



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 100729356-001

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:			
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	MARK	Building Name:	34
Last Name: *	WILLIAMSON	Building Number:	
Telephone Number: *	07761 908656	Address 1 (Street): *	34 HERMITAGE DRIVE
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	PERTH
Fax Number:		Country: *	UK
		Postcode: *	PH1 2SY
Email Address: *	markjw10@virginmedia.com		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Ptarmigan House
First Name: *	Lin	Building Number:	
Last Name: *	Muirhead	Address 1 (Street): *	Blair Atholl
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Perthshire
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	PH185SZ
Fax Number:			
Email Address: *	REDACTED		

Site Address Details

Planning Authority:	Perth and Kinross Council
Full postal address of the site (including postcode where available):	
Address 1:	
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	
Post Code:	

Please identify/describe the location of the site or sites

Land at Orchilmore Farm, Killiecrankie

Northing	763705	Easting	291555
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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)

Erection of dwellinghouse (in principle) Land 85 metres north west of The Bothy, Orchilmore, Killiecrankie, Pitlochry PH16 5LT

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.

*See separate document in Supporting Documents section

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)

Doc 1 - Decision Notice - 25/00765/IPL Doc 2 - Report of Handling Doc 3 - Environmental Health Consultation Response Photos 1-5

Application Details

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

25/00765/IPL

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

26/05/2025

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

21/07/2025

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

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 MARK WILLIAMSON

Declaration Date: 15/10/2025

Payment Details

Online payment: 699215

Payment date: 15/10/2025 19:21:17

Created: 15/10/2025 19:21

Statement

Notice of Review

Erection of dwellinghouse (in principle) Land 85 metres north west of The Bothy, Orchilmore, Killiecrankie, Pitlochry PH16 5LT

Introduction & Background

This Notice of Review is submitted following the refusal of planning permission of application 25/00765/IPL under delegated powers on the 21st July 2025 for the erection of a single dwellinghouse in principle on land at Orchilmore Farm, Killiecrankie. (Doc 1)

The Review site is a 0.25 ha area of land at Orchilmore Farm which is located 1km to the north of Killiecrankie on the north side of the A9 at an elevation of between 220m - 225m AOD on the lower slopes of Creag Eallaich.

To the east of the Review site is a grouping of buildings at Orchilmore, an old township consisting of cottages and former farm buildings which have been converted to housing and recent new build housing replacing former sheds.

The Review site is lower in elevation than the dwellings to the east and the farm buildings to the west. This is indicated in the site section and the photo below looking west from Orchilmore. The land behind the site to the north and beyond rises steeply and is wooded.



Fig 1. Looking west towards the Review site which lies to the right-hand side of the car

The Review site is the farm's former sheep fank/dip and the extent of this is indicated on the OS map below. The appellant had bought the farm after the use of the sheep fank had ceased and had been covered over without remediation. The Review land is not suitable for farming due to the dereliction and contamination from the past use.



Fig 2

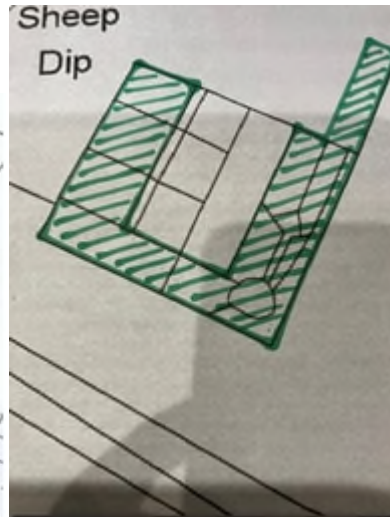


Fig 3

The sheep fank had been in use up until 2004. Shortly afterwards the previous farmer levelled the pens and posts and the sheep runs were crudely covered over. As indicated above in green hatching, there is a large proportion of the fank remaining, consisting of concrete base and upstands which will remain in situ without intervention, as illustrated in the photos below.



Fig 4



Fig 5

The reasons for refusal were:-

1. The proposal is contrary to Policy 17 Rural Homes of the National Planning Framework 4 (2023) a)ii) reuses brownfield land where a return to a natural state has not or will not happen without intervention. Although the site has been scraped to reveal concrete footprint etc the site had grown over (evidenced in photos from an earlier application in 2008). The development of this site with the impact of a resultant dwelling would not be commensurate to the current low impact brownfield nature of the site.

