



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Email: onlineapps@pkc.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100721680-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation: MH Planning Associates

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Michael

Building Name:

Last Name: *

Hyde

Building Number:

63

Telephone Number: *

07816 907203

Address 1
(Street): *

West Princes Street

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Helensburgh

Fax Number:

Country: *

Scotland

Postcode: *

G84 8BN

Email Address: *

mh@mhplanning.co.uk

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Dalnasgadh"/>
First Name: *	<input type="text" value="Jill"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Pillans"/>	Address 1 (Street): *	<input type="text" value="Killiecrankie"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Pitochery"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH16 5LN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Perth and Kinross Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="DALNASGADH"/>
Address 2:	<input type="text" value="KILLIECRANKIE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PITLOCHRY"/>
Post Code:	<input type="text" value="PH16 5LN"/>

Please identify/describe the location of the site or sites

<input type="text"/>	
Northing	<input type="text" value="763349"/>
Easting	<input type="text" value="290571"/>

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Alterations to vehicular access, erection of gate pillar and installation of replacement gates

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☐ Refusal Notice.
- ☒ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The disputed condition is neither reasonable nor necessary. See Grounds for Review for detailed explanation.

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Grounds for Review, Decision Notice, Officer Report and Submitted Plans and Drawings

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

25/00865/FLL

What date was the application submitted to the planning authority? *

09/06/2025

What date was the decision issued by the planning authority? *

18/07/2025

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Michael Hyde

Declaration Date: 04/08/2025

Payment Details

Online payment: 135560

Payment date: 04/08/2025 11:55:04

Created: 04/08/2025 11:55

**REQUEST FOR REVIEW IN RESPECT OF THE
IMPOSITION OF A CONDITION ATTACHED
TO A PLANNING PERMISSION GRANTED
FOR ALTERATIONS TO VEHICULAR
ACCESS, ERECTION OF GATE PILLAR AND
INSTALLATION OF REPLACEMENT GATES,
LAND AT DALNASGADH, KILLIECRANKIE,
PITLOCHRY, PH16 5LN (LPA REFERENCE
25/00865/FLL)**

GROUND FOR REVIEW

Submitted on behalf of Mrs Jill Pillans

REQUEST FOR REVIEW IN RESPECT OF THE IMPOSITION OF A CONDITION ATTACHED TO A PLANNING PERMISSION GRANTED FOR ALTERATIONS TO VEHICULAR ACCESS, ERECTION OF GATE PILLAR AND INSTALLATION OF REPLACEMENT GATES, LAND AT DALNASGADH, KILLIECRANKIE, PITLOCHRY, PH16 5LN (LPA REFERENCE 25/00865/FLL)

GROUND'S FOR REVIEW

1. Site Description:

- 1.1 The review application property is a Category C listed building located in the open countryside to the west of Killiecrankie and on the north side of the B8079. It is within the Cairngorms National Park.
- 1.2 The listed building has the following description:

"Mid to later 19th century. 2-storey, 3-bay, gabled house with verandah. Narrow bands of squared rock-faced rubble, occasionally squared and snecked with raised droved ashlar dressings; random rubble and stugged quoins to sides and rear. Part base course. Segmental-headed windows to 1st floor SW. Stone mullions.

SW (PRINCIPAL) ELEVATION: panelled timber door with plate glass fanlight to centre bay at ground with tripartite window to left, all behind corniced verandah supported on cast-iron column with decorative braces and boarded timber return to left with tripartite window and lattice band; piend-roofed window breaking eaves into dormerhead at centre above, and bipartite window in gable to left. Broad advanced gabled bay to right with canted 4-light window below pierced blocking course and tripartite window in gablehead above.

SE ELEVATION: broad gable to centre with 2 windows to ground and single window in gablehead above.

NW ELEVATION: gabled elevation with window to centre at ground and further smaller window to left in gablehead.

NE (REAR) ELEVATION: almost full-width single storey lean-to timber structure with centre door and single light immediately to left, 2 windows on return to right (that to right modern) and further window to recessed face at outer right; 1st floor with 2 irregular windows to centre, window to outer left in gabled bay, and further window breaking eaves into dormerhead at outer right.

9-pane and plate glass glazing patterns in timber sash and case windows (unless stated otherwise). Grey slates. Coped ashlar stacks with full complement of decorated square cans. Overhanging eaves with plain bargeboarding and pendant finials. Cast-iron downpipes, square-section with decorative fixings to SW.

ANCILLARY BUILDING: rectangular-plan, timber ancillary building to NW with slated roof, overhanging eaves, piended hayloft opening and timber sash and case windows.

