

APPEAL DECISION (LRB)
Appeal Reference
LRB 380 M/APP/2017/0741
Planning Reference
APP/2017/0741
Planning Proposal
Full planning permission for erection of dwellinghouse including formation of access.
Summary of Decision
<p>The Local Review Body (LRB) agrees with the Planning Service's determination and refuses Full Planning Permission.</p> <p>The main determining issue for the review was whether the proposal was in accordance with the policy criteria that would normally apply to the erection of new development in the countryside which is the Rural Housing Market Area (RHMA) and whether the proposal could meet with the <i>'small scale addition to an existing cluster or group of at least 5 houses which is of a scale and character that is in keeping with that cluster or group'</i> as specified in Policy R2 Housing and employment development in the countryside of the Aberdeenshire Local Development Plan (ALDP) 2017.</p> <p>The LRB concludes that while the approval of the proposal could lead to a formation of a cluster, an existing cluster of 5 houses does not exist at present due to the separation of 4 houses (Wester Ford, The Chaumer, Ford of Clatt and Silverford) located to the south east and a single house (Viewfield) located to the north west. The distance between these houses is considered to be too great and not cohesive. Furthermore, it was not demonstrated that the site could be satisfactorily drained in relation to foul and surface water in accordance with RD1 Providing suitable services of the ALDP 2017.</p> <p>Therefore, it was considered that the principle of the development could not be supported as it failed to comply with the criteria outlined in Policy R2 of the ALDP 2017 and that insufficient information had been provided to demonstrate that the site can be satisfactorily drained contrary to Policy RD1 of the ALDP 2017.</p>
Policy Issues
None.
Additional Points

None.
Actions None
Note Decision Refuse Full Planning Permission
Other None

Aberdeenshire Council Local Review Body

Reference LRB 380 APP/2017/0741

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Silverford, Clatt, Huntly.
- Application for review by Ms Carol Bristow c/o John Wink Design against the decision by an appointed officer.
- Application reference APP/2017/0741 for planning permission in principle for the erection of a dwellinghouse including formation of access refused by decision notice dated 22 May 2017.
- Application drawings: Site & Location Plans @ NTS, 1/1250 & 1/500 scale
- No site inspection took place

Date of Decision: 15 August, 2017

Decision

The Local Review Body (LRB) agrees with the determination reviewed by it and refuses Planning Permission in Principle in accordance with the Appointed Officer's decision.

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 Hutchison and J Ingram 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 application and that no further information was required.

2.0 Proposal

- 2.1 Planning permission in principle is sought for the erection of a dwellinghouse and formation of access at land at Silverford, Clatt, Huntly. The site sits in a rural location to the south east of Clatt and has a total area of 8765m². There are 4 neighbouring properties to the south east and 1 property to the northwest which is located on the opposite side of the public road. The site is bound by an existing tree line and some mature hedging to the south east and south west.
- 2.2 The submitted plan outlines that access is to be taken from the private road to the south east. The proposed dwellinghouse is indicatively shown positioned in the centre of the site. An indicative footprint of the proposed dwellinghouse has been shown on the plan which measures approx. 159m². In terms of drainage, no drainage tests have been provided, however drainage arrangements have been shown indicatively on the site plan.
- 2.3 A pre-application enquiry in April 2016 (ENQ/2016/0682) had advised that the proposal did not form part of a cohesive group.
- 2.4 A supporting statement had accompanied the application.

3 Reasoning

- 3.1 The main determining issues in this review was whether the proposal was in accordance with the policy criteria that would normally apply to the erection of new development in the countryside which in this case is the Rural Housing Market Area (RHMA).
- 3.2 The LRB agreed that the Appointed Officer had identified the relevant Aberdeenshire Local Development Plan 2017 (ADLP) policies (page 498 of agenda papers) and these were as follows:

Policy R2 – Housing and employment development in the countryside;

Policy P1 - Layout, Siting and Design;

Policy E2 – Landscape;

Policy RD1 – Providing suitable services; and

Policy RD2 – Developer's obligations.
- 3.3 The LRB gave consideration as to whether a site inspection or further information 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.

- 3.4 As the site lies within the RHMA, in this case the LRB considered that it was clear from the Applicants submission and the assessment contained in the Appointed Officer's Report of Handling that the key consideration was whether the proposal could meet with the '*small scale addition to an existing cluster or group of at least 5 houses which is of a scale and character that is in keeping with that cluster or group*' category as specified in Policy R2 of ALDP 2017.
- 3.5 During discussion, the LRB shared the view that approval of the proposal could possibly lead to the creation of a cohesive group/cluster but that an existing cluster of 5 houses does not exist at the current time due to the separation distance between the group of 4 houses located to the south east containing Wester Ford, The Chaumer, Ford of Clatt and Silverford and the property known as Viewfield which is located to the north west and which is considered to be too great and not cohesive.
- 3.6 The LRB considered that the existing properties are too spread out to be reasonably viewed as forming an existing cohesive group/cluster of houses and that the proposed site did not represent an 'infill' opportunity between the properties as had been suggested by the agent in the Notice of Review submissions.
- 3.7 The LRB also considered the fact that no information had been provided to demonstrate that the site can be satisfactorily drained in relation to foul and surface water in accordance with Policy RD1 – Providing suitable services of the ALDP 2017. Although it was acknowledged that there is no known flooding history on the site (confirmed by the Flood Prevention Unit in their consultation response) and that proposed drainage measures could be resolved by means of suspensive condition on any approval, due to the fact that the principle of the development could not be supported by the LRB, then the current lack of information on foul and surface water drainage measures was also a legitimate reason to dismiss the Notice of Review.
- 3.8 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 the principle of the development could not be supported as it failed to comply with the qualifying criteria specified in Policy R2 of the ALDP 2017 and that insufficient information had been provided to demonstrate that the site can be satisfactorily drained contrary to Policy RD1 of the ALDP2017.
- 3.9 In conclusion and in the absence of any over-riding 'other material considerations', the LRB resolved to uphold the decision issued by the Appointed Officer, thereby refusing Planning Permission in Principle for the reasons set out below.

4.0 Reasons for refusal

- (1) The housing near to the site does not form a cohesive group of at least 5 dwellings, and therefore does not present the opportunity for an addition to a cohesive group. The proposal does not present any other opportunity for residential development, and is contrary to Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan (2017)
- (2) Insufficient information has been provided to demonstrate the site can be satisfactorily drained in relation to foul and surface water, and the proposal therefore has not demonstrated compliance with Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan (2017).

Karen Wiles
Head of Legal and Governance

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.