

5. **LRB 405** – Notice of Review Against Refusal of Planning Permission in Principle for Erection of Dwellinghouse at Land at Drambeel Lodge, Durris, Banchory, AB31 6EB – Reference: APP/2017/1948
 - (i) Notice of Review, Review Statement and Supporting Documents as submitted by the Applicant

Aberdeenshire Council

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Agent (if any)

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail*

E-mail*

Mark this box to confirm all contact should be through this representative:

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail?

Application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the Local Review Body within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

PLEASE SEE ATTACHED COMMENTS ON REASONS OF HANDLING

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

No - HOWEVER SOME NOTICE TO ENSURE GATBS WERE UNLOCKED ETC WOULD BE APPROPRIATE

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you will not have a further opportunity to add to your statement of review at a later date unless specifically requested to do so by the Local Review Body. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE ATTACHED COMMENTS ON NOTICE REPORT OF HANDLING.

As you will note from the guidance accompanying this form, you must not raise any matter which was not before the planning authority at the time the decision you are appealing against was made unless, you can demonstrate that the matter could not have been raised at that time or, that it not being raised was due to exceptional circumstances.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it could not have been raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

| COMMENT | ON | REPORT OF HANDLING |
|----------|-----|----------------------|
| APPENDIX | I | SITE PHOTO GRAPHS |
| | II | RECORDS |
| | III | COUNCIL CONSULTATION |

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It will also be published on the Council's website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:


- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

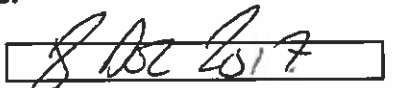
Declaration

I the applicant/agent [~~delete as appropriate~~] hereby serve notice on the Local Review Body to review the application as set out on this form and in the supporting documents.

Signed



Date



The completed form and documents should be sent to:

Head of Legal and Governance,
 Business Services,
 Aberdeenshire Council,
 Woodhill House,
 Westburn Road,
 Aberdeen,
 AB16 5GB

Email: localreviewbodysubmissions@aberdeenshire.gov.uk

Telephone: 01224 665117

APPLICANT'S COMMENTS ON REPORT OF HANDLING

Application Reference: APP/2017/1948
Proposal: Erection of Dwelling House
Address: Land at Drambeel Lodge, Durris, Banchory, AB31 6EB

1. Description of proposal

The application site is located on the south side of the Durris Road approximately 2km from its junction with the Netherley Road. Planning permission in principle is sought for the erection of a detached dwelling house on a site measuring 0.1 hectares and currently occupied by a modern hipped roof stable block measuring approximately 21m x 10m and finished in natural slate with an off white render. The site also includes a parking/turning area and a section of paddock.

There are a number of residential properties located within the vicinity of the site.

Three of these houses are included within the U-shaped converted steading and there is traditional 11/2 storey farmhouse (finished in grey render and natural slate roof) adjacent to the steading. The properties closest to the site are Drambeel Lodge (owned by the applicant) and 2 Muirskie Grange. Finally, a detached 11/2 storey, natural stone and slate, dwelling house of traditional proportions (Hollybank House) is located approximately 127m to the west. A horse riding manege measuring approximately 35m x 20m is located between the application site and the farmhouse.

Applicant Comment AC001

The Stable Block was hand finished in a cream coloured wet dash render, with smooth/flat finish around the window openings, specifically to match the existing farmhouse and the ancillary areas of the steading development. I mention this, as it demonstrates our proven commitment to align with the local environment and planning requirements.

As we did with the Stable Block, it would be our intention to consult with the Planning Department and any other relevant stakeholders, during the detail design stages of the new development to ensure that the finish was acceptable to all.

The application site, steading and manege are screened from the road side by a line of conifers.

Applicant Comment AC002

Barring any concern with regard to the condition of the existing trees, it would not be our intention to make any material change to the current screening.

Foul and surface water drainage would be by means of a private system. Foul drainage existing access to the stables and yards would be re-used.