GATEPIERS AND GATES: 2 sets of ball-finialled, circular rubble gatepiers with hooped ironwork gates."

- 1.3 The property has two points of access and a semi-circular driveway. The review application relates only to the westernmost point of access (see **Photograph 1** below).



Photograph 1: The Westernmost Access © Google Streetview

2. Planning History:

- 2.1 During 'Storm Eowyn' the tree to the left of the access blew down and damaged one of the listed gate pillars, and also the associated gates.
- 2.2 It is proposed to rebuild the damaged gate pillar with the original stone, but to widen the access slightly so as to allow for the safe passage of larger vehicles. The associated metal gates were damaged beyond

repair and will need to be replaced. Applications for planning permission and listed building consent were submitted in April 2025 (LPA references 25/00507/LBC and 25/00547/FUL).

- 2.3 Both applications were approved however the application for planning permission had the following condition imposed:

“Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail with 3 metre radii kerbing of Type A Road construction detail. The Type A Road construction detail shall continue into the entrance for a minimum distance of 5 metres.

- 2.4 A further application was submitted, in effect to seek the removal of this condition. The condition was (and is) considered to be both unnecessary and unreasonable (LPA reference 25/00865/FLL). This application was also approved, and a slightly re-worded version of the condition was imposed as follows (**Document 1**):

“Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail with 6 dropped kerbs of Type A Road construction detail. The Type A Road construction detail shall continue into the entrance for a minimum distance of 5 metres.

- 2.5 For the detailed reasons set out below it remains the applicant's opinion that this condition is neither necessary nor reasonable.

3. Relevant Development Plan Policies:

- 3.1 Section 25 of the Town and County Planning (Scotland) Act 1997 states that “where in making any determination under the planning act regard is to be had to the Development Plan, the determination shall be in accordance with the plan unless material considerations indicate otherwise”.
- 3.2 The Development Plan relevant to the review application comprises the:
- The National Planning Framework 4 (2023); and
 - The Cairngorms National Park Local Development Plan (2021).
- 3.3 Section 13 of the Planning (Scotland) Act 2019 is now in force. This alters

Section 24 of the 1997 Act to state that in the event of 'any incompatibility' between a provision of the National Planning Framework 4 ('the NPF4') and a provision of a Local Development Plan ('the LDP'), whichever of them is the later in date is to prevail.

National Planning Framework 4

- 3.4 The following are considered to be the most relevant policies of the adopted NPF4:

Policy 4 (Natural Places), which states that development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

- i. The objectives of designation and the overall integrity of the areas will not be compromised; or
- ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

Policy 7 (Historic Assets and Places), which states that development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

Policy 14 (Design, Quality and Place), which states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale and will be supported where they are consistent with the six qualities of successful places.

Policy 18 (Infrastructure First), which states that planning conditions should only be imposed where they meet all of the following tests. They should be:

- Necessary;
- Relevant to planning;
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

Cairngorms National Park Local Development Plan

- 3.5 The following are considered to be the most relevant policies of the CNP LDP:

Policy 1.7 (Alterations to Existing Houses), which states that proposals will be supported where:

- a) the appearance and character of the dwelling and the surrounding area is protected or enhanced; and
- b) appropriate and proportionate provision of private garden is maintained; and
- c) adequate off street parking and vehicular access to the property is maintained.

Policy 3.1 (Placemaking), which states that all developments must meet the six qualities of successful places, which in accordance with Scottish Planning Policy paragraphs 41 to 46, are to be distinctive, safe and pleasant, welcoming, adaptable, resource efficient, and easy to move around and beyond.

Policy 9.1 (Listed Buildings), which states that development affecting a listed building, or its setting, should preserve the special qualities of the building or structure and enhance its character, and the contribution it makes to the cultural heritage of the National Park. The layout, design, materials, scale, siting and use of any development must be appropriate to the character and appearance of the building and its setting.

5. Grounds for Review:

- 5.1 Section 37(1) of the Town and Country Planning (Scotland) 1997 Act gives a planning authority the ability to grant planning permission either unconditionally or subject to “such conditions as they think fit” and Section 41(1) adds that “without prejudice to the generality of Section 37(1), conditions may be imposed on the grant of planning permission for regulating the development or use of any land under the control of the applicant, or for requiring the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land.
- 5.2 Scottish Government’s advice on the use of conditions in planning permissions is contained in Planning Circular 4/1998. This states that while the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. As now set out in **Policy 18** of NPF4 planning conditions should only be imposed

where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

"The Secretary of State attaches great importance to these criteria being met so that there is an effective basis for the control and regulation of development which does not place unreasonable or unjustified burdens on applicants and their successors in title.

