

Review Decision Notice

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

Site Address: Land 55 metres south east of Ashlea, Middlebank Farm, Errol, Perth,
PH2 7SX

Description: Erection of a dwellinghouse

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

Application Ref: 24/01518/FLL

Application Drawings: 24/01518/1 - 24/01518/7

Date of Review Decision Notice – 5 August 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 26 May 2025. The Review Body comprised Councillor B Brawn, Councillor K Harvey and Councillor R Watters.

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

Also attending:
M Pasternak and R Ramsay (both Legal and Governance).

2. Proposal

2.1 The proposal is for the erection of a dwellinghouse, land 55 metres south east of Ashlea, Middlebank Farm, Errol, Perth, PH2 7SX. The application was refused consent in terms of a decision letter dated 18 December 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 18 December 2024;

- (iv) the Notice of Review and supporting documents;
- (v) consultation responses and representations to the planning application;
- (vi) representation to the Notice of Review and response from Agent.

- 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 proposal does not meet any of the categories for housing in the countryside. Specifically, it is not form part of a building group and is not an infill site, contrary to Policy 9 of the National Planning Framework 4 (2023) and Policy 17 of the Perth and Kinross Local Development Plan 2 (2019) and associated Supplementary Guidance (2020). The PKLRB considered that the proposal does not contribute positively to the quality of the surrounding area, owing to the fact that the proposal would result in a lack of cohesion with other surrounding buildings, contrary to Policy 14 of National Planning Framework 4 (2023) and Policies 1A and 1B (parts a, b, c, d and f), and Policy 29 of the Local Development Plan 2 (2019) and associated supplementary guidance (2020).
- 4.3 Accordingly, the PKLRB refused the review application for the following reasons:
- (1) The proposals are contrary to National Planning Framework 4 (2023), Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings, and Policy 17: Rural Homes; and Perth and Kinross Local Development Plan 2 (2019), Policy 19: Housing in the Countryside and associated Supplementary Guidance (2020), as the development does not meet any of the relevant criteria which would enable support of new residential units within the countryside, namely that it does not extend part of a building group and that it is not an infill site.
 - (2) The proposals are contrary to National Planning Framework 4 (2023) Policy 14: Design, Quality and Place and Perth and Kinross Local Development Plan 2 (2019) Placemaking Policies: 1A and 1B (parts a, b, c, d and f), Policy 29: Landscape; and associated supplementary guidance (2020), as the proposals by reason of tree removal, site location, juxtaposition and lack of cohesion with existing buildings and

absence of any landscape containment, would not contribute positively to the quality of the surrounding area, resulting in adverse visual amenity and landscape impacts.

- (3) The proposals are contrary to National Planning Framework Policies 1, 3 and 5 and Perth and Kinross Local Development Plan 2 (2019) Policies 40A, 40B and 50 which seek to protect prime agricultural land, trees, biodiversity and wildlife habitats and requires a detailed tree and ecology survey to be undertaken in order to demonstrate the presence and any potential impacts on trees and protected species which may be contained within such habitats. No tree or ecology survey has been submitted with the application.

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.