

REVIEW DECISION NOTICE

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

Site Address: 50 metres east of Boreland Farm, Glendevon, Dollar

Description: Change of use, alterations and extension to steading to form dwellinghouse

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

Application Ref: 23/00418/FLL

Application Drawings: 23/00418/1 - 23/00418/12

Date of Review Decision Notice – 19 September 2024

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 16 November 2023. The Review Body comprised Councillor B Brawn, Bailie C McLaren and Councillor R Watters.

1.2 The following persons were also present at the meeting:
C Elliott, Legal Adviser; R Burton, Planning Adviser; and J Guild, Democratic Governance Officer.

Also attending:

A Brown and R Ramsay (both Corporate and Democratic Services) and C McLaren (Communities).

2 Proposal

2.1 The proposal is for the change of use, alterations and extension to steading to form dwellinghouse, 50 metres east of Boreland Farm, Glendevon, Dollar. The application was refused consent in terms of a decision letter dated 15 June 2023.

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 15 June 2023;
 - (iv) the Notice of Review and supporting documents;
 - (v) consultation responses and representations to the planning application;
 - (vi) representations to the Notice of Review.
- 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 unanimous decision, decided that whilst the proposal is contrary to Perth and Kinross Council's Housing in the Countryside Supplementary Guidance 2020, the proposal will bring an unused, listed building back into use and will not adversely impact on the surrounding area. On this particular occasion, adherence to policy would be unlikely to bring the unused, listed building back into use.
- 4.2 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) 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.

- (2) 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.

- (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) The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved (document 12 relates) shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority.

Reason – In the interests of protecting environmental quality and of biodiversity.

- (5) Prior to the commencement of development hereby approved, details of the location and specification of three sparrow nest boxes, one barn owl nesting box and three bat boxes shall be submitted for the further written agreement of the Council as Planning Authority. Thereafter, all nest boxes shall be installed in accordance with the agreed details prior to the occupation of the relevant residential unit.

Reason – In the interests of protecting environmental quality and of biodiversity.

- (6) Prior to commencement of any development on site, a detailed design showing the position of three car parking bays shall be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The car parking bays, as approved in writing, shall be implemented and permanently retained in accordance with the approved details to the satisfaction of the Council as Planning Authority prior to the development being brought into use.

Reason – To provide adequate on site car parking to comply with the National Roads Development Guide.



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. No work shall be commenced until an application for building warrant has been submitted and approved.
4. This is approval of your application Ref no 23/00418/FLL for planning permission only. It does not include any approval for your related Listed Building Consent Ref no 23/00417/LBC which was refused on 19 June 2023. You should note that any appeal to listed building refusal should be made via the Scottish Government Department of Planning and Environmental Appeals as detailed on the decision notice. You should therefore not commence work until you have received Listed Building Consent. Carrying out alterations without Listed Building Consent is an offence.
5. Due to the nature of the proposal, it is important to keep in mind the possibility of finding bats when undertaking construction works. If bats are found during works, the work should stop immediately, and you should contact NatureScot Species Licensing Team for advice. Building works should avoid the times of year when bats are most vulnerable to disturbance. The summer months, when bats are in maternity roosts, and the winter months when bats are hibernating, should be avoided. Typically, early spring and autumn months are the best times to do work that may affect bats. If you suspect that bats are present, you should consult NatureScot for advice. For further information visit the Bat Conservation Trust website <http://www.bats.org.uk/>. Please note that bats are protected by law, and it is a criminal offence to deliberately harm, capture, kill or disturb a bat or its resting place.
6. Existing buildings or structures may contain nesting birds between 1st March and 31st August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to

remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

7. The approved stove system shall be installed and thereafter operated and maintained in accordance with the manufacturer's recommendations, such that smoke odours are not exhausted into or escape into any neighbouring dwellings. Failure to do so may result in an investigation and possible action by Environmental Health under the Environmental Protection Act 1990.
8. 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. 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.

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.

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.

Application reference number	23/00418/FLL
Date works are to commence	
Have you submitted information in relation to suspensive conditions?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
Name & address of applicant, site agent or developer	
Email	
Telephone number	

Send to:

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; email 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.

Application reference number	23/00418/FLL
Date works were completed	
Name & address of applicant, site agent or developer	
Email	
Telephone number	

Send to:

DevelopmentManagement@pkc.gov.uk

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For further information, please look at our website www.pkc.gov.uk/dataprotection; email dataprotection@pkc.gov.uk or phone 01738 477933.