



Banff & Buchan Area Committee Report – 20 August 2019

Reference No: APP/2019/1265

Planning Permission in Principle for Erection of Dwellinghouse at Land to North of Headroom House, Fraserburgh, Aberdeenshire

Applicant:
Agent:

Mr & Mrs J Gibb
Andrew Patterson

Grid Ref:	E:395720 N:865473
Ward No. and Name:	W02 Troup
Application Type:	Planning Permission in Principle
Representations:	0
Consultations:	3
Relevant Proposals Map:	Aberdeenshire Local Development Plan 2017
Designations:	Rural Housing Market Area, Countryside
Complies with Development Plans:	No
Main Recommendation:	Refuse



NOT TO SCALE

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1. Reason for Report

1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.

- Cllr. Mark Findlater: "To consider further the policy issues in this case"
- Cllr. Ross Cassie: "Refer to Area Committee to further discuss the reasons for refusal"

1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

2.1 Planning Permission in Principle is sought for erection of a dwellinghouse on land to north of Headroom House, Fraserburgh.

2.2 The proposed site is located in the countryside approximately 2.5km to the west of the settlement boundary of Fraserburgh. The site lies on open arable land with gentle slopes downwards from south to north and covers approximately 1.1 ha in area, with approximately 200m in length along the road and 54m in width into the field. A site layout plan is attached as **Appendix 1**.

2.3 The site is bounded to the north and west by the remaining land belonging to the applicants, to the east by an existing post and wire fence coupled with drystone wall along an unclassified public single track road, and to the south by an existing residential property—Max Headroom. An existing farm gate is situated near the northern boundary of the site. Two further dwellings—Headroom House and Headroom Steading are located to the southwest of the site boundary.

2.4 Design details of the proposed house are not required at this stage since this application is for planning permission in principle, although the submitted plan shows an indicative location for foul and surface water drainage. The proposed development would be accessed directly from the public track with sufficient visibility splays provided. The proposed house would be connected to a public water supply and individual private drainage systems including a septic tank and soakaway for foul water and surface water. The development would be enclosed by a post and wire fence.

2.5 The proposal is accompanied by a design statement provided by the agent stating that the proposed house would be an addition to a cohesive group of houses in the area.

2.6 The current application is identical to a previous application proposal submitted in 2018, which was refused planning permission in principle under the delegated powers in March 2018 (APP/2018/0051).

2.7 Relevant Planning History

APP/2018/0051

Planning Permission in Principle for Erection of Dwellinghouse at Land at Headroom, Fraserburgh, refused 09 March 2018

Applications attempting to add to existing grouping of houses:

APP/2016/2831

Planning Permission in Principle for Erection of Dwellinghouse at Land Adjacent to Headroom Steading, Fraserburgh, refused 13 Dec 2016

APP/2017/1277

Planning Permission in Principle for Erection of Dwellinghouse at Land At Burnthill, Fraserburgh, refused 14 Jul 2017

2.8 Supporting Information

Design Statement [by North East Plans]

Certificate for Proposed Foul Water Subsurface Soakaway [4 Dec 2017, by Rubislaw Engineering (Consulting Engineers)]

2.9 Variations & Amendments

Amended plans showing land under the ownership of the applicants

01 A

02 A

03 A

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Business Services (Developer Obligations)** confirm that Sandhaven Primary School and Fraserburgh Academy are currently operating within capacity. The proposed development does not engage the Developer Obligations and Affordable Housing policies or associated supplementary planning guidance of the Aberdeenshire Local Development Plan 2017. Therefore, in this instance no contributions are required.

4.2 **Infrastructure Services (Roads Development)** have no objection to the proposal subject to conditions.

4.3 **Scottish Water** have no objection to the proposal.

5. **Relevant Planning Policies**

5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Strategic Development Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

5.3 Aberdeenshire Local Development Plan 2017

Policy R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout, siting and design

Policy C1 Using resources in buildings

Policy RD1 Providing suitable services

Policy RD2 Developers' obligations

5.4 Other Material Considerations

N/A

6. Discussion

6.1 The main planning issues to be considered in this application are the principle of development, the layout, siting, and design, as well as access and servicing of the development.

Principle of development

6.2 The proposed site is situated in the countryside. Policy R2 Housing and employment development elsewhere in the countryside aims to restrict development proposals in the countryside area outwith the Aberdeen greenbelt and coastal zone to small-scale development that would meet one of the criteria under Policy R2 (subject to other policies) as follows:

- Be appropriate in the greenbelt (see Policy R1: Special rural areas);
- Extension, refurbishment or replacement, on the same site, of an existing house or disused building;
- Sensitive restoration, conversion or extension of a vernacular building or other building of architectural merit;
- Remediation of redundant brownfield land opportunities;
- Accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry which is appropriate to the countryside and where the presence of a worker is essential to the operation of the enterprise and there is no suitable alternative residential accommodation available;
- Small scale growth of identified settlements (Appendix 4), by addition of groups of up to 3 houses within 200m of a settlement boundary with a cap of no more than an additional 20% growth of the settlement, and up to a maximum of 10 new homes;
- Small scale addition to an existing cluster or group of at least five houses with a cap of no more than an additional 20% growth of the cluster, and up to a maximum of 2 new homes;
- Single home for the retirement succession of a viable farm holding;

- Small scale employment proposals in the rural housing market area.