Planning conditions must not, however, be applied slavishly or unthinkingly; a clear and precise reason for a condition must be given. While the use of standard conditions can be important to the efficient operation of the development control process, such conditions should not be applied simply as a matter of routine. Conditions should be used to achieve a specific end, not to cover every eventuality."

- 5.3 The highway safety issue that the imposition of the disputed condition is seeking to address is the slight likelihood of gravel spilling onto the road and increasing road traffic safety risks.
- 5.4 The much more significant highway safety issue that the widening of the access is however seeking to address is the parking of HGVs, that are too large to fit between the existing gateposts, on the public highway and blocking one half of a public road with a 60 mph speed limit. It should be noted in this context that the B8079 at this point is also part of the National Cycle Network Route 7. If the disputed condition is not removed from the planning permission the applicant will not widen the access, and the clear dangers associated with large vehicles partially blocking the B8079 will remain.
- 5.5 The highway safety benefits of removing the condition therefore clearly outweigh the benefits of imposing it, meaning that the imposition of the condition was neither necessary nor reasonable.
- 5.6 In the Officer's Report of Handling (**Document 2**) it is acknowledged that the imposition of the condition as originally worded was in conflict with the requirements of **Policy 7** and **Policy 14** of NPF4 and **Policy 1.7(a)**, **Policy 3.1** and **Policy 9.1** of the CNP LDP. The Report states:

"It is accepted that the access specification proposed by the Transport Planning Officer (including radii kerbs) would result in a more heavily engineered appearance, which is not particularly sympathetic to its countryside location or the setting of the category C-listed building".

- 5.7 Whilst acknowledging that the condition imposed on the most recent grant of planning permission now requires 6 dropped kerbs of Type A Road construction detail, as opposed to 3 metre radii kerbing of Type A Road construction detail, both also require the Type A Road construction detail to continue into the entrance for a minimum distance of 5 metres.
- 5.8 Construction Type A comprises 300mm of sub-base Type 1, then 40mm of dense bitumen macadam and then 25mm of hot rolled asphalt. The end result would therefore still represent an overly engineered solution that would be inappropriate in a rural area within the National Park.
- 5.9 This standards based approach is also very much at odds with the Government advice contained in **Designing Streets: A Policy Statement for Scotland**. This states:

"The premise upon which the document is based is that good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context. Designing Streets does not, thus, support a standards based methodology for street design but instead requires a design-led approach. This demands taking into account site specific requirements and involves early engagement with all relevant parties. Designing Streets marks the Scottish Government's commitment to move away from processes which tend to result in streets with a poor sense of place and to change the emphasis of policy requirements to raise the quality of design in urban and rural development."

6. Conclusions:

- 6.1 In conclusion, notwithstanding the slight variation of the condition (i.e. replacing 3 metre radii kerbing with 6 dropped kerbs) it remains the applicant's view that the imposition of the disputed condition was unnecessary and unreasonable.
- 6.2 Planning Officers do not have to impose planning conditions simply because their colleagues in Roads ask them to; they are able to exercise planning judgement having regard to the tests set out in Circular 4/1998 and now Policy 18 of NPF4.
- 6.3 Planning Officer note that the imposition of a planning condition requiring a heavily engineered access to be formed would cause harm the setting of a Category C listed building and the character and the appearance of this part of the Cairngorms National Park.

- 6.4 As set out above, should the condition not be able to be removed from the permission, the applicant will simply rebuild the gatepost in its original position. This will mean that large HGVs will not be able to access the property and will therefore continue to park partially blocking the public road. This is considered to be a much more significant highway safety issue, for both motorists and cyclists using the National Cycle Network, than the slight likelihood that a small amount of gravel might spill out onto the carriageway.



Mrs Jill Pillans
c/o MH Planning Associates
Michael Hyde
63 West Princes Street
Helensburgh
G84 8BN

Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Date of Notice: **18th July 2025**

Town and Country Planning (Scotland) Acts.

Application Number **25/00865/FLL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to **grant** your application registered on 10th June 2025 for planning permission for Alterations to vehicular access, erection of gate pillar and installation of replacement gates at Dalnashgadh Killiecrankie Pitlochry PH16 5LN subject to the undernoted conditions.

