

REPRESENTATIONS TO THE LOCAL REVIEW BODY

Application Reference: 25/01116/FLL

Site: Land 70 Metres West of Langdale, Perth Road, Blairgowrie PH10 6EN

Submitted by: Malcolm Robinson, resident of Blairgowrie

1. Introduction

1.1 These representations are submitted to assist the Local Review Body in the proper discharge of its statutory function under sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997.

The issue before the Review Body is not whether the proposal is commercially attractive or whether it would generate economic activity; the issue is whether planning permission should be granted having regard to the development plan and all other material considerations.

1.2 The appointed officer refused the application for two principal reasons: Conflict with NPF4 Policy 27(d); and Conflict with LDP2 Policy 15 in relation to Core Path BLAI/29.

Those refusal reasons remain properly founded on the evidence presently before the Review Body and remain capable of being upheld following its independent assessment.

1.3 The Report of Handling also identifies additional planning considerations and policy tensions which, although not carried forward as formal reasons for refusal, remain material to the Review Body's own assessment.

The Review Body is not confined to the wording of the refusal notice and is entitled to reach its own planning judgment on the complete evidence before it.

1.4 These representations do not repeat the detailed baseline matters contained within my original objection dated 28 August 2025, which remains part of the planning record.

Instead, this submission focuses on the key policy issues arising from the Report of Handling, the matters raised in the Notice of Review, and whether the applicant has demonstrated material considerations of sufficient weight to justify approval contrary to the development plan.

2. Statutory Framework

2.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 establishes the statutory starting point that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

Section 37(2) requires regard to be had to both the development plan and other material considerations.

2.2 Where a proposal conflicts with the development plan, the relevant question for the decision-maker is whether there are material considerations of sufficient weight to justify departing from that policy framework.

The existence of economic or community benefits does not, in itself, displace development plan policy. The weight to be given to such benefits depends upon their relevance, scale, and ability to address the identified policy conflicts.

In this case, the applicant has not demonstrated such circumstances.

3. NPF4 Policy 27(d)

3.1 NPF4 Policy 27(d) provides that drive-through developments will only be supported where they are specifically supported in the Local Development Plan.

This represents a clear policy requirement and is not a general presumption in favour of drive-through development.

3.2 The application site forms part of the MU5 allocation, which provides for housing, employment, and education-related development.

It does not identify this specific plot for a stand-alone drive-through restaurant.

The previous permission relating to this parcel was for a hotel use, which cannot be treated as establishing the acceptability of the current proposal.

3.3 The applicant's reliance on other permissions within the wider masterplan area does not establish specific policy support for this proposal.

The planning characteristics of a standard Class 3 café format are materially different from those of a high-volume, sui generis hot food takeaway operation, particularly in terms of operational intensity, traffic turnover, servicing requirements and potential amenity impacts.

The current application must therefore be assessed on its own planning characteristics, including traffic generation, operational intensity, delivery activity, litter implications and its relationship with surrounding land uses.

3.4 Accordingly, the proposal remains unsupported by the specific policy basis required by NPF4 Policy 27(d).

4. LDP2 Policy 15: Core Path BLAI/29

4.1 The second refusal reason relates to Core Path BLAI/29 and the protection of the public access network under LDP2 Policy 15.

The Report of Handling records that the diversion arrangement has not yet taken legal effect in the absence of the required constructed replacement route.

4.2 The relevant issue is not simply whether physical works have taken place on site, but whether the approved diversion has been lawfully implemented such that the existing route has ceased to require protection under the development plan.

The evidence presently before the Review Body does not clearly demonstrate that this position has been reached.

4.3 Similarly, the evidence does not clearly demonstrate that all relevant preconditions associated with the MU5 development phases have been satisfied so as to trigger the effectiveness of the diversion.

The refusal reason under LDP2 Policy 15 therefore remains capable of being sustained.

5. NPF4 Policy 27(b): Sequential Assessment

5.1 The sequential assessment is a central issue because it concerns the application of the Town Centre First principle.

The applicant's case relies substantially on commercial requirements and operational preferences; however, commercial convenience is not equivalent to planning suitability.

5.2 The former Commercial Street site appears to have been discounted principally because the existing landlord preferred to retain the building and would not support a McDonald's occupation.

That is a commercial consideration; it does not, without further planning analysis, demonstrate that the site was unavailable or unsuitable for the purposes of the sequential assessment.