6.3 The development site is situated in the countryside currently for agricultural use. The proposal is not for an employment development. There are no existing houses or disused buildings within the site to be converted or replaced.

Small scale addition to existing cluster or group of at least five houses

6.4 In planning terms, a cluster or group of houses are regarded as to be “connected” to one another through built form or mature landscape features in its pattern of development. The property boundaries of the existing houses should be well established. There should be a clear sense of place felt within the cluster or group. Sites for development must be directly related to the existing houses within the group or “infill”, where appropriate, between properties and upon completion will further strengthen the perception of the cluster or group being connected in some way.

6.5 There are no existing houses which can form an existing cluster or group of at least five houses in the vicinity of the proposed site. There is only one dwelling (Max Headroom) situated immediately adjacent to the site. Two other houses (Headroom House and Headroom Steading) are located more than 60m from the site and Max Headroom. The agent has submitted a plan indicating five existing houses in the vicinity, which the agent feels qualify as a cohesive group, those being Max Headroom, Headroom House, Headroom Steading, Torlundy House and Broomhill Lodge. Upon closer inspection, these properties are too sparsely spread, with significant gaps between them (Torlundy House is approx. 125m and Broomhill Lodge is approx. 175m to Max Headroom; approx. 115m and 215m from these two properties to Headroom House respectively), thus prohibit them from being considered as a cohesive group.

6.6 This is a similar stance taken at the previous applications APP/2016/2831 and APP/2017/1277, both of which attempted to add a new dwelling to the western side of the alleged grouping identified by the agent of the current application. It was confirmed as part of the assessment that the cluster of existing houses did not qualify as a cohesive group.

6.7 Therefore, the proposed development fails to meet the policy criterion.

Agricultural need justification
& retirement succession of a viable farm holding

6.8 The applicants own the agricultural land immediately adjacent to the application site. No “need justification” has been submitted to support the proposal for this countryside location, e.g. the need for a house for a full time worker essential for on-site operation of an enterprise which is in itself appropriate to the countryside. No reference is made in the application to the retirement succession as a need for a dwellinghouse.

Small scale growth of small settlement

- 6.9 The proposed site is located approx. 4.2km to the northeast of Tyrie. In relation to the policy allowing for development that contributes to the growth of an identified settlement in the Appendix 4, Tyrie is identified in the ALDP Appendix 4, but it is far beyond the 200m distance from the site. Therefore, the proposal does not meet this criterion.

In the view of the Planning Service, the proposed development fails to meet any of the criteria contained within the Policy R2. Therefore, the proposal is in principle unacceptable.

Layout Siting and Design

- 6.10 Policy P1 Layout, siting and design only supports development designs that demonstrate the six qualities of successful places, which includes that it is distinctive; safe and pleasant; welcoming; adaptable; efficient and well connected.
- 6.11 No details of the design and siting of the proposed dwelling have been provided at this planning permission in principle stage, apart from an indicative layout plan with approximate location of foul and surface water drainage systems. There is one existing residential property situated immediately to the south of the site. Given the size of the plot and the location of the site being immediately adjacent to the public road, it is unlikely that the new development would have an adverse impact on the residential amenity of the area. Nonetheless, house design details would be assessed at a later stage when a subsequent application is submitted.
- 6.12 The proposed site covers approximately 1.1 ha with 200m in length and 54m in width. The Planning service would discourage a site of this size, which is deemed to be far in excess of what is currently observed in adjacent properties and what is typically required for a single house, even in a countryside location. The overall scale of the site is out of keeping with the existing development pattern in the immediate area. It is therefore deemed that the proposed development is contrary to Policy P1 Layout, siting and design.

Access and Servicing

- 6.13 Regarding the vehicular accesses and parking spaces, the Infrastructure Services (Roads Development) have no objection to the proposed development. There is no indication that visibility splays cannot be achieved at the site access to the public road. Scottish Water have no objection to the proposal. A drainage certificate has been provided by a civil engineer, which demonstrates that the new development would be adequately serviced. Therefore, the infrastructure provision for the proposal is considered sufficient. Accordingly, the proposal complies with Policy RD1 Providing suitable services.

Other issues

- 6.14 In terms of Developer Contributions, Business Services (Developer Obligations) have confirmed that no contributions are required for this proposal. Therefore, the proposal is deemed to comply with Policy RD2 Developers obligations.
- 6.15 In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Conclusion

- 6.16 In conclusion, notwithstanding that the proposal complies with a number of policies, the principle of the development is considered unacceptable. The proposed development fails to comply with R2 Housing and employment development elsewhere in the countryside and Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017.
- 6.17 The Planning Service therefore is unable to support this application, and accordingly refusal is recommended.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community

8. Implications and Risk

- 8.1 An equality impact assessment is not required because the granting or refusing of the application will not have a detrimental impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

9. Sustainability Implications

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

N/A

10.2 Local Development Plan Departures

Policy R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout, siting and design

10.3 The application is a Departure from the valid Local Development Plan and Strategic Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.