Applicant Comment AC003

We have more than sufficient land to ensure the appropriate arrangements for foul and surface water drainage within our own boundaries.

We would not propose any change to the location of the existing entrance.

2. Relevant Planning History

The applicants were granted full planning permission under planning reference APP/2008/2039 for the formation of a manege, the erection of stables (private use), the erection of floodlights, alteration of vehicular access and the erection of fencing.

A condition of the permission restricted the use of the development for purposes incidental to the use of the dwelling house.

Applicant Comment AC004

Since completion of the stable and ménage, we have had many happy years, enjoying a series of horses at home. Both of our daughters and my wife all rode for pleasure and we travelled extensively around the NE Scotland to many events.

At times, as first ponies turned into second ponies and on eventually to competition horses, we have had up to six horses accommodated at any one time. As you can imagine looking after six horses becomes a significant commitment in time and effort, but it was a genuinely beneficial experience, especially for the girls as they grew up.

Since the completion of their secondary education, both of our daughters have relocated to Glasgow and my wife, having suffered a number of knee injuries over the years, is no longer fit enough to ride.

Since the spring of this year, we no longer have horses at home. The stable block has effectively been 'decommissioned' with the removal of all of the matting and the deep cleaning of all of the stalls etc.

We have no intention of reusing the stables block, the ménage or the associated land for equestrian purposes in the future.

The applicant's agent was advised at pre-application stage that the proposal could not be supported by the Planning Service as it failed to comply with planning policy.

Applicant Comment AC005

Acknowledged

3. Supporting Information

Foul and surface water certificates have been submitted and demonstrate that the ground conditions are suitable for full subsurface soakaways.

Applicant Comment AC006

We are pleased that the information provided, demonstrates the suitability of the ground conditions.

4. Variations & Amendments

None

Applicant Comment AC007

Acknowledged

5. Representations

A total of one valid representation (objection) has been received as defined in the Scheme of Delegation. All issues raised have been considered. The letter raises the following material issues:

- Concerns regarding the proximity of the foul drainage system from neighbouring properties notably smell and odours;
- Insufficient information submitted regarding the height of the new dwelling and potential impact on residential amenity

Applicant Comment AC008

We are pleased to note the Planning Officer's comments, to the effect that there are no material concerns, which could not be addressed as part of the normal detail planning process.

As noted previously there is more than sufficient land, under our ownership, to easily accommodate the foul drainage system. Indeed it should be appreciated that the draft proposed scheme sees the new septic tanks etc located significantly further away from our neighbours' properties than their own existing schemes. Also we would commit to working with the Planning Authority to ensure that any material concerns with regard to the building height were mitigated.

6. Consultations

Internal

Business Services (Developer Obligations) has commented that no contributions are required in relation to the proposed development.

Applicant Comment AC009

Acknowledged

Infrastructure Services (Contaminated Land) has no objection to the proposed development.

Applicant Comment AC010

Acknowledged

Infrastructure Services (Roads Development) has no objection to the proposed development subject to planning condition dealing with access geometry, surfacing, car parking, turning area and the provision of a refuse bin uplift store.

Applicant Comment AC011

Acknowledged

External

National Grid was consulted on 31st July 2017 but had not provided comments that the time of writing.

Applicant Comment AC012

Acknowledged

Scottish Water has no objection to the proposed development but advises that it has no records of waste water infrastructure within the vicinity of the site. Therefore, the applicant should investigate private treatment options.

Applicant Comment AC013

Acknowledged

7. Relevant Policies

Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change.

Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas.

There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

Aberdeenshire Local Development Plan 2017

- Policy R2 Housing and employment development elsewhere in the countryside
- Policy P1 Layout, siting and design
- Policy P2 Open space and access in new development
- Policy E2 Landscape
- Policy RD1 Providing suitable services
- Policy RD2 Developers' obligations
- Policy C1: Using resources in buildings

Applicant Comment AC014

Over the last few years we have looked at marketing our property as a whole, including the equestrian facilities. Unfortunately as a result of the general downturn in the Aberdeenshire economy and despite engaging with a number of local, national and specialist agencies we could only market the property at a level which would see us severely financially impacted.

