



**Aberdeenshire Council Local Review Body**

**Reference LRB 385 APP/2017/0180**

**Review Decision Notice**

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Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Land at Blackhills of Cairnrobin, Portlethen
- Application for review by Mr J Mewes c/o Calder Design against the decision by an appointed officer
- Application reference APP/2017/0180 for full planning permission for the demolition of steading and erection of 3 dwellinghouses and associated car parking refused by decision notice dated 7 April 2017.
- Application drawings: Location Plan @ 1/2500 scale; Proposed Site Plan @ 1/500 scale (drawing no. 15/22/10); Existing Site Plan and Layout @ 1/200 and 1/500 scale (drawing no. 15/22/02C); Existing Site Survey Layout @ 1/250 scale (drawing no. T-01); Existing Floor Plans and Elevations @ 1/100 scale (drawing no. 15/22/01A); and Proposed Floor Plans, Elevations and Section @ 1/100 scale (drawing no. 15/22/03B).
- No site inspection took place

Date of Decision: 14 September, 2017

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**Decision**

The Local Review Body (LRB) agrees with the determination reviewed by it and refuses Full Planning Permission in accordance with the Appointed Officer's decision subject to the planning policy reference being amended to reflect that contained solely 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 25 August 2017. The LRB was attended by Councillors P K Johnston (Chair), R Cassie, F C P Hood, J Hutchison, 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 proposal and that no further information was required.

## **2.0 Proposal**

- 2.1 The application site is located within the designated Greenbelt approximately 1.8km to the north of Findon and the coast lies approximately 0.5km to the east. The public road runs in a north-south direction to the west of the site and defines the boundary of the Greenbelt. There was a steading building on the site but this has been demolished. There are two residential properties immediately to the north and east of where the steading previously stood. There are no boundary treatments around the former site of the steading. An access track runs between the application site and the property to the north. A bothy is also situated within the site, located to the northeast of the former steading site. The wider surrounding area is predominantly agricultural land.
- 2.2 The proposal seeks full planning permission for the erection of three dwellinghouses on the site of the steading building. The proposal would form a U-shaped steading layout and be of approximately the same scale as the former building on the site. Granite is proposed to be reused in the construction and this is currently stored on the site. The roof would be concrete roof tiles and conservation windows would be included on the roof and remaining windows would be dark grey uPVC.
- 2.3 Planning permission had originally been granted in April 2012 (APP/2010/1525) for the conversion of the steading to form 3 residential Units and 1 business unit.
- 2.4 A further application (APP/2015/3296) for conversion of steading to form 3 dwellinghouses and associated car parking was then approved in October 2016.
- 2.5 A design/supporting statement, ground assessment, drainage report and structural survey, timeline statements and photographs prior to demolition had been submitted in support of the proposal.

## **3.0 Reasoning**

- 3.1 The main determining issue 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 greenbelt.
- 3.2 At the start of the meeting 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 formed 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 R1 – Special Rural Areas;

Policy P1 - Layout, Siting and Design;

Policy C1 – Using resources in buildings;

Policy RD1 – Providing suitable services; and

Policy RD2 – Developers' obligations.

- 3.4 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 Advisers presentation and series of photographs. It was noted that there had been no representations received to the application.

- 3.5 At that start of their discussion the LRB sought additional clarification from the Planning Adviser on the nature of the works that had commenced on site and received confirmation that this was in effect a retrospective proposal as the former steading had been demolished and work had commenced (but since ceased) on the new build dwellings. The LRB also sought confirmation that the site was located within the Greenbelt boundary as identified on Map 8 in Appendix 3 (page 101) of the ALDP 2017 and as such it was clear that Policy R1 on Special Rural Areas was the applicable policy whereas Policy R2 which related to housing and employment proposals elsewhere in the countryside area, but only in areas outwith the Greenbelt and coastal zone, did not apply in this case.

- 3.6 The LRB acknowledged that this was a difficult case and that in many respects the applicant was seeking to redevelop a brownfield site and that the proposed development would ultimately be very similar in appearance to what was previously approved prior to the demolition.

- 3.7 However, the LRB were of the view that in light of the the previous planning history of approvals for alterations and conversion of the former steading buildings in 2012 (2010/1525) and then again in 2016 (2015/3296) for a slightly improved position of 3 dwellings and no business unit, then the applicants must have been aware of the planning policy position for this site at those times. Policy R1 in the ALDP 2017 has not fundamentally changed from the previous development in the

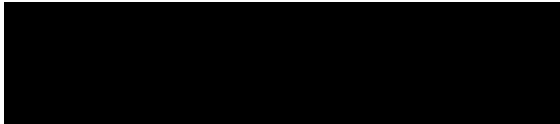
Greenbelt policy position (Policy 4 in the ALDP2012) and it continues to allow for the sensitive restoration, conversion or extension of a vernacular building or other building of architectural merit, however, this application was for the erection of three new dwellinghouses and so this would not apply. The LRB also noted that Policy R1 allows for the replacement of a single non-vernacular building on the same footprint but it must be for the same use which did not apply to this proposal.

- 3.8 The LRB also pointed to the supporting information provided by the appellant and the Structural Survey carried out in 2015 at the time of previous application (2015/3296) for the conversion of the former steading. That report had concluded that the steading buildings should still be suitable for incorporation into the proposed conversion to dwellinghouses (page 617 of the agenda papers) and it was on this basis that the previous application was approved in October 2016.
- 3.9 Although some views were expressed that the 'end product' would be better than what's currently on site, the LRB ultimately agreed that it was clear to the applicant and the agent that the previous planning permissions were for conversion and not for the development of new dwellings. The key policy position had not fundamentally altered between the superseded 2012 plan and the recently adopted ALDP 2017. There is no scope within Policy R1 that allows for the redevelopment of brownfield sites in the Greenbelt and if the condition of the former steadings had deteriorated so badly following the issuing of the previous planning consent (2015/3296) in October 2016, then the applicants should have come back to the council to discuss the situation further and certainly prior to the buildings being completely demolished.
- 3.10 The LRB agreed that it was not their place to re-write policy and in this case, there were no mitigating circumstances as the published policy position and the situation set out in the previous Structural Engineer's Report were perfectly clear.
- 3.11 It was agreed that approval of this type of proposal would set a dangerous precedent and could lead to cases of 'cultured dereliction' and it was precisely for this reason that the current policy position had been approved to prevent steading buildings from being demolished and then re-built within the Greenbelt.
- 3.12 In the circumstances, and in the absence of any over-riding material considerations, the LRB resolved to uphold the decision of the Appointed Officer subject to the planning policy reference being amended to reflect that contained solely within the adopted Aberdeenshire Local Development Plan 2017.

3.13

#### **4.0 Reason for refusal**

- 1 The former steading building on site has been demolished and this proposal seeks the erection of three new dwellinghouses. This cannot be supported in principle as the application lies within the designated Greenbelt, and there is no provision within the relevant policies relating to development within the Greenbelt which allows for this form of development. Therefore, the proposal fails to comply with Policy R1 Special Rural Areas of the adopted 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.