



Pullar House 35 Kinnoull Street Perth PH1 5GD Tel: 01738 475300 Email: [onlineapps@pkc.gov.uk](mailto: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 100755545-001

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: \*

Building Name:

Last Name: \*

Building Number:

Telephone Number: \*

Address 1 (Street): \*

Extension Number:

Address 2:

Mobile Number:

Town/City: \*

Fax Number:

Country: \*

Postcode: \*

Email Address: \*

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="Mr"/>       | You must enter a Building Name or Number, or both: * |   |
| Other Title:         | <input type="text"/>                  | Building Name:                                       | <input type="text" value="Dalvey"/>         |
| First Name: *        | <input type="text" value="John"/>     | Building Number:                                     | <input type="text"/>                        |
| Last Name: *         | <input type="text" value="Kane"/>     | Address 1 (Street): *                                | <input type="text" value="Lintibert Road"/> |
| Company/Organisation | <input type="text"/>                  | Address 2:   | <input type="text" value="Muthill"/>        |
| Telephone Number: *  | <input type="text"/>                  | Town/City: *   | <input type="text" value="Crieff"/>         |
| Extension Number:    | <input type="text"/>                  | Country: *   | <input type="text" value="Scotland"/>       |
| Mobile Number:       | <input type="text"/>                  | Postcode: *  | <input type="text" value="PH5 2AH"/>        |
| 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"/>                                   |
| Address 2:  | <input type="text"/>                                   |
| Address 3:  | <input type="text"/>                                   |
| Address 4:  | <input type="text"/>                                   |
| Address 5:  | <input type="text"/>                                   |
| Town/City/Settlement:   | <input type="text"/>                                   |
| Post Code:  | <input type="text"/>                                   |

Please identify/describe the location of the site or sites

|   |
|---|
| <input type="text" value="Land 40 Metres South of 104 Willoughby Street, Lintibert Road, Muthill, Crieff PH5 2AE"/> |
|---|

|          |                                     |         |                                     |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="716600"/> | Easting | <input type="text" value="286997"/> |
|----------|-------------------------------------|---------|-------------------------------------|

## 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 and garage.

## 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.

Please refer to submitted Statement of Reasons for Seeking Review.

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)

Statement of Reasons for Seeking Review.

## Application Details

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

25/01754/FLL

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

08/12/2025

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

25/02/2026

## 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

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

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site visit would allow members of the LRB to familiarise themselves with the characteristics of the site, access and surroundings.

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: Mrs Allie Arthur

Declaration Date: 22/05/2026

## Payment Details

Pay Direct

Created: 22/05/2026 16:34



154 High Street  
Newburgh. KY14 6DA

Tel: 01337 840088



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[info@asassociatesltd.co.uk](mailto:info@asassociatesltd.co.uk)

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## Perth & Kinross Council Local Review Body

### Statement of Reasons for Seeking Review

Application 25/01754/FLL

Erection of dwellinghouse and garage.

Land 40 Metres South of 104 Willoughby Street, Lintibert Road, Muthill, Crieff  
PH5 2AE

3611\_LRB Statement

May 2026

## 1.0 BACKGROUND

1.1 This local review is submitted on behalf of our client, Mr John Kane, in relation to the above planning consent, with a decision date of 25th February 2026 and specifically to Condition 4 of that consent, relating to pedestrian visibility splays.

1.2 Mr Kane is extremely concerned as compliance with this condition is not technically achievable. Further to contact with the Planning case officer he remains unclear and has not received an explanation of how Condition 4 can be achieved. In asking the Local Review Body to reconsider, and remove, Condition 4 he is seeking to ensure that the Council will not be in a position to pursue any future action in relation to breach of a condition.

1.3 With respect, Mr Kane requests that the Local Review Body give full consideration to his submission and remove Condition 4 of planning application (25/01754/FLL) for the reasons set out in this statement.

1.4 Condition 4 of the consent 25/001754/FLL states:

*Condition 4 - Prior to occupation of the development hereby approved, pedestrian visibility splays of 2.4mx2.4m shall be formed and no obstruction greater than 0.6m in height shall be permitted within the visibility splay envelope. The proposed 1.8-metre-high fence on the northern boundary shall be positioned and maintained so that it does not obstruct the required visibility splay and shall be a maximum height of 0.6 metres where it falls within the splay envelope. Thereafter, the pedestrian visibility splays should be maintained for the lifetime of the development. Reason - in the interest of road safety.*