Kristian Smith
Development Management & Building Standards Service Manager

Conditions referred to above

- 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 development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail with 6 dropped kerbs of Type A Road construction detail. The Type A Road construction detail shall continue into the entrance for a minimum distance of 5 metres.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

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 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

The plans and documents relating to this decision are listed below and are displayed on Perth and Kinross Council's website at www.pkc.gov.uk "Online Planning Applications" page

Plan and Document Reference

01
02
03

REPORT OF HANDLING

DELEGATED REPORT

Ref No	25/00865/FLL	
Ward No	P4- Highland	
Due Determination Date	9th August 2025	
Draft Report Date	17th July 2025	
Report Issued by	Keith Stirton	Date 17 th July 2025

PROPOSAL: Alterations to vehicular access, erection of gate pillar and installation of replacement gates

LOCATION: Dalnasgadh Killiecrankie Pitlochry PH16 5LN

SUMMARY:

This report recommends **approval** of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

The application site is Dalnasgadh, which is a category C-listed dwellinghouse that is located on the B8097 near Killiecrankie, within the Cairngorms National Park. This application seeks detailed planning permission for the re-location of a gate pier, installation of gates and formation of a widened vehicular access, following damage that was done to the existing entrance from a falling tree during a storm.

Planning permission and listed building consent were recently granted for a widened vehicular access, Ref's: 25/00507/LBC and 25/00547/LBC. However, the planning permission was granted subject to a condition which requires the access to be re-formed to a particular technical standard. The applicant's agent has now re-applied, seeking a fresh planning permission which does not include the access specification condition on the decision notice.

SITE HISTORY

PK/88/0891	Erection of one house (in principle) on land adjoining Application Approved – 27 July 1988
25/00507/LBC	Erection of fence and gate pillar Application Approved – 4 June 2025

25/00547/FLL Alterations to vehicular access, erection of gate pillar and
installation of replacement gates
Application Approved – 4 June 2025

PRE-APPLICATION CONSULTATION

Pre application Reference: 24/00196/PREAPP.

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (CNP LDP).

National Planning Framework 4

The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.

NPF4 was adopted on 13 February 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan. The Council's assessment of this application has considered the following policies of NPF4:

Policy 7: Historic Assets and Places

Policy 14: Design, Quality and Place

Policy 18: Infrastructure First

Cairngorms National Park Local Development Plan 2021

The Local Development Plan is the most recent adopted National Park policy. The principal policies are:

Policy 1.7 New Housing Development Alterations to existing houses

Policy 3.1 Design and Placemaking Placemaking

Policy 9.1 Cultural Heritage Listed Buildings

Statutory Supplementary Guidance

- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

National Guidance

The Scottish Government expresses its planning policies through, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:

- PAN 40 Development Management
- PAN 75 Planning for Transport

Creating Places 2013

Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

Designing Streets 2010

Designing Streets is the policy statement in Scotland for street design and changes the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It was created to support the Scottish Government's place-making agenda, alongside Creating Places.

National Roads Development Guide 2014

This document supports Designing Streets and expands on its principles and is considered to be the technical advice that should be followed in designing and approving of all streets including parking provision.

CONSULTATION RESPONSES

Cairngorm National Park

No response within allocated timeline.

INTERNAL COMMENTS

Transportation And Development

Planning condition and informative note recommended.

Conservation Team

No objections.

REPRESENTATIONS

Number of representations received: 0

Additional Statements Received:

Screening Opinion	Not Applicable
Environmental Impact Assessment (EIA): Environmental Report	Not Applicable
Appropriate Assessment	Habitats Regulations – AA Not Required
Design Statement or Design and Access Statement	Not Required
Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises NPF4 and the adopted CNP LDP. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, involving considerations of the Council's other approved policies and supplementary guidance, these are discussed below only where relevant.

The determining issues in this case are whether; the proposal complies with development plan policy; or if there are any other material considerations which justify a departure from policy.

Policy Appraisal

Developments which are incidental to the enjoyment of an existing domestic dwellinghouse are generally considered to be acceptable in principle. Nevertheless, consideration must be given to the specific details of the proposed development, within the context of the application site, and whether it would have an adverse impact upon visual amenity, the special interest of the listed building or road traffic safety.

Roads, Access, Visual Amenity and Conservation Considerations

Planning permission and listed building consent were recently granted for a widened vehicular access, Ref's: 25/00507/LBC and 25/00547/LBC. However, the planning permission was granted subject to a condition which requires the access to be re-formed to a particular technical standard. The applicant's agent has now re-applied, seeking a fresh planning permission which does not include the access specification condition on the decision notice.

The Council's Transport Planning Officer has once again stated that the re-formed access must be brought up to standard, including a sealed surface, to improve road traffic safety. The same planning condition and informative note as were previously recommended have once again been recommended for this planning application.

The applicant's agent has presented a case in favour of issuing planning permission for the proposed widened vehicle access which does not include an access specification condition. The case presented states that it would be beneficial to road traffic safety if a domestic heating oil delivery vehicle could enter the site through the widened access, as it would prevent the need for the vehicle to remain on the road (and associated overtaking manoeuvres) whilst re-filling the domestic oil tank.

