

<b>APPEAL DECISION (DPEA)</b>
<b>Appeal Reference</b>
PPA-110-2340
<b>Planning Reference</b>
APP/2017/0270
<b>Planning Proposal</b>
Erection of 3 houses
<b>Summary of Decision</b>
<p>Appeal dismissed. Planning permission in principle refused.</p> <p>ALDP 2017 excludes sports and recreation grounds from the definition of brownfield development. The Reporter states that it is clear from planning history and the evidence on site that the appeal site was an integral part of the golf centre. As this land was used as part of the sports and recreational activity operating from the golf centre the exclusion of such uses from the definition of brownfield land applies. This exclusion would apply whether those sports and recreational grounds are active or redundant.</p> <p>The car park was no longer in use and the original hard core surface has become grassed over. All evidence of the putting green, if it ever existed, has been lost. The Reporter agreed with the previous reporter of reference PPA-110-2245 (2015) that the site had “reverted to a field in open countryside”.</p> <p>Even if sports and recreational grounds were not excluded from the definition, this site could not be classed as brownfield land due to its naturalised state.</p> <p>Other development within the wider golf centre site, the conversion of the golf centre to a school and the new road through the centre of the driving range. The Report did not consider the resulting fragmentation of the wider sports and recreational use into separate parcels of land changes the status of the appeal site.</p> <p>The land owner is attempting to develop the remaining golf centre land by means of multiple developments of 3 houses. This is also contrary to the terms of the 2017 local development plan and undermines the plan led approach to the allocation of sites greater than 3 units.</p>

### **Policy Issues**

The definition of brownfield land as set out in the Scottish Planning Policy 2014 has a wider scope than the local development plan by including all “land which has previously been developed”. However its purpose is to assist in the interpretation of the Scottish Planning Policy with regard to the development of spatial strategies and sustainable development. It does not preclude individual planning authorities from refining the definition to suit their particular spatial policies. In these circumstances the terms of the Scottish Planning Policy do not outweigh the local development plan.

The Report disagreed with the appellant's argument that there is a shortfall in the housing land supply in the Aberdeen Housing Market Area. The reporter states that it is evident from the 2017 housing land supply information that, despite a number of allocated sites in the immediate area being constrained, there is still a 5 year supply of housing land overall. In any event this 3 house development would not add to the supply, as provision has already been made for such small scale developments (under 5 units) in the Housing Land Audit.

In the submission of two other planning applications, each for three houses, the appellant is attempting to subdivide a larger site into multiple developments of 3 houses. The 2017 local development plan clearly resists this.

The reporter was of the opinion that the submission of drainage information could have been a condition on any Planning Permission in principle decision notice (Policy RD1)

### **Additional Points**

The reporter did not consider accessibility to the A90 corridor alone to be justification to support housing growth at Millden contrary to the terms of the local development plan.

### **Actions**

Note Decision



---

Decision by Elspeth Cook, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2340
- Site address: Former East Aberdeenshire Golf Centre, Millden, Balmedie, AB23 8YY
- Appeal by David Watson against the decision by Aberdeenshire Council
- Application for planning permission in principle F/APP/2017/0270 dated 6 February 2017 refused by notice dated 15<sup>th</sup> June 2017
- The development proposed: Erection of three dwellinghouses
- Date of site visit by Reporter: 28 September 2017

Date of appeal decision: 24 November 2017

---

## Decision

I dismiss the appeal and refuse planning permission in principle.

## Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan the main issue in this appeal is the principle of development in the countryside.
2. The development plan consists of the Aberdeen City and Shire Strategic Development Plan 2014 (SDP) and the Aberdeenshire Local Development Plan 2017. The Aberdeenshire Local Development Plan 2012 was replaced by the 2017 plan prior to the determination of the application. Any Supplementary Guidance associated with the 2012 plan would also be superseded by the adoption of the 2017 plan. My assessment is therefore based on the current development plan only.
3. The strategic development plan directs local development plans to take account of its spatial strategy in forming policies and identifying land for development. The 2017 local development plan has addressed this issue. Policy R2, entitled "Housing and employment development elsewhere in the countryside", sets out a number of situations where development would be supported, cross referencing elements of policy R1 "Special rural areas". It sets out different approaches within the "pressured" and "intermediate" areas as required by Scottish Planning Policy.