2. The proposal is contrary to Policy 9 Brownfield, vacant and derelict land and empty buildings of the National Planning Framework 4 (2023) a) as the development of the site for a house would not be more sustainable than the biodiversity value of the brownfield land which was previously left to naturalise.

3. The proposal is contrary to the Cairngorms National Park Authority LDP 2021 Policy 1.2 Housing development in existing rural groups criteria a) as the site is detached from the group and would not connect to, reinforce and enhance the character of the group, integrating with the existing built form and pattern of existing development.

Summary

It was concluded in the Report of Handling (Doc 2) that the development of this brownfield site “*for housing would not be more sustainable than the current low impact brownfield nature of the site and therefore contrary to Policy 17 of NPF4*”.

Contrary to the Planning Authority’s opinion it is considered that the Review site will not return to a natural state without intervention as there is currently an extensive area of concrete remaining on the site and there is the likelihood of chemical contamination on the site from past uses.

This point was confirmed in Environmental Health’s Consultation response to the application who have recommended remediation of contamination on the site by condition. (Doc 3) The current condition of the Review site has not reverted back to nature and due to the in-situ concrete and potential contamination, it is not suitable for farming and is effectively derelict.

The development of the site for housing will provide some compensation for the contamination of the site by the previous farmer and provide some capital support for the farm.

In this Review it will be demonstrated that the Review proposal is acceptable in principle and in accordance with Policy 17 Rural Homes of NPF4 and the Cairngorms National Park Local Development Plan Policy 1.3 for the development of rural brownfield land.

This is an application in principle and the design and siting of the dwellinghouse at the detailed planning stage will ensure that it will not have any adverse impact on the character or appearance of the countryside within this part of the Cairngorms National Park.

Planning History

In 2008 planning consent in principle for the erection of 2 dwellinghouses on this site was refused under application 08/02425/OUT. The Delegated Report stated:-

"I do not consider the application site to be a "brownfield site" for the purposes of this policy. Little evidence of the former sheep dip remains on site and the site is now effectively overgrown and has the appearance of a grazing field. In my view the erection of two dwellinghouses on this site will not bring a net environmental benefit to the site".

The reason there was no visual evidence of the sheep fank in 2008 was that the previous farmer had levelled the site and filled in the concrete sheep runs and base of the fank around 2004.

It was considered by Perth and Kinross Council in 2008 that 2 dwellings at this location will impact on the setting of the B listed Orchilmore Farm Cottage due to the proximity and the elevated nature of the site.

It is noted that the lower half of the application site where any dwelling would be positioned is at the same elevation as Orchilmore Farm Cottage at between 220m-225m AOD, as indicated on the map extract below.



Fig 6

Also, importantly since 2008 there has been consent issued for a dwellinghouse to the north of Orchilmore Farm Cottage at an elevation above 225 AOD and in closer proximity to the cottage, indicated below and consented under 18/00778/FLL.

In the 2018 Delegated Report it was stated:-

“together with the single storey appearance of the building was consented to ensure the new building related to the character and appearance of the adjacent stone steading and would be seen as part of the steading grouping. It also ensured that the scale and height would not dominate or dwarf the adjacent small scale category B listed bothy.” (18/00778/FLL)



