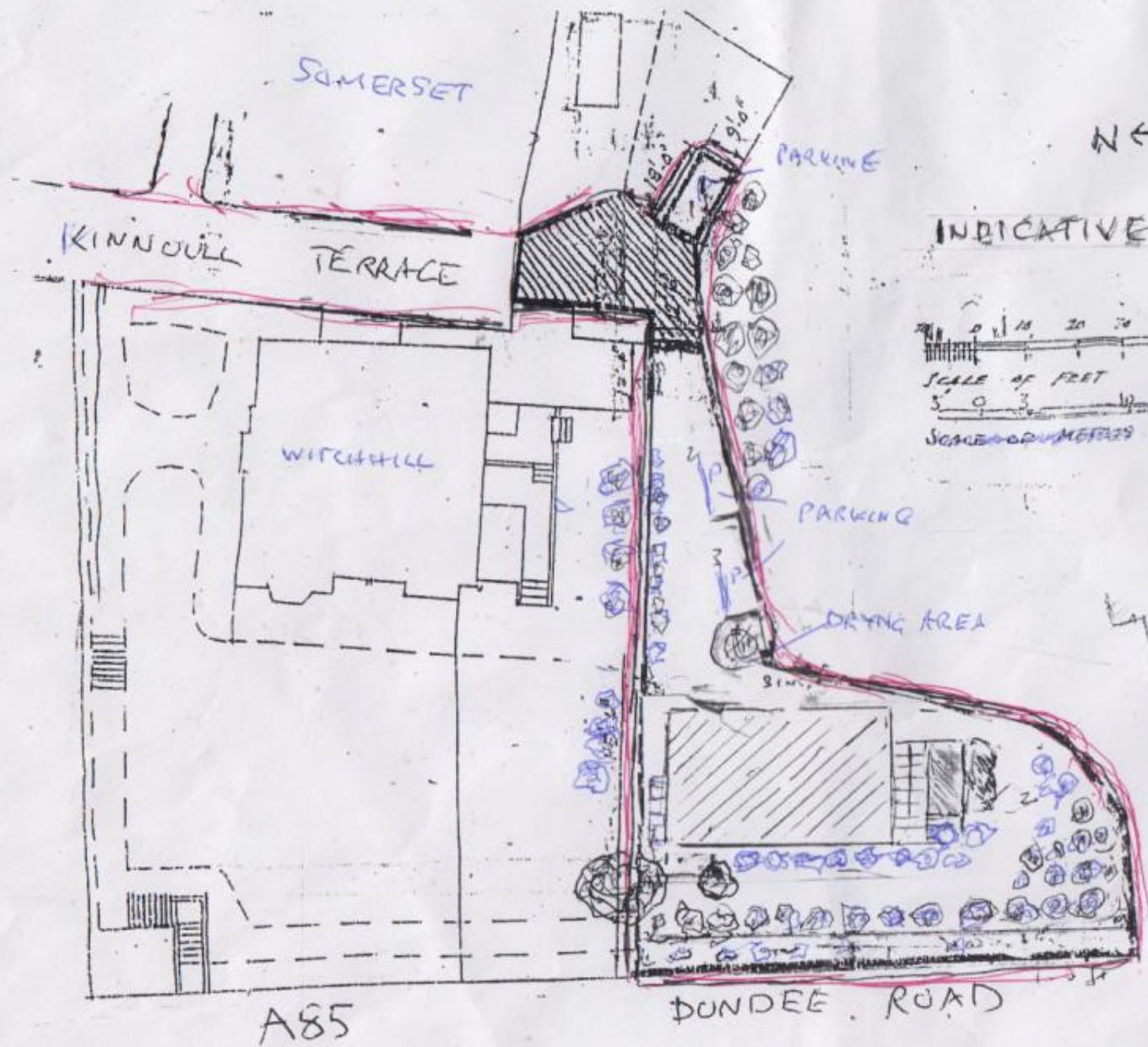
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# INDICATIVE SITE PLAN



1:400





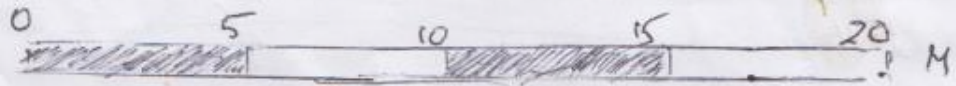
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30

INDICATIVE PLAN



31



1:200



INDICATIVE ELEVATION WEST