1.5 The site previously received full planning permission, for a new dwellinghouse in January 2025 (24/01628/FLL). That proposal included a new dropped kerb vehicular access to the site from Lintibert Road. The formation of the new access into the site requires removing a section of the hedge that bounds the site to accommodate the width of the access. The hedge continues to the south, adjacent to the neighbouring property, Highfield. (as shown on the attached Plan extract) Two conditions were attached to that consent, to ensure road safety, in terms of relocating an existing street lighting cable and achieving an acceptable construction standard for the access. These were as follows:

*Condition 5 - Prior to commencement of development, the existing underground street lighting cable shall be lowered to a depth of 350mm under the extents of the proposed vehicle access on Lintibert Road Reason - in the interest of road safety.*

*Condition 6 - 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, of Type A Road construction detail. Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.*

**1.6 There was no condition attached to that consent requiring visibility splays to be achieved.**

The Council's Transport Planning consultation comments for that application stated '*Visibility from the proposed access will be suitable, as it mimics the other accesses on Lintibert Road*'. This advice was re-stated in the case officer's Report of Handling for the application. Images of accesses to neighbouring properties are attached to illustrate the local situation. The applicant highlights that the proposed access is significantly wider than these accesses and therefore will provide far greater pedestrian visibility even in the absence of visibility splays.

1.7 The applicant has received Vehicle Access Consent (VA10370), has submitted the required Notice of Initiation of Development relating to application 24/01628/FLL (January 2026) and the dropped kerb vehicle access has been formed, compliant with Conditions 5 and 6 of that consent. The timber fence bounding the site to the north, approved by application 24/01628/FLL, has also been erected.

1.8 The purpose of this application was simply to address the changes in the design of the proposed house and include a garage. The principle of the development (including the access arrangements) were established by the earlier application. Unfortunately, the altered comments from Transport Planning, have led the Planning case officer to add the condition, without proper regard to the earlier approval, the works carried out or the characteristics of the site.

**2.0 25/01754/FLL— PROPOSED DWELLINGHOUSE and GARAGE**

2.1 In February 2026, planning permission was granted for a further application on this site, submitted by our Client, revising the design of the original house and including a detached garage (application 25/01754/FLL).

2.2 The location and size of the proposed vehicular access remains the same. The delegated Report of Handling states that the vehicle access '*has already been formed as per prior planning consent 24/01628/FLL (VA consent: 10370)*'.

2.3 However, the Report of Handling then indicates that a condition should be imposed relating to achieving pedestrian visibility splays, resulting in Condition 4, as follows:

*Condition 4 - Prior to occupation of the development hereby approved, pedestrian visibility splays of 2.4mx2.4m shall be formed and no obstruction greater than 0.6m in height shall be permitted within the visibility splay envelope. The proposed 1.8-metre-high fence on the northern boundary shall be positioned and maintained so that it does not obstruct the required visibility splay and shall be a maximum height of 0.6 metres where it falls within the splay envelope. Thereafter, the pedestrian visibility splays should be maintained for the lifetime of the development. Reason – in the interest of road safety.*

2.4 The condition only refers to the proposed fence. It does not mention the existing hedge bordering the access in its requirements. It is unfortunate that the case officer did not discuss the imposition of the condition with the applicant prior to a decision on the application. Had this taken place the applicant would have been able to clarify the situation and advise that the condition is not competent.

2.5 Since the time of approval of the application the applicant has had correspondence with the case officer to seek advice on how to comply with the condition. It is clear that, even if technically achievable, part of the condition cannot be met as the land bounding the north edge of the site access is not within the applicant's control. However, there remains a lack of clarity in terms of what is required, given the confusing wording of the condition, the vague information provided as clarification and the characteristics of the site. The applicant is clear that the condition cannot be achieved and that it is unreasonable to apply the condition given that, as acknowledged by the case officer, the earlier application has been implemented. The applicant is now seeking to have Condition 4 removed for the reasons set out below.

### **3.0 REASONS FOR SEEKING REMOVAL OF CONDITION 4 OF APPLICATION 25/01754/FLL**

3.1 Scottish Government Planning Circular 4/1998: 'The Use of Conditions in Planning Permissions' states that planning conditions '*should only be imposed where they are:*

- *necessary*
- *relevant to planning*
- *relevant to the development to be permitted*
- *enforceable*
- *precise*
- *reasonable in all other respects*'.

3.2 The Circular highlights the role of pre-application discussion in setting out the requirements of conditions and taking account of the circumstances of the case. However, for whatever reasons, in this case, an unfortunate situation has arisen in relation to Condition 4. It clearly fails to fully meet the 'tests' for planning conditions and should not have been applied. Our client's case is set out below.