Fig 7

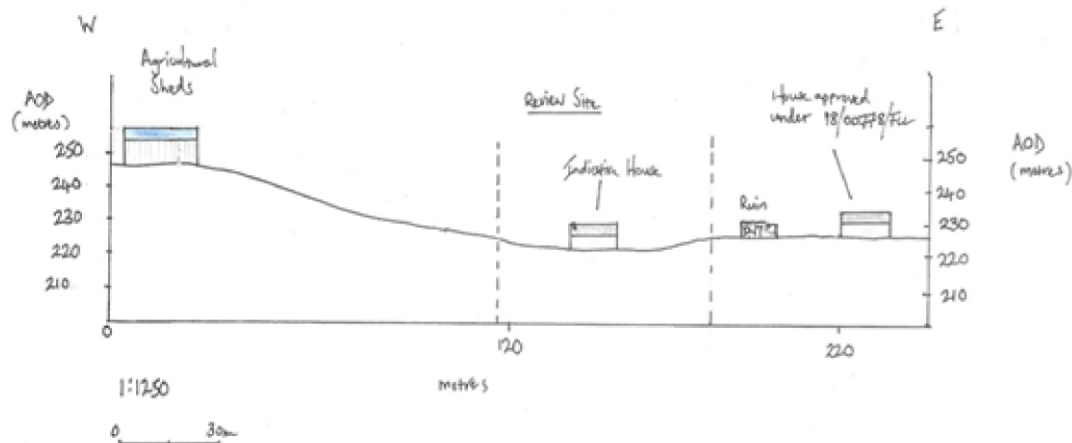


Fig 8

In summary: -

- The Review site is a rural brownfield site clearly demonstrated by the extent of concrete remaining in situ and contamination from the past sheep dip use.
- The land is not suitable for farming and is derelict and has low biodiversity value.
- Since 2008 then, the context of the locality has changed with the granting of housing closer to the listed building.
- NPF4 Policy 17 specifically identifies the opportunity to develop brownfield sites for housing which will not return to a natural state without intervention.
- Cairngorm National Park LDP 2021 encourages the redevelopment of rural brownfield/ derelict land.
- The Review application is materially different from the previous refused proposal as it is looking for a single dwellinghouse on the site, not 2 dwellinghouses.
- In line with the 2018 approval to the east (18/00778/FLL) any dwellinghouse on the Review application site will be of a scale, design and height which would not dominate the listed cottage at an elevation similar to the listed Orchilmore Farm Cottage.

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Local Development Plan 2021 (CNPA 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 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 3: Biodiversity

Policy 7: Historic Assets and Places

Policy 9 Brownfield, vacant and derelict land and empty buildings

Policy 14: Design, Quality and Place

Policy 17: Rural Homes

Cairngorms National Park Local Development Plan - Adopted March 2021

The Local Development Plan 2021 (CNPA LDP) is the most recent statement of National Park policy.

The principal policies are:

Policy 1.2 Housing development in existing rural groups

Policy 1.3 Other housing in the countryside. Proposals will be supported where they reinforce the existing pattern of development, and: a) are necessary for or improve the operational and economic viability of an active business which has a locational requirement directly linked to the countryside; or b) are on a rural brownfield site.

Policy 3.1 Placemaking

Policy 3.3 Sustainable design

Policy 9.1 Listed Buildings

Policy 9.2 Cultural and historic designations

Policy 9.4 Other cultural heritage

Non-Statutory Guidance

- CNPA Policy 2 – Supporting Economic Growth
- CNPA Policy 3 – Design and Placemaking
- CNPA Policy 4 – Natural Heritage
- CNPA Policy 9 – Cultural Heritage
- Managing Change in the Historic Environment: Historic Battlefields
-

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 51 Planning, Environmental Protection and Regulation

- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer 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.

Reason for Refusal and Grounds of the Review

The grounds of the review and matters considered refer to the 3 reasons for refusal. The issues raised will be considered below in the applicant's argument against these reasons for refusal in support of the Review.

1.The proposal is contrary to Policy 17 Rural Homes of the National Planning Framework 4 (2023) a)ii) reuses brownfield land where a return to a natural state has not or will not happen without intervention.

Policy 17a) – *“Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention”.*

The Council's basis for the refusal is the assertion that the Review site has returned back to nature and that any development will be less sustainable than it's current condition.

In the Report of Handling (Doc 2) it was stated that:-

“It could be argued that as evidenced in 2008 the area had returned to a natural state without intervention and the purpose of this policy cannot be to support any area of hardstanding to be developed for housing. Until the site was scraped it had little or no impact. It will be the case that there are many similar sites with concrete platforms etc throughout Perth and Kinross, but not every brownfield site will require to be developed for housing to improve amenity”.

As indicated previously, it is considered by the appellant that the Review site has not returned to a natural state. The man-made intervention and potential contamination cannot be understated and remains on the site. It will not revert back to what the land was like prior to the sheep dip use without further intervention and remediation.

The in-situ concrete and contamination have impacted and compromised the soil status on the site and it is not suitable as farmland or for grazing livestock, effectively making the site derelict where derelict land is defined in NPF4 as:-

“Previously developed land which is un-remediated and/or which has a constraint caused by its previous use which hampers its redevelopment or naturalisation”.

