

# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN  
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.**  
**Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

## Applicant(s)

Name **HOMES CULLEN DEVELOPMENTS LTD**

Address **PARK PLACE BUSINESS HUBS  
2 PARK PLACE  
KIRKCALDY**

Postcode **KY1 1XL**

Contact Telephone 1 **[REDACTED]**

Contact Telephone 2 **[REDACTED]**

Fax No **[REDACTED]**

E-mail\* **[REDACTED]**

## Agent (if any)

Name **[REDACTED]**

Address **[REDACTED]**

Postcode **[REDACTED]**

Contact Telephone 1 **[REDACTED]**

Contact Telephone 2 **[REDACTED]**

Fax No **[REDACTED]**

E-mail\* **[REDACTED]**

Mark this box to confirm all contact should be  
through this representative: ☐

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes ☒ No ☐

Planning authority

**PERTH & KINROSS COUNCIL**

Planning authority's application reference number

**25/01295/FLL**

Site address

**180 HIGH STREET, KINROSS, KY13 8DE**

Description of proposed  
development

**FORMATION OF VEHICULAR ACCESS**

Date of application

**03/09/2025**

Date of decision (if any)

**24/10/2025**

**Note.** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

**Reasons for seeking review**

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

**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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☐
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☒

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**Site inspection**

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

1. Can the site be viewed entirely from public land? Yes ☒ No ☐
2. 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:

**Statement**

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

IN THE EMAIL ATTACHED TO THIS FORM WE HAVE SUMMARISED WHY WE WISH TO HAVE OUR APPLICATION REVIEWED. ALONG WITH PRECEDENTS FOR OFF STREET PARKING WHICH HAS ALREADY BEEN PERMITTED AT OTHER PROPERTIES. WE ALSO ANSWERED THE CONCERNS RAISED BY POTH & KINROSS IN RELATION TO THE MAIN OBJECTIONS RELATING TO NP4.

THE REASON THE DETAIL IS IN THE EMAIL AND NOT ON THIS FORM IS IT IS AN EASIER FORMAT TO PRESENT OUR EVIDENCE AS IT INCLUDES PHOTOGRAPHIC EVIDENCE.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

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.

ALL DOCUMENTS AND EVIDENCE ARE DETAILED IN THE EMAIL ATTACHED TO THIS FORM.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

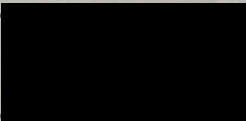
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

08/01/2026

## SPR Planning Local Review Body

---

**From:** Craig Holmes <[REDACTED]>  
**Sent:** 08 January 2026 10:36  
**To:** SPR Planning Local Review Body  
**Subject:** 180 High Street, Kinross. Application Reference: 25/01295/FLL  
**Attachments:** IMG\_0135.jpeg; IMG\_0136.jpeg; IMG\_0137.jpeg; IMG\_0138.jpeg

You don't often get email from [REDACTED] [Learn why this is important](#)

**CAUTION:** This email originated from an external organisation. Do not follow guidance, click links, or open attachments unless you have verified the sender and know the content is safe.

The Secretary  
Local Review Body  
Perth and Kinross Council  
Committee Services  
Council Building  
2 High Street  
Perth  
PH1 5PH

Dear Secretary,

**Applicant:** Holmes Cullen Developments Ltd  
**Application Reference:** 25/01295/FLL  
**Site Address:** 180 High Street, Kinross KY13 8DE

**Proposal:** Installation of dropped kerb and creation of off-street parking for two vehicles

**Decision:** Refusal

**Appeal Against Refusal**

### 1. Introduction

This email is submitted in response to the refusal of planning permission for a proposed dropped kerb to facilitate off-street parking for two vehicles. The purpose of this proposal is to enhance safety, reduce on-street congestion, and improve the functionality of the local transport network in accordance with the principles of the **National Planning Framework 4 (NPF4)** and the **Perth and Kinross Local Development Plan 2 (LDP2)**. We respectfully submit that the proposal **supports**, rather than conflicts with, the aims of NPF4 and LDP2, particularly in improving safety, accessibility, and the overall quality of the area.