4. The strategic development plan also identifies a strategic growth area north of Aberdeen. Millden, a loose grouping of buildings on the west side of the A90, south west of Balmedie is located within this area. It is not, however, identified as a settlement where small scale growth is supported by policy R2 (Appendix 4 of the 2017 plan). I consider the relevant criterion of policy R2 is therefore its support for “small scale development involving the remediation of redundant brownfield land opportunities”. The assessment of this appeal therefore rests on this criterion. No other parts of policy R2 (or R1) would apply.
5. The 2017 local development plan defines a “small scale site” as one accommodating up to 3 single houses. The proposed development would meet this requirement. The definition of brownfield land requires land to have been “previously developed or used for some purpose that has now ceased” excluding sports and recreational grounds. This definition also excludes rural brownfield land that has become naturalised.
6. The appeal site is located on land once occupied by a golf centre. It is part of a larger area of grassland lying to the south of a school (the original golf club house and driving range buildings). The planning permission for the golf centre indicates that this larger area of land was the putting green and main car park for the golf centre. The appeal site straddles the car park and putting green areas.
7. The appellant confirms the car park has never been used as a separate car park and does not service the school now operating from the golf centre buildings. It is therefore clear from the planning history and the evidence on site that the appeal site was an integral part of the golf centre use. As this land was last used as part of the sport and recreational activity operating from the golf centre the exclusion of such uses from the definition of brownfield land applies. I also consider that this exclusion would apply whether those sports and recreational grounds are active or redundant.
8. At my site inspection I was able to confirm that the car park was no longer in use and that the original hard core surface had become grassed over. The only evidence remaining of the car park is a levelled area cut into the sloping land. All evidence of a putting green, if it ever existed, has been lost. I note from the appeal decision in 2015 (PPA-110-2245) relating to a residential development on approximately the same area of land that the site was described as having “reverted to a field in open countryside”. I did not find that the condition of this site had changed significantly from that described in 2015.
9. Other development has taken place within the wider golf centre site; the conversion of the golf centre buildings to a school and the new road through the centre of the driving range fairways. I do not consider the resulting fragmentation of the wider sport and recreational use into separate parcels of land changes the status of the appeal site. Its last use, before it reverted to grassland, was clearly part of the golf centre.
10. I note that the council’s reasons for refusal indicates that “the use as a car park is not considered to be redundant”. Within the report of handling the site is described as a “naturalised area of land”. These two positions appear to be contradictory but the intent is clear; neither the car park or putting green parts of the site were considered to comply with the terms of policy R2. However, as set out above, I have made my own assessment of the site in terms of the definition of brownfield land.

11. In summary therefore even if sport and recreational uses were not excluded from the definition of brownfield land it is evident to me that the site has become naturalised as grassland. As the process of remediation of the land has already taken place very little evidence of the car park remains other than the levelled area. As no other policy criterion could apply, I find that this development would not comply with policy R2 of the local development plan.

#### Other matters

12. I note that the definition of brownfield land as set out in the Scottish Planning Policy 2014 has a wider scope than the local development plan by including all “land which has previously been developed”. However its purpose is to assist in the interpretation of the Scottish Planning Policy with regard to the development of spatial strategies and sustainable development. It does not preclude individual planning authorities from refining the definition to suit their particular spatial policies. In these circumstances and given the current condition and location of the site I do not therefore consider the terms of the Scottish Planning Policy to outweigh the local development plan.

13. The appellant has also indicated that the presumption in favour of sustainable development as set out in the Scottish Planning Policy should apply due to an inadequate housing land supply in the Aberdeen Housing market area. It is however evident from the 2017 housing land supply information that, despite a number of allocated sites in the immediate area being constrained, there is still a 5 year supply of housing land overall. In any event this 3 house development would not add to the supply, as provision has already been made for such small scale developments (under 5 units) in the housing land audit.

14. The local development plan was adopted in April 2017 and it is an up-to-date plan. As required by the Scottish Planning Policy, it has a clear spatial strategy regarding rural development. The presumption in favour of sustainable development is not therefore a significant material consideration in this case and would not justify setting aside the terms of the local development plan.

15. I also consider that this site, plus the other application determined for land immediately adjoining this site, to indicate that the appellant is attempting to subdivide a larger site into multiple developments of 3 houses. The 2017 local development plan clearly resists this. The appellant maintains that as no development has yet been consented the first permission for 3 units would not breach the terms of the local development plan. I do not consider that the local development plan was intended to be interpreted in this way.

16. The appellant has highlighted the location of the site within a strategic growth area and the benefit of expanding Millden due to its proximity to the A90 transport corridor. Although Millden does include a number of houses and a small school, the council has not identified it as a settlement suitable for small scale growth. I also note that provision for the expansion of clusters of 5 houses or more is restricted to the rural housing market area only. I do not consider the accessibility to the A90 corridor alone to be justification to support housing growth at Millden contrary to the terms of the local development plan.

17. I am satisfied that although policy RD2 requires the adequacy of waste water systems to be proven before permission is granted, such matters could have been addressed by condition. The proposed drainage system did not intend to discharge the septic tank outfall direct to the soil and the soil porosity information requested by the council would not therefore have assisted in the application of policy RD2 in this case.

18. I note that there are no other issues relating to the road access, the proximity to the Trunk road, the relationship to other properties and the application of the Energetica Supplementary Guidance that could not have been addressed by appropriate conditions should planning permission have been granted. This does not however alter my conclusion that the development would not comply with the policy R2.

### Conclusion

19. The appeal site would not meet the definition of brownfield land and despite its location within the strategic growth area, policy R2 would not support housing development here. The development does not accord overall with the relevant provisions of the development plan and there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

*Elsbeth Cook*

Reporter