However, the access specification proposed by the applicant's agent still retains a loose gravel finish right up to the junction with the public road. It proposes no measures to contain the loose gravel to prevent it from spilling onto the road. Accessing the domestic curtilage with a Heavy Goods Vehicle over a non-bound gravel surface (albeit on an occasional basis) would likely exacerbate the issue of gravel spilling onto the road.

Accesses should be designed for the safety and convenience of all potential users and loose gravel spilling onto the road is a particular danger to motorcycles. Therefore, the benefits of getting an occasional oil delivery vehicle off the public road must be weighed against the increased likelihood of gravel spilling onto the road and increasing road traffic safety risks.

The case in favour of having a sealed surface in the widened access and improving road traffic safety outweighs the case in favour of having a gravel surface as presented by the applicant's agent. However, it is accepted that the access specification proposed by the Transport Planning Officer (including radii kerbs) would result in a more heavily engineered appearance, which is not particularly sympathetic to its countryside location or the setting of the category C-listed building.

Given the four-metre width of the widened access, a Type B Junction Figure 5.6 specification is necessary. However, instead of requiring the installation of radii kerbs, the alternative Type B Junction Figure 5.6 specification of six dropped kerbs, with a sealed surface, would allow for the access to be used by both domestic and non-domestic vehicles whilst minimising discharge of surface aggregate onto the public road whilst also reducing the visual impact with a less heavily engineered appearance.

This outcome is considered to be both reasonable and necessary in the interests of road traffic safety. Accordingly, it is appropriate to proceed to support the proposals and grant planning permission with the imposition of an alternative specification of planning condition.

Drainage and Flooding

There are no significant drainage or flooding implications associated with this proposed development.

Developer Contributions

The Developer Contributions Guidance is not applicable to this application and therefore no contributions are required in this instance.

Economic Impact

The economic impact of the proposal is likely to be minimal and limited to the construction phase of the development.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

None required.

DIRECTION BY SCOTTISH MINISTERS

None applicable to this proposal.

CONCLUSION AND REASONS FOR DECISION

To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken of the relevant material considerations and none has been found that would justify overriding the Development Plan. Accordingly, the proposal is approved subject to the following conditions.

Conditions and Reasons

- 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 development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type B Figure 5.6 access detail with 6 dropped kerbs of Type A Road construction detail. The Type A Road construction detail shall continue into the entrance for a minimum distance of 5 metres.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informative Notes

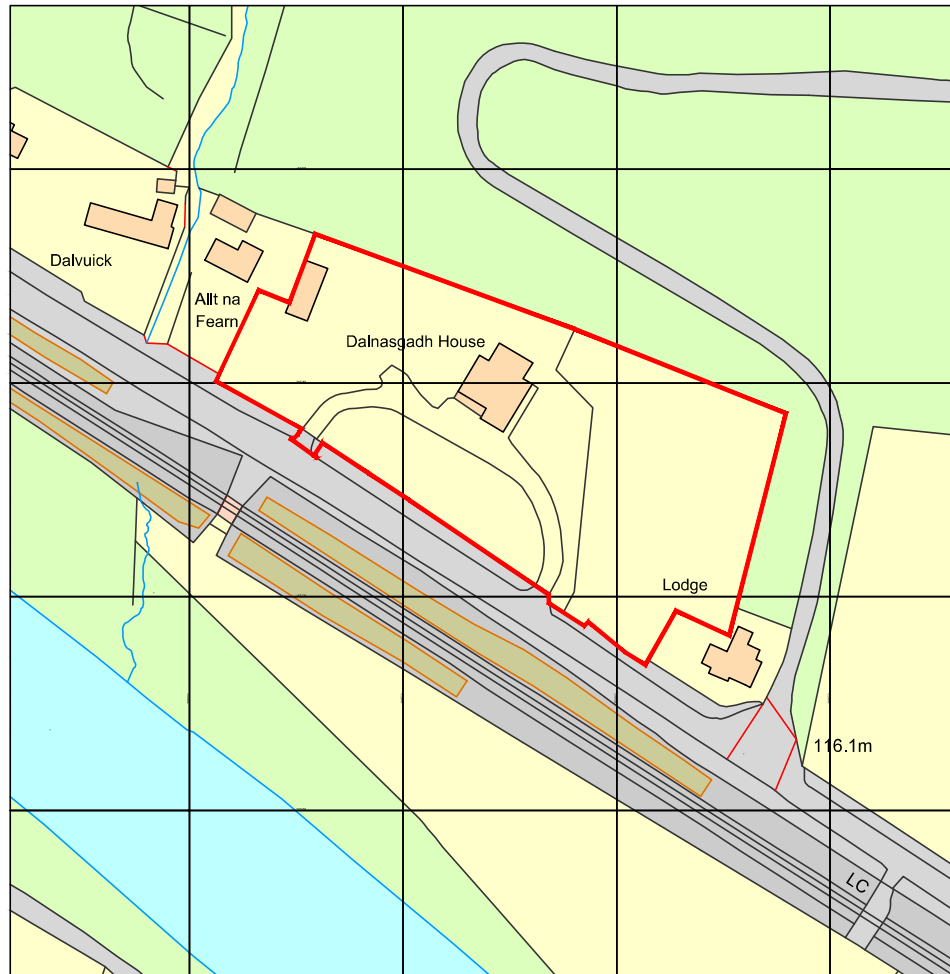
- 1 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory 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 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

