

REVIEW DECISION NOTICE

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

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

Description: Part demolition of garage outbuilding, erection of a dwellinghouse and formation of decking

Application for Review by Ms J Maxwell against decision by an appointed officer of Perth and Kinross Council.

Application Ref: 23/02091/FLL

Application Drawings: 23/02091/1 - 23/02091/9

Date of Review Decision Notice – 28 January 2025

Decision

The PKLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

1. Introduction

1.1 The above application for review was considered by the PKLRB at a meeting held on 16 December 2024. The Review Body comprised Councillor B Brawn, Bailie C McLaren and Bailie M Williamson.

1.2 The following persons were also present at the meeting:
C Elliott, Legal Adviser; L Tierney, Planning Adviser; and A Brown, Democratic Support Officer.

Also attending:
S Dockerill and M Pasternak (both Legal and Governance).

2. Proposal

2.1 The proposal is for part demolition of garage outbuilding, erection of a dwellinghouse and formation of decking, Cottage of Clunie, Forneth, Blairgowrie, PH10 6SG. The application was refused consent in terms of a decision letter dated 30 August 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 30 August 2024;
- (iv) the Notice of Review and supporting documents;
- (v) consultation responses to the planning application.

- 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.

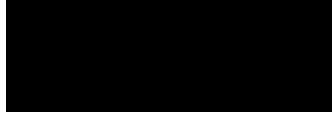
4. Findings and Conclusions

- 4.1 Having regard to the Development Plan and other material considerations set out in the Report of Handling and other papers before it, the PKLRB concluded by unanimous decision that the review application be refused.
- 4.2 The PKLRB considered that the justification provided by the applicant does not fit the categories for a house in the countryside in planning policy terms. Further, the telephone exchange building does not qualify as a building towards a building group and thus there is no building group in this location. Also, no details of phosphorus mitigation have been provided.
- 4.3 Accordingly, the PKLRB refused the review application for the following reasons:
 - 1. The proposal is contrary to Policy 17 Rural Homes of the National Planning Framework 4 (2023) as the site does not meet any of the applicable criteria set out in category a)i) – viii).
 - 2. The proposal is contrary to Policy 19 of the Perth and Kinross Local Development Plan 2 (2019) and the associated Housing in the Countryside Supplementary Guidance (March 2020) as it does not meet any of the criteria within the categories 1) Building Groups, 2) Infill sites, 3) New houses in the open countryside, 4) Renovation or replacement of houses, 5) Conversion or replacement of redundant non-domestic buildings and 6) Development on rural brownfield land. In particular there is not a building group present as defined, and the site does not meet the infill criteria as the telephone exchange is not the equivalent size of a cottage.
 - 3. The proposal is contrary to Policy 45A Lunan Lochs Catchment Area, of the Perth and Kinross Local Development Plan 2 (2019). The site lies within the Lunan Lochs Catchment Area where phosphorus mitigation is required to protect the Lunan Lochs SAC. No details of phosphorus mitigation have been submitted.

Justification

The proposal is not in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

- 4.4 The Review Application was accordingly dismissed.



Lisa Simpson
Clerk to the Local Review Body

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.