Environmental Health’s consultation response considers that the site potentially has chemical contamination from past uses. (Doc 3) This contradicts the assumption in the Report of Handling that the site area has returned to a natural state without intervention. Contamination and the deteriorating concrete on the site mean that it cannot return to a natural state without intervention involving remediation of the chemical damage caused by the past uses and removal of the concrete.

“The proposed development site falls within land formerly used as a sheep tank with associated sheep dip. There is also a former limekiln immediately west of the site. There is the potential for these past activities to have caused chemical contamination within the site which could pose a constraint to the development”.

(Environmental Health 18/06/2025)

In the Report of Handling it was stated:-

“however the brownfield element of the site is very small and it is not considered that the development of the site would provide a significant sustainable development”.

This is not accepted and as you can see from Fig 3 and Fig 9 below, the footprint of the in-situ concrete is not small.



Fig 9

It is considered that the Review proposal is not contrary to, but in accordance with Policy 17 as the Review site will not return to a natural state without intervention, i.e. removal of the concrete sheep dip and remediation of contamination from the chemical contamination from this use.

The development of the site for a single dwellinghouse will remove the current dereliction and contamination.

This is an application in principle and the scale and design of the dwellinghouse will be in keeping with it's context within the National Park and the character of the area.

As indicated from the site profile – Fig 8, the Review site sits below nearby built development to the west and east. It is backdropped by trees and the rising ground to the north of Creag Eallaich Hill and will not have any adverse impact on the character or visual amenity of the National Park.

2. The proposal is contrary to Policy 9 Brownfield, vacant and derelict land and empty buildings of the National Planning Framework 4 (2023) a) as the development of the site for a house would not be more sustainable than the biodiversity value of the brownfield land which was previously left to naturalise.

As indicated above, the Review site is a derelict brownfield site which has a large area of in-situ concrete and the likelihood of chemical contamination from years of use as a sheep dip up until 2004, as noted by Environmental Health.

The site has not reverted back to what it was since the end of the sheep dip use and it will not without intervention and remediation. The site soils continue to be impacted by the concrete and potential contamination and the land is not suitable as farmland. The biodiversity value of the site is low within the site. The boundary to the east has habitat value associated with the stone dyke and this will be conserved and enhanced in any re-development. There are no trees on the Review site and any detailed residential proposal will provide tree planting to provide new habitat and enhance biodiversity.

It is considered therefore, that the Review proposal will have a net environmental benefit by removing the concrete and remediating any chemical contamination from past use along with new native tree planting and improvement of stone dyking.

3. The proposal is contrary to the Cairngorms National Park Authority LDP 2021 Policy 1.2 Housing development in existing rural groups criteria a) as the site is detached from the group and would not connect to, reinforce and enhance the character of the group, integrating with the existing built form and pattern of existing development.

The Report of Handling and subsequent reason for refusal assesses the Review application under Policy 1.2 Housing development in existing rural groups.

This is refuted because it is considered that the Review proposal should not have been assessed under Policy 1.2, as the Review site is not within an existing rural grouping, as indicated in Fig 9 which shows the Review site clearly detached from the group at Orchilmore to the east.

As a rural brownfield site, the Review application falls to be assessed under Policy 1.3 Other Housing in the Countryside of the Cairngorms National Park LDP where:-

“Proposals will be supported where they reinforce the existing pattern of development, and: a) are necessary for or improve the operational and economic viability of an active business which has a locational requirement directly linked to the countryside; or b) are on a rural brownfield site”.

For the same reasons that the Review application accords with Policy 17 Rural Homes of NPF 4, as a rural brownfield site, it also accords with Policy 1.3 Other Housing in the Countryside of Cairngorms National Park Authority LDP 2021.

The Review proposal will not have a detrimental impact on the visual amenity of the area being lower in elevation than nearby buildings and within a suitable landscape framework set against the rising ground and woodland to the north. As an in-principle proposal the design and siting of the dwellinghouse will look to complement the context and character of existing built development in this upland area.

Other Planning Considerations

There were no objections to the Review proposal from the main consultees, including Transport and Development, Transport Scotland, Historic Environment Scotland, Environmental Health and Perth and Kinross Heritage Trust.