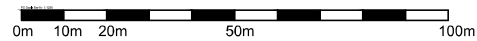
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02
03



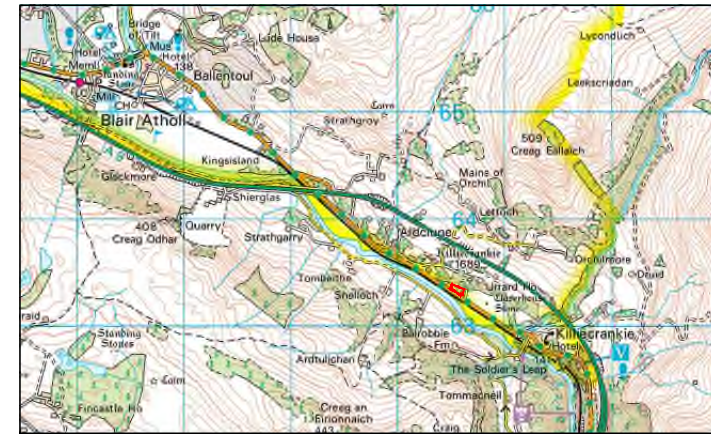
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location plan

Scale 1:1250 @ A3



red line indicates extent of application site



supplementary location plan
scale 1:50,000 @ A3



04/25 Scale disclaimer removed A KM

Date	Description	Rev	By
Revision Description			

Revision Description



63 West Princes Street
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G84 8BN
01436 674 777
07816 907 203
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Client:
Mrs Jill Pillans