#### **'necessary'**

3.3 The condition was applied to the consent of 25/01754/FLL after the vehicle access was formed, following receipt of Vehicle Access Consent and the implementation of planning consent 24/01628/FLL. The Circular states '*In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed.*'

3.4 The condition is not needed in this respect as, also considering the test of ‘reasonableness’, an earlier consent had been implemented and the dropped kerb vehicle access formed. The earlier application had been approved without any condition. The principle of the development (including the access arrangements) had been established by the earlier application. That application could reasonably continue with its implementation and completion. The condition is not required to make the new application acceptable in planning terms.

3.5 Other accesses on Lintibert Road have similar arrangements, including neighbouring Highfield, bounded by the substantial continuous beech hedge on this side of the road and where there is also no pedestrian splay. Similarly, there is no pedestrian splay at the access to Oaktree Cottage on the west side of Lintibert Road, opposite Highfield, also bounded by a tall hedge. (see attached images). The case officer, in determining the earlier application noted the comments made by Transport Planning at that time, *‘Visibility from the proposed access will be suitable, as it mimics the other accesses on Lintibert Road’*. As previously mentioned, the access to this site is significantly wider than these other accesses, providing far greater pedestrian visibility and distance from the pavement edge to any vehicle, than these neighbouring properties. In effect this accounts for enhanced pedestrian visibility within the width of the access.

**‘enforceable’**

3.6 The condition is not enforceable. To achieve the required pedestrian visibility splay would require the lowering of the hedge to the north side of the vehicle access. This is not in the applicant’s ownership and therefore cannot be achieved, or enforced.

3.7 As noted above, it is not reasonable to expect the applicant to comply with the condition, given that landownership is an impediment. Any enforcement action, relating to non compliance with the condition, would likely fail as the requirements of the condition cannot be enforced.

**‘precise’**

3.8 The condition is not precise. It is unclear, further to several enquiries to the case officer, as to the actual dimensional requirements of the required visibility splay. The applicant has requested a scale drawing with reference points, to enable a diagram provided by Transport Planning to be applied to the drawing approved by the application. Although a diagram has been provided by Transport Planning it only shows a 2.4m x 2.4m triangular section to become the splay, adjacent to an example access point. There are no dimensions given for the width of that access point, or the distance from any vehicle entering/ leaving a property, and therefore how this could affect the splay. Also, it gives no information regarding achieving the splay in a situation, as in this case, where the land is sloping. The use of the condition fails to recognise the specific characteristics of this site and the proposal.

3.9 The condition refers to forming pedestrian visibility splays and specifically to the lowering of the proposed fence on the northern boundary (although this is in situ further to approval by the earlier

application). There is no mention of the hedge bounding the access or any need for it to be lowered. However, to achieve the visibility splay this would be required—and cannot be achieved.

3.10 The applicant is convinced of the imprecision of the condition. Further to his contact with the Council to clarify the situation and his genuine attempts to understand how to comply with its requirements, he remains lacking a clear understanding of how it can be achieved.

#### ***'reasonable in all other respects'***

3.11 The Circular states that *'particular care needs to be taken over conditions which require works to be carried out on land in which the application has no interest at the time when planning permission is granted.'* The applicant has no control over the land outwith his ownership and therefore the Council cannot be satisfied that the works can be carried out.

3.12 In other respects, it is unreasonable to impose the condition when an earlier application, for the same vehicle access, has been approved without the condition. The decision on the earlier application was within a year of this current consent. We are not aware that there has been any change to the Council's guidelines that would necessitate the condition. Rather, it appears that a different Transport Planning case officer has taken a different view on the proposal. The Planning case officer has then taken this forward in the condition, without seeking the agreement of the applicant and without regard to the permission that had already been implemented or the forming of the dropped kerb access.

## **4.0 CONCLUSION**

4.1 The applicant is diligent in seeking to comply with the terms of the planning consent but, despite further enquiry, cannot achieve compliance. The condition fails the recognised 'tests' for a condition as set out in Circular 4/1998.

4.2 With respect, the applicant requests that the Local Review Body remove Condition 4 from the approval of application 25/01754/FLL.