Because of the past uses on the Review site Environmental Health recommend a contamination condition be attached to any consent for remediation works to be carried out.

The Review site falls within the land designated as Killiecrankie Battlefield on the potential line of Jacobite troops and adjacent to the historic township of Orchilmore. Perth and Kinross Heritage Trust recommend if consent is granted a condition for a programme of archaeological works should be attached to ensure full evaluation of the site and record if required. This will need clarified in a Written Scheme of Investigation (WSI) submitted to the Trust for approval.

It is considered that remediation and removal of the in-situ concrete would benefit any archaeological work on the Review site.

Conclusions

The past use on the Review site has led to contamination and dereliction. There was no remediation undertaken when the sheep dip stopped operating and the previous farmer covered over the sheep dip which superficially masked the underlying soil issues and left a large area of concrete remaining.

The Review site is considered to be a derelict rural brownfield site *which is un-remediated which has a constraint caused by its previous use which hampers its redevelopment or naturalisation. (NPF4)*

For these reasons noted above the Review land is not suitable for agriculture or grazing.

The site has not naturalised and the Review proposal for a single dwellinghouse is in accordance with NPF4 Policy 17a) ii. – where new homes in rural areas will be supported where the development reuses brownfield land where a return to a natural state has not or will not happen without intervention.

The Review proposal is in accordance with Policy 9 of NPF4 Brownfield, vacant and derelict land and Policy 1.3 Other Housing in the Countryside of the Cairngorms National Park LDP.

Development of the Review site will allow remediation of potential contamination and removal of the concrete. This along with new planting and appropriate landscaping around the dwellinghouse will provide environmental benefit and an improvement in the visual amenity of the Review land.

As an application in-principle the design and siting of the dwellinghouse can be confirmed at the detailed planning stage where it is intended that it will be in keeping with it's context in the National Park.

For the reasons outlined above it is considered that the Review proposal for a single dwellinghouse is acceptable in principle and it is respectfully requested that the Review is upheld.



Mrs L Muirhead
c/o Mark Williamson
34 Hermitage Drive
Perth
PH1 2SY

Pullar House
35 Kinnoull Street
Perth
PH1 5GD

Date of Notice :21st July 2025

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT

Application Reference: **25/00765/IPL**

I am directed by the Planning Authority under the Town and Country Planning (Scotland) Acts currently in force, to **refuse** your application registered on 28th May 2025 for permission for **Erection of dwellinghouse (in principle) Land 85 Metres North West Of The Bothy Orchilmore Killiecrankie Pitlochry PH16 5LT** for the reasons undernoted.

Kristian Smith
Development Management & Building Standards Service Manager

Reasons for Refusal

1. The proposal is contrary to Policy 17 Rural Homes of the National Planning Framework 4 (2023) a)ii) reuses brownfield land where a return to a natural state has not or will not happen without intervention. Although the site has been scraped to reveal concrete footprint etc the site had grown over (evidenced in photos from an earlier application in 2008). The development of this site with the impact of a resultant dwelling would not be commensurate to the current low impact brownfield nature of the site.
2. The proposal is contrary to Policy 9 Brownfield, vacant and derelict land and empty buildings of the National Planning Framework 4 (2023) a) as the development of the site for a house would not be more sustainable than the biodiversity value of the brownfield land which was previously left to naturalise.
3. The proposal is contrary to the Cairngorms National Park Authority LDP 2021 Policy 1.2 Housing development in existing rural groups criteria a) as the site is detached from the group and would not connect to, reinforce and enhance the character of the group, integrating with the existing built form and pattern of existing development.

Justification

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

Notes

1. Records indicate that at least part of the proposed development site lies within a radon affected area where the measurement/monitoring of radon gas and the installation of mitigation measures may be required.

Further information on radon gas and the associated reports that can be obtained is available at www.ukradon.org and at <http://shop.bgs.ac.uk/georeports/>.