Project:
Dalnaskag, Killiekrankie, Pitlochry, PH16 5LN

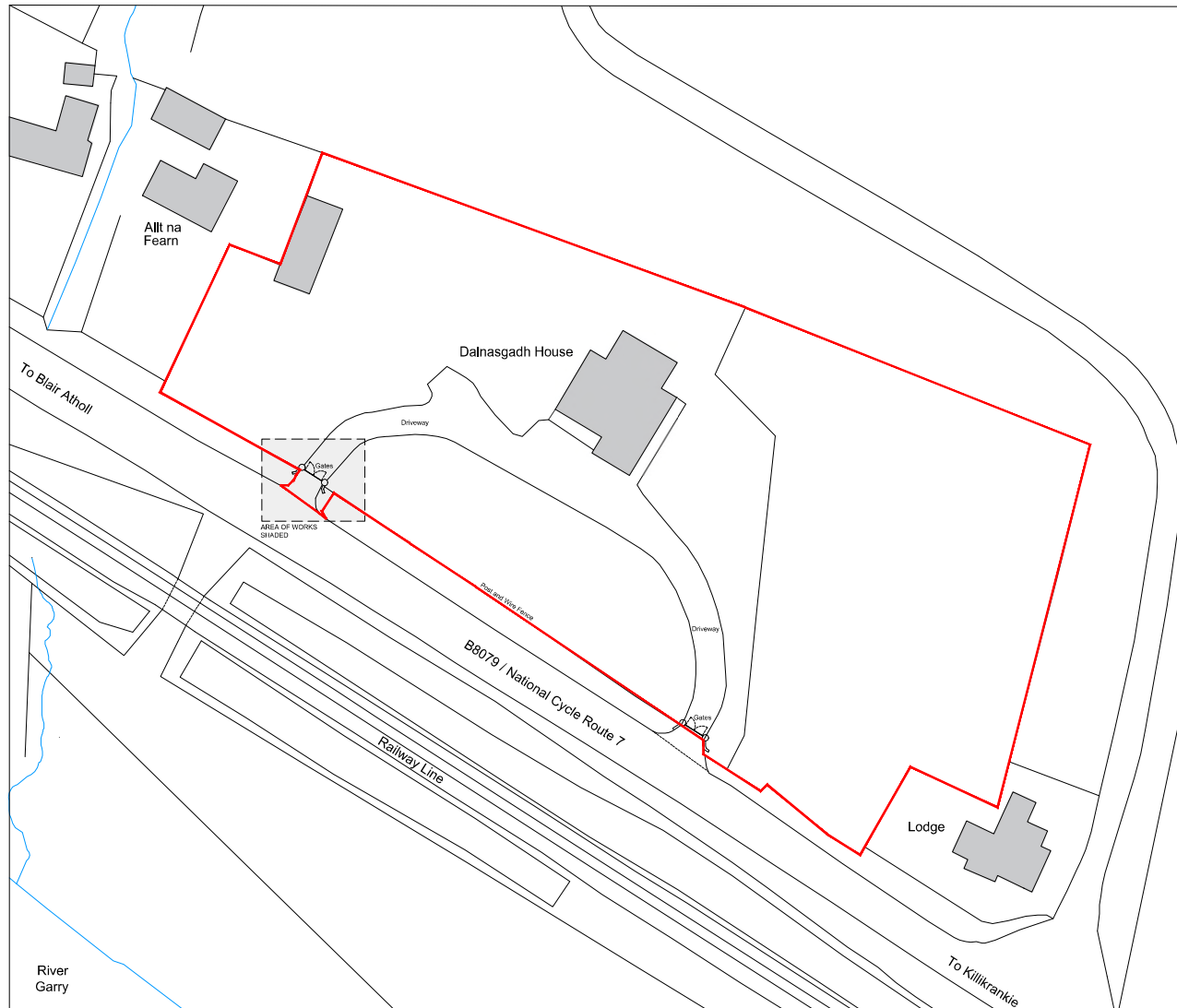
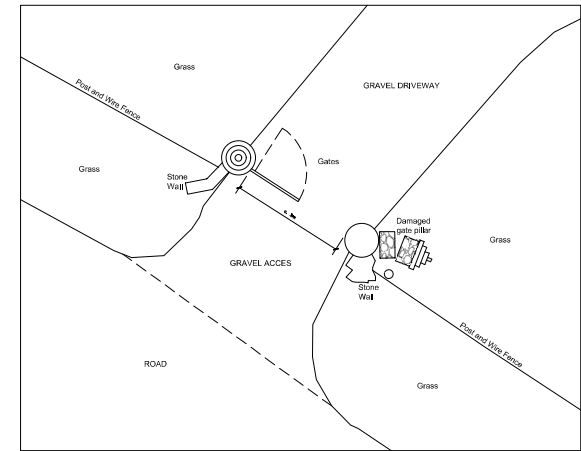
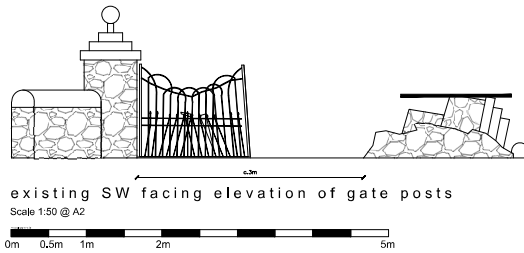
Drawing Title:
Location Plan

Drawing Number:
2025_0027-00

Revision: A
Date: April 2025
Scale: 1:1250 @ A3
Drawn By: KM

Issue Status:

Planning



04/25 Scale disclaimer removed, Elevation updated A KM

Date	Description	Rev	By
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Client:
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Drawing Title:
Existing Site Plan

Drawing Number:

2025_0027-01

Revision: A

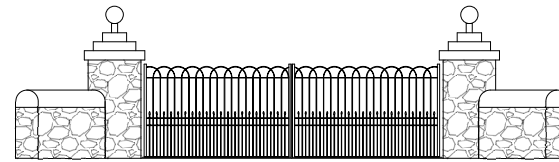
Date: April 2025

Scale: 1:500 @ A2

Drawn By: KM

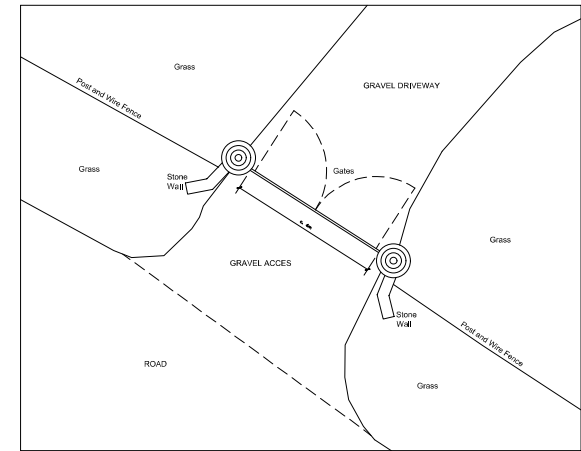
Issue Status:

Planning



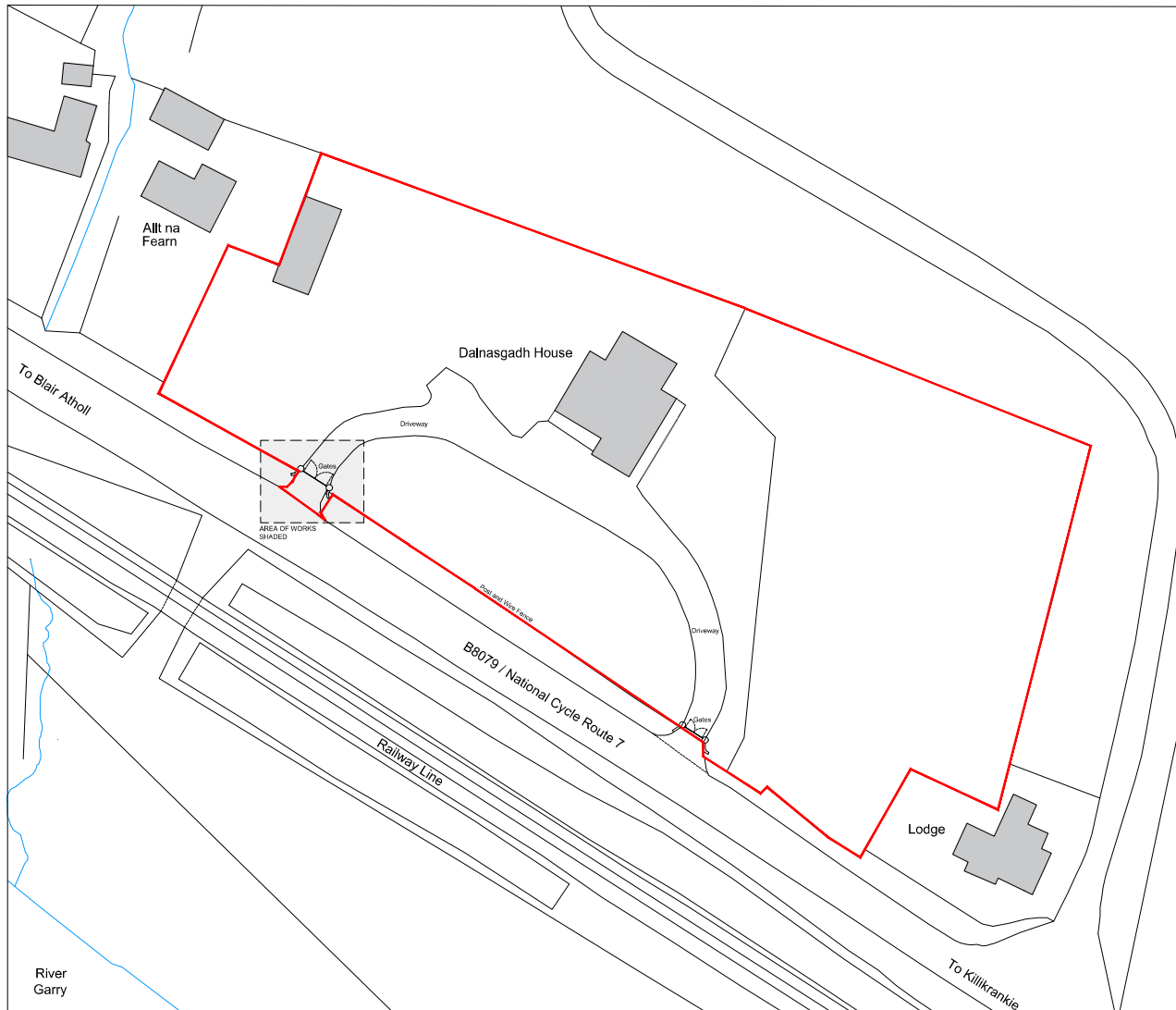
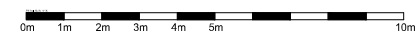
proposed SW facing elevation of gate posts

Scale 1:50 @ A2



proposed plan of gate posts

Scale 1:100 @ A2



proposed site plan

Scale 1:500 @ A2



04/25 Scale disclaimer removed, Elevation updated A KM

Date	Description	Rev	By
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Revision Description



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Drawing Title:
Proposed Site Plan

Drawing Number:

2025_0027-02

Revision:

-

Date:

April 2025

Scale:

1:500 @ A2

Drawn By:

KM

Issue Status:

Planning