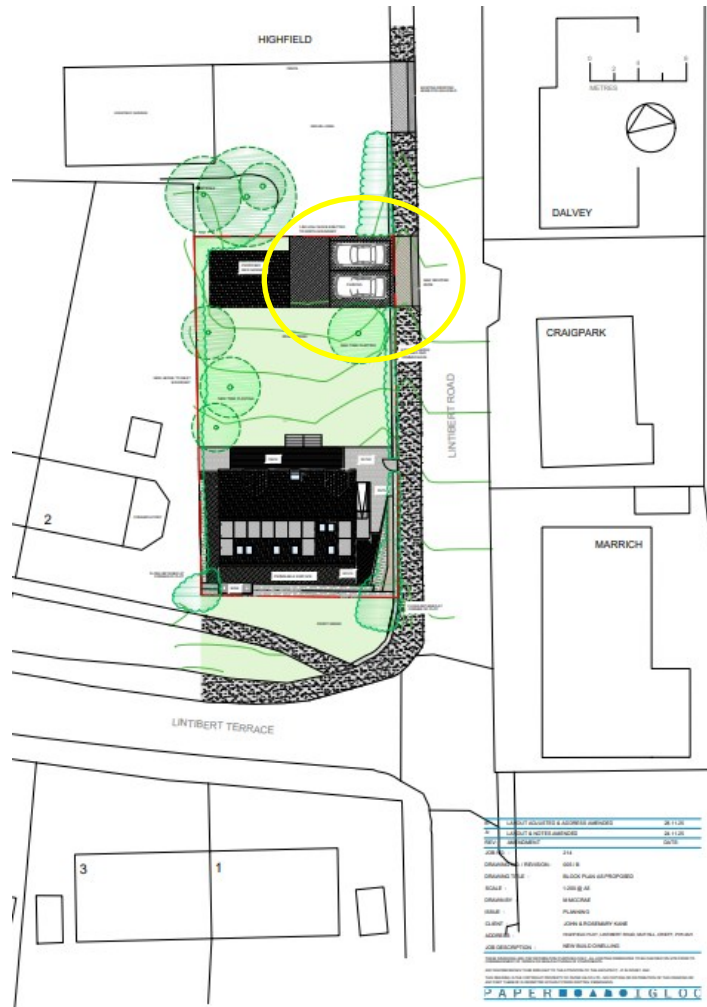
104 Willoughby Street/Lintibert Road, Muthill - Looking South



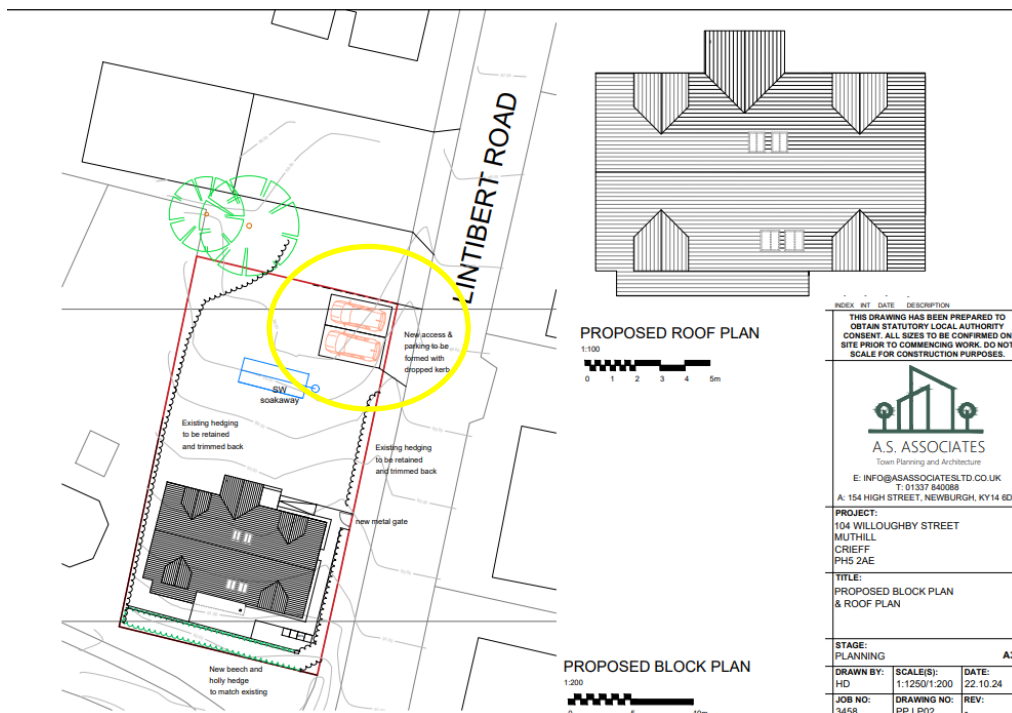
Access at Oaktree Cottage (west side of Lintibert Road)—narrow and with no lowered hedge/pedestrian splay.



Access at Highfield, neighbouring property to north. Narrower than proposed access for 25/01754/FLL. No lowered hedge or pedestrian splay.



25/01754/FLL Planning Application—  
Access location and width the same as the earlier application, below.



24/01628/FLL Planning Application—Access location indicated.  
Approved with no condition relating to pedestrian visibility splay.