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 Reference

01

02

03

04

05

REPORT OF HANDLING

DELEGATED REPORT

Ref No	25/00765/IPL	
Ward No	P4- Highland	
Due Determination Date	27th July 2025	
Draft Report Date	17th July 2025	
Report Issued by	Joanne Ferguson	Date 17.07.2025

PROPOSAL: Erection of dwellinghouse (in principle)

LOCATION: Land 85 Metres North West Of The Bothy Orchilmore
Killiecrankie Pitlochry PH16 5LT

SUMMARY:

This report recommends **refusal** of the application as the development is considered to be contrary to the relevant provisions of the Development Plan and there are no material considerations apparent which justify setting aside the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

The proposal is for the erection of a dwelling in principle at land north west of The Bothy, Orchilmore. The application site sits to the north west of an existing group of buildings at Easter Orchilmore and is bound on its eastern side by a stone dyke, to the north by a post and wire fence with the remains of a stone dyke and to the west by a post and wire fence/corrugated metal fence. The south of the site is bound by the existing access track which serves the site and nearby building group. The site slopes gently downwards from east to west and the land beyond the site to the north slopes steeply upwards and is occupied by a number of mature trees. The site has been scraped to expose the remains of the sheep dip which had previously been covered in soil/scrub.

SITE HISTORY

08/02425/OUT Erection of 2 dwellinghouses (in outline) 21 January 2009 Application Refused

PRE-APPLICATION CONSULTATION

Pre application Reference: N/A

DEVELOPMENT PLAN

The Development Plan for the area comprises National Planning Framework 4 (NPF4) and the Local Development Plan 2021 (CNPA 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 1: Tackling the Climate and Nature Crises
Policy 2: Climate Mitigation and Adaptation
Policy 3: Biodiversity
Policy 7: Historic Assets and Places
Policy 9 Brownfield, vacant and derelict land and empty buildings
Policy 14: Design, Quality and Place
Policy 17: Rural Homes

Cairngorms National Park Local Development Plan - Adopted March 2021

The Local Development Plan 2021 (CNPA LDP) is the most recent statement of National Park policy.

The principal policies are:

Policy 1.2 New Housing Development Housing development in existing rural groups
Policy 3.1 Design and Placemaking Placemaking
Policy 3.3 Design and Placemaking Sustainable design
Policy 9.1 Cultural Heritage Listed Buildings
Policy 9.2 Cultural Heritage Cultural and historic designations
Policy 9.4 Cultural Heritage Other cultural heritage

Non-Statutory Guidance

- CNPA Policy 2 – Supporting Economic Growth
- CNPA Policy 3 – Design and Placemaking
- CNPA Policy 4 – Natural Heritage
- CNPA Policy 9 – Cultural Heritage

- Managing Change in the Historic Environment: Historic Battlefields
-

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 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 75 Planning for Transport
- PAN 77 Designing Safer 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

Historic Environment Scotland	No objection in relation to battlefield
Cairngorm National Park	No call in
Environmental Health (Contaminated Land)	No objection condition required
Transportation And Development	No objection to principle of development
Development Contributions Officer	No contribution required
Environmental Health (Private Water)	No objection informative/condition required
Transport Scotland	No objection
Perth And Kinross Heritage Trust	No objection condition would be required

REPRESENTATIONS

Number of representations received: 2

- Contrary to Development Plan Policy
- Inappropriate Housing Density
- Inappropriate Land Use
- Impact on setting of listed building
- impact on visual amenity and landscape

These issues are addressed in the appraisal section.

Additional Statements Received:

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not applicable
Appropriate Assessment under Habitats Regulations	Habitats Regulations AA Not Required
Design Statement or Design and Access Statement	Submitted
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 comprises NPF4 and the Cairngorms National Park Local Development Plan (2021). 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 CNPA's other approved policies and supplementary guidance, these are discussed below only where relevant.

In this instance, section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining such an application as this to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is relevant and requires planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the designated conservation area.

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

The site was previously subject to an application in 2008 and the officers site photos are still available from this time the officer also stated that; *Very little remains of the former sheep dip, with some concrete elements which are barely recognisable. In a recent site inspection the site appears to be little more than a field.* The photos submitted in support of this application show the hardstanding and part of a concrete upstand exposed as the site has been scraped back of vegetation.

Since the 2008 refusal the Cairngorms National Park has been formed with its Local Development Plan and the most up to date policy position is that of NPF4 in particular Policy 17 Rural Homes.