10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

11. Recommendation

11.1 **REFUSE for the following reasons:-**

01. The proposed development is contrary to Policy R2 Housing and employment development elsewhere in the countryside, as contained in the Aberdeenshire Local Development Plan 2017, as the proposed dwelling house fails to meet the criteria set out in the policy, in that:

- a) It is not of a type that would be permissible in the green belt;
- b) It does not contribute to the growth of a settlement identified in Appendix 4;
- c) It is not associated with the retirement succession of a viable farm holding;
- d) It is not for the refurbishment or replacement of an existing or disused building, or remediation of redundant brownfield land opportunities;
- e) It is not an employment development proposal;
- f) It is not an appropriate addition to a cluster or group of at least 5 houses.

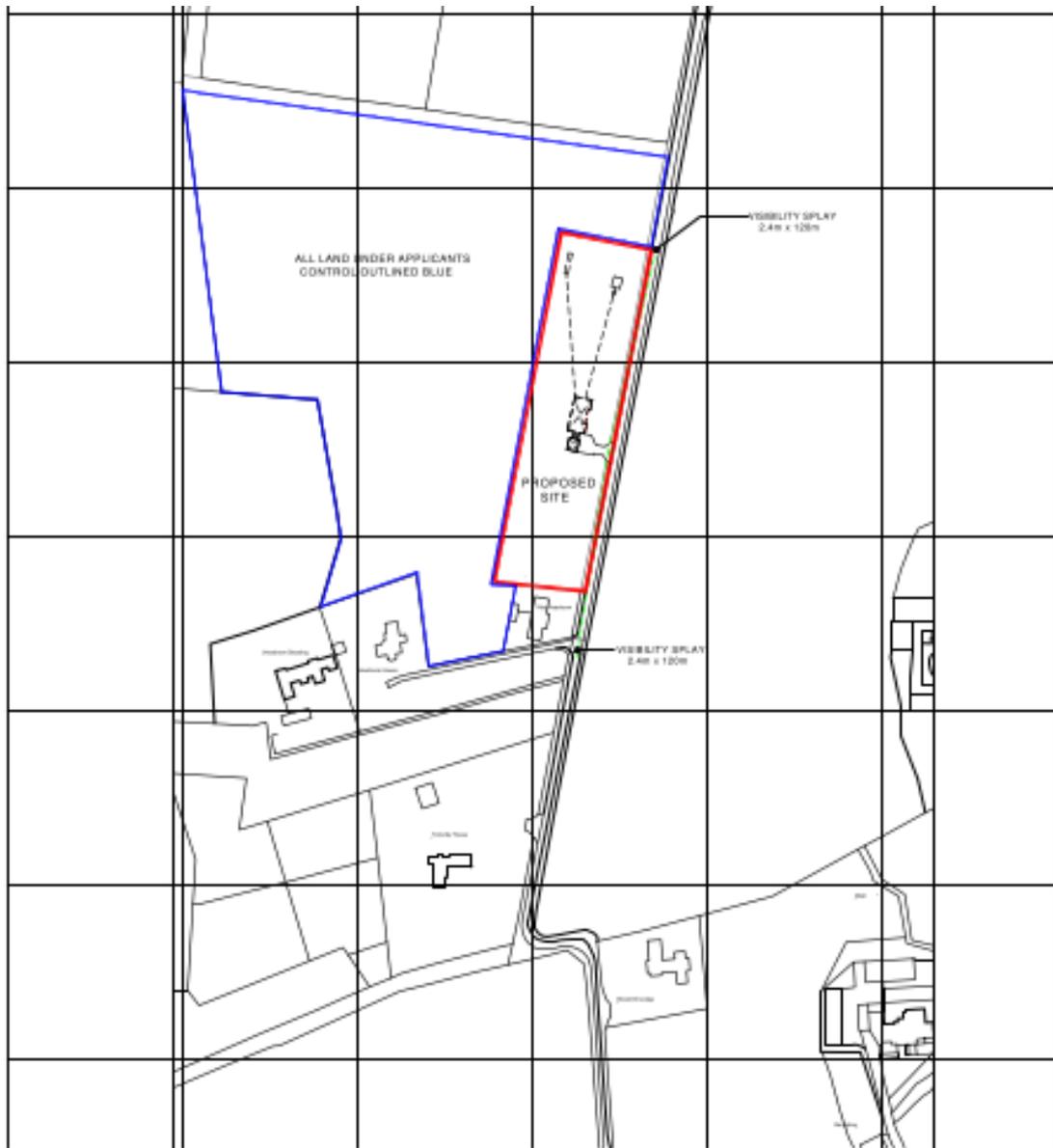
02. The proposed development is contrary to Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017, in that it is deemed the size of the proposed site is well in excess of what is required for a single house and is out of keeping with the existing pattern of development in the immediate area in terms of overall scale.

Stephen Archer
Director of Infrastructure Services
Author of Report: Timothy Xu
Report Date: 26 July 2019



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APPENDIX 1 Site Plan



SITE LOCATION PLAN 1:1250