

APPEAL DECISION (LRB)
Appeal Reference
LRB 377
Planning Reference
APP/2017/3466
Planning Proposal
Full Planning Permission for Erection of Dwellinghouse with Integral Garage at Land to North West of Bridgend Farmhouse, Turriff
Summary of Decision
<p>The Local Review Body (LRB) agreed with the decision made by the Planning Service to refuse planning permission and therefore the appeal was dismissed. The planning policy references were amended to reflect that contained within the adopted Aberdeenshire Local Development Plan 2017.</p> <p>The main determining issue in the review was whether or not the proposal complied with the policy criteria that would normally apply to the erection of new development in the countryside, whether the proposed layout, siting and design was considered acceptable and if there would be any impact on amenity or on the landscape character of the area.</p> <p>The LRB noted that there were previous refusal of similar proposals (Application References APP/2016/2191 and APP/2008/2418).</p> <p>It was clear to the members of the LRB that the application site was located adjacent, but outwith the settlement boundary of Turriff and there are 4 existing properties therefore an appropriate addition to an existing cohesive group of 5 dwellinghouses was not applicable in this instance. Furthermore, it was clarified that Turriff was not a small scale settlement (identified in Appendix 4) therefore the proposal was not within 200 metres of such a settlement. It was agreed that the proposed siting and design of the dwellinghouse would generally fit in with the other neighbouring properties and there would be no amenity, landscape character or access and servicing issues raised by the proposed development.</p> <p>In terms of material considerations, the LRB noted that the potential footpath link to Turriff had not formed part of the application and could therefore not be considered as part of the application.</p> <p>In this case the LRB resolved to uphold the second reason for refusal subject to the planning policy reference being amended to reflect that contained within the now adopted Aberdeenshire Local Development Plan</p>

2017. The first reason was deleted as that reason refers to the now superseded Aberdeenshire Local Development Plan 2012.

Policy Issues

The proposal is contrary to: -

Policy R2 Housing and employment development elsewhere in the countryside.

Additional Points

None

Actions

No actions required given no breach of planning has taken place.

Note Decision

Refuse Full Planning Permission

Other

None



Aberdeenshire Council Local Review Body

Reference LRB 377 APP/2016/3466

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Land to the North West of Bridgend Farmhouse, Turriff
- Application for review by Mr Alan Davidson c/o John Wink Design against the decision by an Appointed Officer
- Application reference APP/2016/3466 for full planning permission for erection of dwellinghouse with integral garage refused by decision notice dated 3 April 2017.
- Application drawings: Site & Location Plan @ NTS & 1/1250 scale (drawing no. 1222-SLP); Site Plan and Proposed Floor Plan @ 1/500 scale and 1/50 scale (drawing no. 122-020 A) and Proposed Elevations @1/100 scale (Drawing no. 1222-021).
- No site inspection took place

Date of Decision: 15 August, 2017

Decision

The Local Review Body (LRB) agrees in part with the determination reviewed by it and refuses Full Planning Permission in accordance with the Appointed Officer's decision, subject to the deletion of the 1st reason for refusal as that reason refers to the now superseded Aberdeenshire Local Development Plan 2012, and the 2nd reason for refusal being amended to reflect that contained within the adopted Aberdeenshire Local Development Plan 2017.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The LRB reviewed the determination of the above application for planning permission at its meeting held on 28 July 2017. The LRB was attended by Councillors P K Johnston (Chair), R Cassie, J Ingram, J Hutchison and A Ross.

1.3 The LRB was shown projected plans and photographs by the Planning Adviser. These showed the application site and its relationship to the surroundings.

1.4 The LRB agreed that there was sufficient information before it to consider the Notice of Review and that no further information was required.

2.0 Proposal

2.1 The proposal seeks full planning permission for the erection of a dwellinghouse on land to northwest of Bridgend Farmhouse, Turriff. The site is located approximately 25 metres south of the settlement of Turriff.

2.2 Deveron Lodge Guesthouse lies to the north, large private garden ground to the east, Dunmohr to the south and agricultural fields lie to the west. There are small level changes within the site. Bridgend Farmhouse which is 'C' listed is located approximately 55 metres to the south east of the application site.

2.3 It is proposed to erect a single storey detached dwellinghouse with an integral garage. The footprint would be approximately 247m² and the proposed height of the dwellinghouse would be approximately 5.9 metres. It would be finished in wet dash render, natural stone to be featured on the porch, dark grey aluminium faced timber windows and a slate roof.