Policy 17 of National Planning Framework 4 promotes the development of rural homes, to ensure the needs of communities are met in a sustainable way. The supporting statement details that the site should be considered as rural brownfield. Policy 17 a) supports proposals for new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development meets a range of criteria. Criteria ii) supports the reuse of brownfield land where a return to a natural state has or will not happen without intervention.

The proposal may be rural brownfield in terms of NPF4 but meeting the definition does not automatically permit development. It could be argued that as evidenced in 2008 the area had returned to a natural state without intervention and the purpose of this policy cannot be to support any area of hardstanding to be developed for housing. Until the site was scraped it had little or no impact. It will be the case that there are many similar sites with concrete platforms etc throughout Perth and Kinross, but not every brownfield site will require to be developed for housing to improve amenity.

Policy 9 Brownfield, vacant and derelict land and empty buildings can also be considered however the brownfield element of the site is very small and it is not considered that the development of the site would provide a significant sustainable development.

The CNPA LDP supports development in existing rural groups where;

- a) they connect to, reinforce and enhance the character of the group, integrating with the existing built form and pattern of existing development; and
- b) do not add more than one third to the existing number of buildings in the group within the Plan period (based on the size of the group on the date of Plan adoption).

It is considered that this plot does not comply with criteria a) as the existing grouping is nucleated with the proposed plot siting further northeast with an area of planting separating it. The plot although adjacent has little connection to and doesn't reinforce and enhance the character of the group. The detachment means there's little integration other than it being beside the group.

Another 2018 approval of a dwelling to the east has been referred to in the submission. This approval was granted within the building group, and the site is read as part of the group. As stated above this site very much sits out with the nucleated existing group.

The proposal is considered to be contrary to NPF4 and CNPA LDP.

Design and Layout

There is no information submitted in relation to the design or layout as the submission is in principle.

Residential Amenity

The site is separated from the existing grouping by some mature planting and being on the edge of the group the site could therefore be developed without impact on residential amenity.

Environmental Health note the site falls within land formerly used as a sheep farm with associated sheep dip. There is also a former limekiln immediately west of the site. There is the potential for these past activities to have caused chemical contamination within the site which could pose a constraint to the development.

Visual Amenity

The site is elevated but with a rising backdrop and with other buildings present the principle of development (with details agreed in a further application) would be unlikely to have a significant impact on the wider visual amenity or wider landscape character. (see also HES comments on the battlefield)

Roads and Access

The vehicle access to the proposed property would be using the existing vehicle access to the property off the B8079, then taking the access track to the east which serves an existing house. The site plan doesn't show the parking facilities and no detail on the number of bedrooms or floor layout. Transport planning have no objection to the principle of development and note the information that would need to be secured by condition of the application as approved.

Drainage and Flooding

The site is not at risk of flooding and the site is large enough to accommodate any required drainage.

There are private water supplies (including Easter Orchilmore Farmhouse Supply) believed to serve properties in the vicinity. The Private Water Team request conditions are added to ensure the new development has an adequate and consistently wholesome supply of water and to maintain water quality and supply in the interests of residential amenity and ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance.

Conservation Considerations

Archaeology

PKHT confirm that proposed development is archaeologically sensitive as it includes erection of a new building within Killiecrankie Battlefield (BTL12), on the potential line of Jacobite troops and adjacent to the historic township of Orchilmore (MPK15641). They note that the site has previously had a sheep fank and the proposal is to stay within the footprint of this. However, there is potential for further disturbance to the archaeology given the requirement for services, septic tanks, access, landscaping, and further foundation works should the current concrete not be fit for purpose.

Therefore, should a future application be given consent future mitigation is likely to comprise of metal detecting, field evaluation and of monitoring of all groundworks. In addition, the visual impact at this location is highly sensitive and any future application should carefully take this into consideration when agreeing any design or aesthetic. Indeed, given the nature of battlefield archaeology the visual change could be considered of great impact, and it may be deemed not appropriate for development.

A condition for a programme of archaeological works is recommended if the application is approved to ensure full evaluation of the site and record if required. This will need clarified in a Written Scheme of Investigation (WSI) and be submitted for PKHT for approval.