### 2. Response to Reasons for Refusal

#### Refusal Point 1 – NPF4 Policy 14 (a), (b), (c)

The proposed vehicular access would not improve the quality of the area, would not result in a well-connected network, and would be detrimental to pedestrian safety.

#### Response:

The proposed dropped kerb would **remove two vehicles from on-street parking on a busy road**, reducing congestion and improving visibility for pedestrians and drivers alike. By relocating these vehicles onto private property, the proposal **enhances pedestrian safety**, particularly by improving sightlines and reducing instances of pedestrians navigating around parked cars.

Furthermore, the design of the access will use materials and finishes consistent with the surrounding public realm, ensuring the proposal integrates visually with the existing streetscape. This is consistent with the 'quality' and 'connected' characteristics of a successful place, as outlined in **NPF4 Policy 14**.

The proposal contributes to an improved sense of safety, order, and visual quality in the street scene — thereby supporting, rather than undermining, the objectives of Policy 14.

#### **Refusal Point 2 – NPF4 Policy 16 (g)(i)**

The proposed vehicular access would result in a detrimental impact on the surrounding area in respect of design and pedestrian safety.

##### **Response:**

The proposed design will be constructed to comply with **Perth and Kinross Council Roads Standards** and the **National Roads Development Guide**, ensuring appropriate visibility splays and a safe gradient.

The design incorporates a **clear pedestrian crossing point** and will retain an adequate footway width in accordance with guidance. The reduction of on-street parking demand directly **benefits pedestrian safety** by improving visibility and reducing vehicle manoeuvring on the carriageway.

Therefore, the proposal meets the design and safety criteria outlined in **NPF4 Policy 16(g)(i)**.

#### **Refusal Point 3 – NPF4 Policy 18 (b)**

The proposed vehicular access would result in a detrimental impact onto the infrastructure network.

##### **Response:**

On the contrary, the proposal will have a **positive impact** on the local infrastructure network. By removing two vehicles from the carriageway, the development will ease local congestion, reduce competition for limited parking spaces, and improve flow along the street — especially during peak periods.

This is consistent with **Policy 18(b)**, which supports development that makes efficient use of existing infrastructure and contributes to the effective operation of transport networks.

#### **Refusal Point 4 – LDP2 Policy 1A**

The proposed access would not create or improve a positive link to the public road.

##### **Response:**

The proposal creates a **direct, safe, and functional connection** between the private property and the existing public road network, designed in accordance with local standards. The introduction of a dropped kerb provides a clearly defined and formalised access, thereby improving the quality and safety of movement between the site and the public highway.

This is consistent with **Policy 1A**, which supports development that contributes positively to connectivity and accessibility.

#### **Refusal Point 5 – LDP2 Policy 1B (a) and (e)**

The proposed access would result in pedestrian safety issues at its access point.

##### **Response:**

The proposed access will retain sufficient footway width for pedestrian passage, and visibility splays will be maintained to ensure the safe interaction of pedestrians and vehicles. Additionally, by reducing on-street parking, the proposal will **reduce instances of pedestrians stepping out between parked cars**, thus enhancing visibility and safety for all users.

Accordingly, the design fully aligns with **Policy 1B**, which promotes safe movement and the creation of well-designed, pedestrian-friendly environments.

#### **Refusal Point 6 – LDP2 Policy 17 (c)**

The proposed vehicular access would not safeguard or improve safety in the immediate area.

##### **Response:**

The proposal **improves overall safety** by reducing congestion and on-street parking on a busy road, improving sightlines for both vehicles and pedestrians. The design of the access will meet current standards for visibility and gradient, safeguarding users of both the private access and public footway.

Therefore, it supports the intent of **Policy 17(c)** to enhance road safety and create safer, better-connected neighbourhoods.

#### **Refusal Point 7 – LDP2 Policy 60B**

The proposed vehicular access would not be designed for the safety of all potential users.

##### **Response:**

The proposed dropped kerb will be designed and constructed in accordance with current accessibility and roads standards, ensuring **safe and inclusive use** by pedestrians, cyclists, and drivers.

The proposal removes on-street obstructions and improves the flow and safety of movement for all users — consistent with the aims of **Policy 60B**.