This is reinforced by the Blairgowrie & Rattray Local Place Plan 2025–2035, which the Report of Handling itself records as expressing the community's aspiration for that same site to become "a local indoor market/crafters space, indoor entertainment space, bowling or sports centre." That is evidence of a continuing, community-led interest in the site being retained for town centre use, and it sits uneasily with treating the site as unavailable on the strength of one landlord's stated preference alone.

5.3 The purpose of the sequential assessment is to establish whether town centre options have genuinely been examined and discounted on planning grounds.

It is not intended to validate an operator's preferred commercial model.

5.4 The Review Body is therefore entitled to scrutinise whether the sequential exercise demonstrated genuine planning flexibility or whether it primarily reflected the requirements of the proposed operator.

6. NPF4 Policies 27(c), 13 and 15

6.1 The Development Plan Team **objected with reference to NPF4 Policy 27(c)**, including concerns regarding the proposal's location in close proximity to schools and its failure to support a town centre location. The application site lies approximately 170 metres from Blairgowrie Community Campus and the principal pedestrian and drop-off routes serving Newhill Primary School. Those routes are used daily by primary and secondary pupils during concentrated arrival and departure periods.

The Report of Handling also records concerns regarding increased car-based travel and the relationship of the proposal with local living objectives. On this point, the Report of Handling does not merely identify a general risk: it records that the proposal "would likely significantly encourage customers who live within walking distance to drive rather than walk/cycle," that it would attract car journeys "from a larger catchment," and that it would risk **"drawing trade away from existing/sustainable locations."** These are findings made by the appointed officer and are material considerations for the Review Body's assessment.

6.2 These matters form part of the planning assessment and remain **material considerations** for the Review Body when undertaking its own planning balance. They reinforce the wider policy tension between the proposed location and the objectives of NPF4 relating to sustainable travel, local living, reducing unnecessary reliance on private car journeys, and the siting of hot food takeaway development in close proximity to schools. These matters are directly relevant to the planning balance because they concern whether the location and form of development align with the spatial strategy promoted by the development plan.

7. Economic Benefits

7.1 The applicant's economic case relies heavily upon gross benefits, including employment, investment, GVA, and business rates.

However, gross economic activity is not necessarily equivalent to additional economic benefit.

7.2 The relevant planning question is whether the proposal creates genuinely additional local economic value or whether it primarily redistributes existing expenditure.

A development which captures existing spending from Blairgowrie town centre may generate private commercial benefit without delivering equivalent net local economic gain.

7.3 The applicant has not demonstrated that the claimed benefits are sufficiently additional, location-specific, and substantial to outweigh the identified development plan conflicts.

8. Matters Raised by the Applicant

8.1 The Notice of Review is likely to rely upon the absence of technical objections and the supporting consultant evidence submitted on behalf of the applicant.

Those matters are relevant but do not determine the planning balance.

8.2 The absence of technical objection does not resolve the identified policy conflicts.

The statutory question remains whether the proposal accords with the development plan and, if not, whether material considerations justify departure.

8.3 Similarly, previous permissions within the wider masterplan area do not establish the acceptability of this materially different proposal.

8.4 To the extent that the applicant relies on the raw volume of public submissions to assert local support, the Review Body should consider the planning weight to be attached to those submissions.

Representations which primarily express general support for the proposal, rather than identifying planning considerations capable of addressing the development plan conflicts, should carry limited weight in the planning balance.

The matters raised in the original representations regarding the nature of those submissions remain on the case file.

9. Conclusion

9.1 The proposal presents clear tensions with identified development plan policies.

The applicant has not demonstrated material considerations of sufficient weight to justify approval contrary to that policy framework.

9.2 The delegated decision was properly founded on the evidence available at that stage.

The Review Body should now undertake its own assessment of the full planning balance, including the additional policy considerations identified within the Report of Handling.

In undertaking that assessment, the Review Body is entitled to attach such weight as it considers appropriate to the Development Plan Team's concerns regarding the proposal's proximity to schools, notwithstanding that those concerns were not ultimately reflected as a standalone reason for refusal.

9.3 For the reasons set out above, the Local Review Body is respectfully invited to dismiss the Notice of Review and uphold the Council's refusal of planning permission.

Submitted by:

Malcolm Robinson
Resident of Blairgowrie

Date: Wednesday 8th July, 2026