Killiecrankie Battlefield

The Battle of Killiecrankie is significant as it is the opening battle of the first Jacobite Rising in Scotland. The location of the battlefield is well established through a number of eyewitness accounts and recent archaeological fieldwork. The battle was fought at the head of the Pass of Killiecrankie, south of Blair Atholl and the landscape of the battle is reasonably clear. The Government troops advanced along the Garry and climbed the scarp slope to Urrard House when they realised that the Jacobites were approaching and were on the high ground. The Jacobites were drawn up on the slopes

of Creag Eallaich (probably on the 200 m contour line) while the Government troops were spread out along the base of the hill.

The proposals are located within the designated battlefield near where the Jacobite lines drew up at the start of the battle before charging south and downhill toward the Government line. Historic Environment Scotland note that the proposals would be adjacent to a current cluster of buildings at Orchilmore and would not affect the topography of the battlefield or the area of the main action. They would therefore not have a significant impact on the character of the battlefield landscape.

Natural Heritage and Biodiversity

The site is clear of trees and is otherwise out with the areas of concrete overgrown. If the principle of development was acceptable biodiversity enhancement measures could have been conditioned.

Developer Contributions

Affordable Housing

The Cairngorms National Park Local Development Plan Policy 1 Housing policy and associated Supplementary Guidance for Housing (2021) states that all residential development must make a contribution towards affordable housing. Where proposals are made for the development of less than four market dwellings, a financial contribution will be sought that will be put towards the delivery of affordable housing. In Perth and Kinross, the commuted sum per unit that would apply is set out at table 1 on page 11.

There are exemptions set out in Appendix 3 of the supplementary guidance, including for single dwellings since the construction of single dwellings may in themselves fulfil the role of an affordable home.

Primary Education

The Cairngorms National Park Local Development Plan Policy 11 developer obligations, and associated Supplementary Guidance for developer obligations (2021) requires a financial contribution towards increased primary school capacity in areas where a primary school capacity constraint has been identified. A capacity constraint is defined as where a primary school is operating at over 80% and is likely to be operating following completion of the proposed development, extant planning permissions and Local Development Plan allocations, at or above 100% of total capacity. This proposal is within the catchment of Pitlochry Primary School.

If the principle of development had been supported conditions would have been added.

Economic Impact

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

VARIATION OF APPLICATION UNDER SECTION 32A

This application was not varied prior to determination.

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 be contrary to the Development Plan. 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 refused on the grounds identified below.

Conditions and Reasons

1 The proposal is contrary to Policy 17 Rural Homes of the National Planning Framework 4 (2023) a)ii) reuses brownfield land where a return to a natural state has not or will not happen without intervention. Although the site has been scraped to reveal a concrete footprint etc the site had previously grown over (evidenced in photos from an earlier application in 2008). The development of this site with the impact of a resultant dwelling would not be commensurate to the current low impact brownfield nature of the site which had been returned to a natural state.

2 The proposal is contrary to Policy 9 Brownfield, vacant and derelict land and empty buildings of the National Planning Framework 4 (2023) a) as the development of the site for a house would not be more sustainable than the biodiversity value of the brownfield land which was previously left to naturalise.

3 The proposal is contrary to the Cairngorms National Park Authority LDP 2021 Policy 1.2 Housing development - existing rural groups criteria a) as the site is detached from the group and would not connect to, reinforce and enhance the character of the group, integrating with the existing built form and pattern of existing development.

Justification

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

Informatives

None required

Procedural Notes

Not Applicable.

PLANS AND DOCUMENTS RELATING TO THIS DECISION

01
02
03
04
05

Memorandum

To Development Management & Building
Standards Service Manager

From Environmental Health

Your ref 25/00765/IPL

Our ref CHF

Date 18/06/2025

Communities

Pullar House, 35 Kinnoull Street, Perth PH1 5GD

Consultation on an Application for Planning Permission

25/00765/IPL RE: Erection of dwellinghouse (in principle) at Land 85 Metres North West Of The Bothy Orchilmore Killiecrankie Pitlochry PH16 5LT for Mrs L Muirhead

I refer to your letter dated 30 May 2025 in connection with the above application and have the following comments to make.

Contaminated Land

Comments

The proposed development site falls within land formerly used as a sheep fank with associated sheep dip. There is also a former limekiln immediately west of the site. There is the potential for these past activities to have caused chemical contamination within the site which could pose a constraint to the development.

Therefore, if planning permission is granted in respect of this development, I would recommend that the following condition is applied within the consent.

Condition

EH41

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.









