

<b>APPEAL DECISION (LRB)</b>
<b>Appeal Reference</b>
LRB - 400
<b>Planning Reference</b>
APP/2017/1612
<b>Planning Proposal</b>
Erection of dwellinghouse
<b>Summary of Decision</b>
<p>Appeal dismissed</p> <p>The Local Review Body agrees to refuse Planning Permission in Principle in accordance with the appointed officer's decision.</p> <p>The site is within the Rural Housing Market Area and therefore Policy R2 allows for small scale additions to existing cohesive groups/clusters of at least 5 houses.</p> <p>The LRB considered it was clear that there is not existing grouping of 5 houses in this location. The LRB agreed with the appointed officer's opinion that the site was located between 2 distinct groups of 3 houses to the east and west. There was significant distance between these groups to consider them distinct. As such, the proposal failed to meet the terms of Policy R2.</p>
<b>Policy Issues</b>
Development is contrary to Policy R2 Housing and employment development elsewhere in the countryside.
<b>Additional Points</b>
N/A

**Actions**

None

**Note Decision**

The LRB noted that a foul water drainage certificate had been provided for the appeal. The original decision refused the application also on the basis that drainage certification was not submitted. The LRB agreed that the 2<sup>nd</sup> reason for refusal could be addressed.

**Other**

None



**Aberdeenshire Council Local Review Body**

**Reference LRB 400 APP/2017/1612**

**Review Decision Notice**

---

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Site West of Hospital Woods, Auchterless, Turriff
- Application for review by Mr & Mrs R Stephen c/o John Wink Design against the decision by an appointed officer
- Application reference APP/2017/1612 for planning permission in principle for the erection of a dwellinghouse refused by decision notice dated 15 August 2017.
- Application drawings: Location Plan @ nts, Site Location Plan @ 1/1250 scale and Site Plan @ 1/200 scale (drawing no. 1579-020).
- No site inspection took place

Date of Decision: 13 February, 2018

---

**Decision**

The LRB agrees in part with the determination reviewed by it and refuses Planning Permission in Principle in accordance with the Appointed Officer's first reason for refusal as set out in paragraph 4.0 below, but, agrees to remove the second reason for refusal. .

**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 26 January 2018. The LRB was attended by Councillors F C P Hood (Chair), R Cassie, I Davidson, J Hutchison, A Ross and I Sutherland.
- 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 planning permission in principle for a dwellinghouse on land to the west of Hospital Woods, Auchterless on a site measuring (0.36 ha). The site is approximately 3.2 km south of Turriff and located to the south of a single track access road. The proposed plot measures approximately 115 metres along the roadside and is 32 metres deep. There are neighbouring dwellinghouses to the east and west of the proposed plot and open fields to the north and south. There is a line of mature beech trees which run along the southern edge of the road from Alvidale in the east to the junction to the west, an approximate distance of 400 metres.
- 2.2 It is proposed to dispose of foul water and surface water onsite via soakaways. It is proposed to connect to the public water mains. The site plan shows an indicative house positioned to the centre of the plot, access to the road to the north and space for a turning area and parking. Foul and surface water soakaways have been shown to the west of the house on the plan
- 2.3 A supporting statement had accompanied the application and a foul water soakaway certificate dated 7 July 2017 had been provided by the agent (page 65 of the agenda papers).
- 2.4 An earlier pre-application enquiry had advised that the proposal could not be supported under the terms of Policy R2 as the site was not considered to form part of a cohesive grouping. Although there was no previous planning history on this particular site, there was on the nearby sites as detailed in Section 2 of the Report of Handling.

## **3.0 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 and whether suitable services could be provided for the dwellinghouse.
- 3.2 The LRB agreed that the Appointed Officer had identified the relevant Aberdeenshire Local Development Plan 2017 (ADLP) policies (page 80 of the agenda papers) and these were as follows:

Policy R2 – Housing and employment development in the countryside;

Policy P1 - Layout, Siting and Design;

Policy P4 – Hazardous and potentially polluting developments and contaminated land;

Policy E2 – Landscape;

Policy C1 – Using resources in buildings;

Policy RD1 – Providing suitable services; and

Policy RD2 – Developer's obligations.

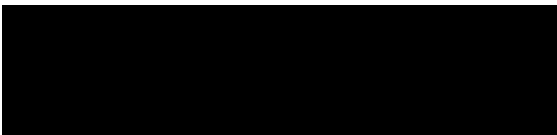
- 3.3 The LRB gave consideration as to whether a site inspection or further information would be helpful but agreed that this was unnecessary in light of the well-defined issues that had been presented in the Notice of Review paperwork, coupled with the Planning Adviser's presentation and series of photographs. It was noted that there had been two representations to the application both raising road safety concerns.
- 3.4 The site had no trace of any existing buildings, no evidence had been submitted to support the case for a viable farm succession unit, there are no places of employment within the immediate vicinity which would require workers' accommodation and the area is not listed as an Appendix 4 settlement. It was noted that the site lies within the Rural Housing Market Area (RHMA) and therefore the LRB considered that the key policy test in this case was whether the proposal could satisfy the cohesive groups/cluster category of Policy R2.
- 3.5 The LRB considered the case put forward by the agent that the proposed development was considered to be an appropriate addition to an existing cluster of at least 5 dwellings. The argument was that the site is situated between three existing houses to the east (Alvidale, Fairview and Upper Old Mill Croft) and three houses to the west (Beech Lodge, Roseacre and Leanin Tree) and that this would be an infill development within an existing established pattern shared amongst the existing dwellings creating a new cohesive group. The position of the site is not intrusive on the landscape and does not encroach on the privacy of the adjacent properties. The agent had also referred to a recent approval by the Formative Area Committee, for planning permission in principle on a site adjacent to Beech Lodge (Ref: APP/2017/1841) located to the west, further reinforcing the cohesive grouping.
- 3.6 In this case the LRB considered that it was clear from the Applicants submissions and the assessment contained in the Appointed Officers Report of Handling that the two existing groups of 3 houses (located to the east and west of the site) were two quite separate groups and therefore did not constitute a group of at least 5 houses. Policy R2 allows for an appropriate addition to a cluster or group of at least 5 houses but does not allow for an addition to two groupings of 3 separate houses to then create a cohesive grouping. The LRB also noted that there was a considerable distance and spatial separation between the property

boundaries to the east and to the west and that this further emphasised that the proposal was attempting to join 2 distinct groupings together and therefore did not meet the terms of Policy R2.

- 3.7 The LRB noted that information in the form of a foul water drainage certificate had been provided and that matters relating to drainage and surface water drainage details could be conditioned as part of any approval. The LRB therefore agreed that the 2<sup>nd</sup> reason for refusal on the decision notice could be addressed.
- 3.8 In the circumstances, and in the absence of any over-riding material considerations, the LRB resolved to uphold in part the decision of the Appointed Officer, thereby refusing planning permission in principle for the 1<sup>st</sup> reason only as set out below.

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

- (1) 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.



**Geraldine Fraser**  
**Acting Head of Legal and Governance**