### **Refusal Point 8 – National Roads Development Guide and Designing Streets**

#### **Response:**

The proposed access will adhere to the technical specifications set out in the **National Roads Development Guide** and principles from **Designing Streets**, ensuring that the design respects pedestrian priority, visual amenity, and safety.

The access has been designed to **minimise hard surfacing**, maintain pedestrian continuity, and integrate sympathetically into the existing street layout.

The drawings showing the visibility splay to both sides will be a positive change. It's breaking the building line, worth showing materials as fence or stone wall that could be seen at surrounding properties.

Approx. 185 High Street has a driveway exit with large wall.



Property approx. 194 High Street (below) shows a newer property hard up to an exit point, this looks like it serves multiple properties so should have wider visibility requirements.



With both properties there seems to be a precedent set for development within the confinements of an established older town centre location where street widths have been set for an extensive period of time.

There appears to be concerns for pedestrians seeing a vehicle exiting and also being seen by an exiting vehicle. It may be worth considering the diagram below from transport scotland.

In urban areas, a visibility splay should also be provided from a driveway to the footway to allow young children to be seen by the driver. This splay should be 2 metres by 2 metres from the driver's eye height of 1.05 metres to an object height of 0.6 metres above the rear of the footway, as shown in diagram 2.

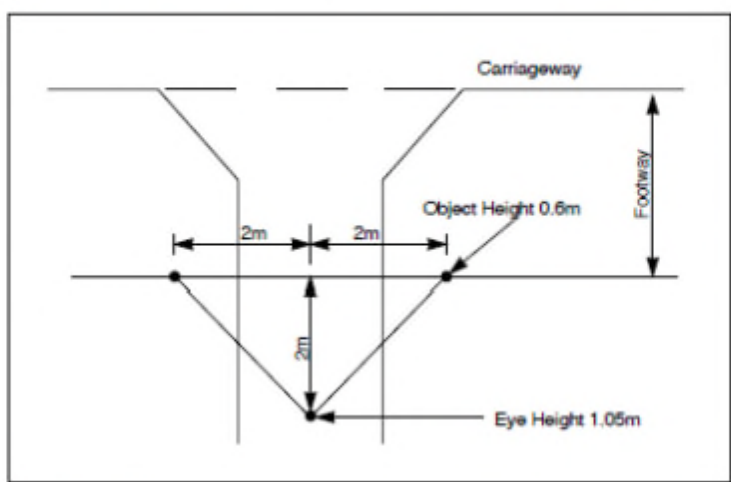


Diagram 2: Footway Visibility at access

The proposed new dropped kerbs will be opposite existing dropped kerbs offering additional crossing points that will increase connectivity for a range of pedestrians inc. wheelchair users, mobility scooters and prams.

The footpath will be reinstated to adoptable standard and will not reduce the safe use or connectivity currently enjoyed by users.

Policy 60B. We have revised the drawings to include an EV charger and the ability to charge an EV off street in private driveway. This would not be safe on-street. This will promote sustainable travel.

### 3. Summary and Conclusion

In summary, the proposed dropped kerb and off-street parking area will:

- Remove two vehicles from on-street parking, reducing congestion and improving traffic flow.
- Enhance pedestrian and road safety through improved visibility and reduced obstruction.
- Integrate visually and functionally with the existing street environment.
- Support the strategic aims of **NPF4** and **LDP2** in promoting safety, accessibility, and quality of place.

We would be grateful to chat this over and welcome you to visit the site and we can talk through any specific concerns you may have at the site or happy to have an informal chat by telephone if that's more convenient. My number is [REDACTED]

I also believe the fee payable is £143 for the appeal. Can you please confirm if this is correct.

Regards Holmes Cullen Developments Ltd

Craig Holmes

This message and the information it contains are confidential and may contain legally privileged information. Any unauthorised use, disclosure or copying of this email, or any information it contains, is strictly prohibited and may be unlawful. If you have received this email in error, please advise the sender immediately by using the reply facility in your email software and remove this email from your system. Email is not secure and can be intercepted and amended. We do not accept any liability for any changes to this email after it was sent or any viruses transmitted through this email or any attachment. It is your responsibility to scan attachments.