2.4 Access would be formed off the existing shared access from the public road to the east. It is proposed to connect to the public water supply and the public drainage network.

2.5 A design statement and supporting statement had been submitted in support of the application.

2.6 In terms of planning history there were previous refusals of similar proposals under application references (2016/2191) & (2008/2418).

3.0 Reasoning

3.1 The main determining issues in this review was whether the principle of the proposal was considered to meet with any of the criteria set out in the development in the countryside policy, whether the design and scale of the proposed development is in keeping with the surrounding area and whether there would be any impact on amenity or on the landscape character of the area.

3.2 The LRB noted that on 17 April 2017, the Aberdeenshire Local Development Plan 2012 had been replaced by the adopted Aberdeenshire Local Development Plan (ALDP) 2017. As such the ALDP 2017 now forms the basis for decision-making even though the

original decision notice refers in part to policies from the now superseded 2012 plan.

- 3.3 The LRB therefore agreed that the relevant policies contained in the adopted ALDP 2017 were as follows:

Policy P1 – Layout, siting and design;

Policy R2 – Housing and business development elsewhere in the countryside;

Policy C1 - Using resources in buildings;

Policy RD1- Providing suitable services;

Policy RD2 - Developers' obligations;

Policy E1 - Natural heritage; and

Policy E2 - Landscape

- 3.4 The agent had requested that the Review be undertaken on the basis of an assessment of the review documents only. The LRB gave consideration as to whether a site inspection would be helpful but agreed that this was unnecessary in light of the well-defined issues that had been presented in the Notice of Review paperwork, coupled with the Planning Adviser's presentation and series of photographs.
- 3.5 It was clear to the LRB that the proposed site was located adjacent to but outwith the defined settlement boundary of Turriff as identified in the ALDP 2017. Accordingly, the principle of the development requires to be assessed against Policy R2 - Housing and business development elsewhere in the countryside. In terms of the relevant criteria it was also noted that this site was located within the Rural Housing Market Area (RHMA) and as such support can be given to proposals if it is an appropriate addition in scale and character to an existing cohesive group of at least 5 houses. In this case the LRB considered that it was clear from the Applicant's submissions and the assessment contained in the Appointed Officer's Report of Handling that there were only 4 existing properties within the cohesive group (to the south of the site) and that the 5th house was located (to the north) within the Turriff settlement boundary rather than within the cohesive grouping. The settlement boundary line separates the existing cluster of 4 houses to the south from the housing located within Turriff to the north and this proposal would therefore effectively lead to an extension of the settlement boundary.
- 3.6 When examining the other criteria of Policy R2 the LRB also gave consideration to whether the proposal was located within 200m of an identified small-scale settlement as listed in Appendix 4 of ALDP2017.

In response to questions, the Planning Adviser confirmed that Turriff was not defined as one of the small-scale settlements listed under Appendix 4 and no other settlement listed under Appendix 4 was located within 200 m of the proposed site. As such the LRB agreed that the principle of the development could not be supported as it failed to comply with any of the qualifying criteria specified in Policy R2 of the ALDP 2017.

- 3.7 The LRB agreed that the proposed siting and design of the house would generally fit in with the other neighbouring properties (in accordance with Policy P1 of the ALDP 2017) and no amenity, landscape character or access and servicing issues were likely to be raised by the proposed development.
- 3.8 In terms of other material considerations the LRB noted that the potential footpath link to Turriff to be located alongside the site had not formed part of the application. Although further plans had been submitted by the agent during the consideration of the application to confirm that the applicant owned the agricultural field to the west of the application site, no further details of the proposed footpath link had been provided and the LRB considered that if this had been a firm commitment by the applicant then it should have formed part of the formal application submission.
- 3.9 In the circumstances, and in the absence of any over-riding material considerations, the LRB resolved to uphold the 2nd reason for refusal subject to the planning policy reference being amended to reflect that contained within the now adopted Aberdeenshire Local Development Plan 2017.

4.0 Reason for refusal

- 1 The proposed development is contrary to Policy R2: Housing and business development elsewhere in the countryside, of the adopted Aberdeenshire Local Development Plan 2017 as the proposal would not be an appropriate addition to an existing cluster of at least five houses.

Karen Wiles
Head of Legal and Governance