

## **REVIEW DECISION NOTICE**

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Decision by Perth and Kinross Local Review Body (the PKLRB)

Site Address: Land 250 metres south west of Broomhill House, Station Road, Crook of Devon, Kinross

Description: Erection of dwellinghouse and associated works

Application for Review by Mr A Cheape against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 24/00744/FLL

Application Drawings: 24/00744/1 - 24/00744/7

**Date of Review Decision Notice – 17 January 2025**

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### **Decision**

The PKLRB overturned the decision to refuse planning permission for the reasons given below and allowed the review, subject to the imposition of appropriate conditions.

### **1 Introduction**

1.1 The above application for planning permission was considered by the PKLRB at a meeting held on 14 October 2024. The Review Body comprised Councillor B Brawn, Councillor K Harvey and Councillor G Stewart.

1.2 The following persons were also present at the meeting:  
G Fogg, Legal Adviser; L Tierney, Planning Adviser; and D Williams, Democratic Governance Officer.

Also attending:  
S Dockerill and K Molley (both Legal and Governance).

### **2 Proposal**

2.1 The proposal is for erection of dwellinghouse and associated works, land 250 metres south west of Broomhill House, Station Road, Crook of Devon, Kinross. The application was refused consent in terms of a decision letter dated 17 July 2024.

### **3 Preliminaries**

3.1 The PKLRB was provided with copies of the following documents:

- (i) the drawings specified above;
  - (ii) the Appointed Officer's Report of Handling;
  - (iii) the refusal notice dated 17 July 2024;
  - (iv) the Notice of Review and supporting documents;
  - (v) consultation responses and representations to the planning application;
  - (vi) representation to the Notice of Review, and response from the applicant.
- 3.2 The Planning Adviser described the proposals, the locality of the site, explained the reasons for refusal, and the grounds for the Notice of Review.
- 3.3 The PKLRB was shown projected photographs taken by the Planning Adviser, who had visited the site. These showed the application site from various angles.
- 3.4 Having regard to the material before them, the PKLRB resolved that the review of the decision to refuse could be determined without further procedure.

#### **4 Findings and Conclusions**

- 4.1 The PKLRB, by a majority decision, decided that the review application should be upheld. In their opinion, the site should be accepted as constituting brownfield land, at least in part. They considered that the site had established boundaries and that, having regard to the other dwellings in the vicinity of this site, they did not consider the proposal would have an unacceptable visual impact on the amenity of the area. Overall, they considered that the proposal accorded with the Development Plan and that there were no other material considerations which precluded the application from being upheld. They noted, however, that the Council's Transport Planning officer had not been able to provide a full assessment of the application due to the absence of a swept path analysis. Accordingly, they resolved to uphold the application but with a suspensive condition requiring the submission of a satisfactory swept path analysis.
- 4.2 The minority opinion of Councillor Stewart was that the proposal was contrary to the Development Plan. Although he did not support the first and second reasons for refusal, he would have refused the application for the third and fourth reasons of the appointed officer's decision notice.
- 4.3 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB determined to uphold the application and grant planning permission subject to the following conditions:
- (1) This planning permission will last only for three years from the date of this decision notice, unless the development has been lawfully started within that period.

*Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.*

- (2) The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

*Reason – To ensure the development is carried out in accordance with the approved drawings and documents.*

- (3) Prior to the commencement of works on site, an evaluation for the potential of the site to be affected by contamination by a previous use should be undertaken and as a minimum, a Preliminary Risk Assessment (Phase 1 Desk Study) will be submitted for consideration by the Council as Planning Authority. If after the preliminary risk assessment identifies the need for further assessment, an intrusive investigation should be undertaken to identify;
- I. the nature, extent and type(s) of contamination on the site
  - II. measures to treat/remove contamination to ensure the site is fit for the use proposed
  - III. measures to deal with contamination during construction works
  - IV. condition of the site on completion of decontamination measures.

Prior to the completion or bringing into use of any part of the development the agreed measures to decontaminate the site shall be fully implemented as approved by the Council as Planning Authority. Validation that the scheme has been fully implemented must also be submitted to the Council as Planning Authority.

*Reason – In order to deal with any potential contamination of the site as a result of its former use.*

- (4) Prior to the commencement of the development hereby approved, the developer shall submit for the written agreement of the Council as Planning Authority, in consultation with the Roads Authority (Structures), a Construction Traffic Management Scheme (TMS) which shall include the following:
- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
  - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
  - (c) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;

- (d) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (e) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (f) details of information signs to inform other road users of construction traffic;
- (g) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme.

*Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.*

- (5) Prior to the commencement of development, a plan showing the detailed design of the passing place, with a width of 5.5 metres for a minimum distance of 11 metres with 30 degree tapers and the swept path for a HGV shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The passing place and swept path as agreed shall be completed in accordance with the approved details prior to the construction of the dwellinghouse to the satisfaction of the Council as Planning Authority.

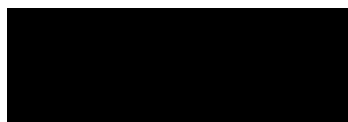
*Reason – In the interests of pedestrian and traffic safety and in the interests of free traffic flow.*

- (6) The asserted right of way/core path FSWY/51 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

*Reason – To ensure continued public access to the public paths and in the interests of public safety within the site.*

### **Justification**

By majority, Members accepted that the site was Brownfield land and that the proposal accorded with the Development Plan.



**Lisa Simpson**  
**Clerk to the Local Review Body**

### **Informatives**

1. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the

Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken. Please use the form attached herewith.

2. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position. Please use the form attached herewith.
3. Application for a new postal address should be made via the Street Naming and Numbering page on the Perth & Kinross Council website at [www.pkc.gov.uk/snn](http://www.pkc.gov.uk/snn). Please note there is a charge for this service and submission cannot be made until the relevant Building Warrant has been approved.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is available on our website [www.pkc.gov.uk](http://www.pkc.gov.uk).

The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

6. The applicant is advised that Perth and Kinross Council have a charging scheme for recycling and waste bins for new build properties and newly created dwellings. Further information can be found at: <https://www.pkc.gov.uk/binrequests>

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Notification to be sent to applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)**

**Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.**

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision notice.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland ) Act 1997.

# Notice of Initiation of Development



**PERTH &  
KINROSS  
COUNCIL**

## Town and Country Planning (Scotland) Act 1997 (as amended)

A person who has been granted planning permission and intends to start development is required to inform the planning authority of the onsite start date before the development commences. This ensures that the planning authority is aware that development is underway, and can follow up on any suspensive conditions attached to a planning permission. Failure to do so will be a breach of planning control under section 123(1) of the above Act and enforcement action could be taken. Please complete the form below and return to Development Management.

<b>Application reference number</b>	24/00744/FLL
<b>Date works are to commence</b>	
<b>Have you submitted information in relation to suspensive conditions?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<b>Name &amp; address of applicant, site agent or developer</b>	
<b>Email</b>	
<b>Telephone number</b>	

**Send to:**

[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

**Development Management  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD**

### HOW WE USE YOUR PERSONAL INFORMATION

The information provided by you will be used by Perth & Kinross Council to process the application. The information will be published on the internet as part of the Council's Planning Portal.

The Council may check information provided by you, or information about you provided by a third party, with other information held by us. We may also get information from certain third parties or share your information with them in order to verify its accuracy, prevent or detect crime, protect public funds or where required by law.

For further information, please look at our website [www.pkc.gov.uk/dataprotection](http://www.pkc.gov.uk/dataprotection); email [dataprotection@pkc.gov.uk](mailto:dataprotection@pkc.gov.uk) or phone 01738 477933.

# Notice of Completion of Development



**PERTH &  
KINROSS  
COUNCIL**

## Town and Country Planning (Scotland) Act 1997 (as amended)

A person who completes a development for which planning permission has been given must give notice of completion to the planning authority. If the planning permission is for a phased development, notice of the completion of each phase must be submitted. Please complete the form below and return to Development Management.

<b>Application reference number</b>	24/00744/FLL
<b>Date works were completed</b>	
<b>Name &amp; address of applicant, site agent or developer</b>	
<b>Email</b>	
<b>Telephone number</b>	

**Send to:**

[DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk)

**Development Management  
Perth & Kinross Council  
Pullar House  
35 Kinnoull Street  
PERTH  
PH1 5GD**

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For further information, please look at our website [www.pkc.gov.uk/dataprotection](http://www.pkc.gov.uk/dataprotection); email [dataprotection@pkc.gov.uk](mailto:dataprotection@pkc.gov.uk) or phone 01738 477933.