Whilst the parcel of land is relatively significant, in terms of a domestic dwelling, it is totally insufficient to be considered for commercial equine purposes.

If we do not keep up the maintenance on the building and surrounding land it would soon fall into disrepair and dilapidation.

Recognising that there is an overall shortage of homes in the area, we thought that splitting the site and building a high quality, low impact dwelling with a view to our retirement in the next few years, could be a way of ensuring the viability of the site, whilst maintaining the local environment, protecting our investment and securing our future.

Our aim would be to build something of appropriate architectural merit to complement the existing plans and policies and to maintain and enhance the local surroundings.

8. Other Material Considerations

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Applicant Comment AC015

Acknowledged

9. Directions by Scottish Ministers

None

Applicant Comment AC016

Noted at this stage

10. Discussion

The 3 key planning issues relating to the proposed development are as follows:

- Development principle
- Potential landscape impacts
- Technical issues

Development principle

Policy R2 – Housing and employment development elsewhere in the countryside and business development in the countryside of the Aberdeenshire Local Development Plan 2017 (ALDP 2017) supports the replacement on the same site of an existing disused building. As stated in section 2 above, the applicant obtained planning permission for stables and a riding arena in 2008 for private use incidental to the use of the dwelling house.

Applicant Comment AC017

In line with the local development plan, we would be looking to replace or redevelop the existing stable block, which is no longer of use to us for its original intent.

This application has been implemented and when visiting the site, evidence (a horse box) of current use for equestrian purposes was observed. It should also be noted that the existing riding arena has not been included within the application.

Applicant Comment AC018

There is indeed a horse trailer on the site. However, closer inspection of the trailer at the time of the planning officer's visit, would have revealed the trailer has been stripped of its internal partitions and was full of rubbish destined for the recycling centre. The trailer is also used for general transport and in particular for taking my ride-on lawnmower and quad bike for servicing.

Materially and importantly what was not evidenced by the planning officer was any evidence of a horse or any actual equine activity on site, as is described in AC004 there have been no horses on site since the spring.

In the Appendix I, I have included a number of photographs taken in the last few weeks, which prove beyond any reasonable doubt, that there has been no horse activity on the site since the spring of this year.

In Appendix II I have provided the names and contact details of a number of people who were concerned in our equine activities. All of these individuals would I'm sure provide confirmation that there has been no equine activity on our land since the spring. This list includes our Vet, Farrier and Agricultural Contractor.

I'm not entirely sure what the issue is with regard to the riding arena, in terms of the planning application. Our initial thought was to leave it as potential additional garden ground for the existing house, consider conversion to a tennis court or provide additional car parking or whatever. We would of course be willing to discuss this further, clarify and address any concerns.

Horse riding is a popular recreational pursuit within the area and as a result there has been a high demand for equestrian facilities including stables and riding arenas notably within the Kincardine and Mearns area..

Applicant Comment: AC019

As previously described in AC014, over the last few years we have looked at marketing our property as a whole, including the equestrian facilities. Unfortunately as a result of the general downturn in the Aberdeenshire economy and despite engaging with a number of local, national and specialist agencies, we could only market the property at a level which would see us severely financially impacted.

Setting aside the planning condition that the equestrian facilities were "for private use incidental to the use of the dwelling house", because of the close proximity to our main dwelling, we would feel it inappropriate to try and sell or sublet the facilities.

As there is no other accommodation associated with the stables, any prospective tenant would have live off site and de facto we would end up with some kind of general duty of care and/or vicarious liability for someone else's animals and activities on a 24/7 basis, which is exactly why we were trying to get away from.

The stables are located adjacent to a riding arena making them more attractive to other potential users

Applicant Comment: AC020

Depending on advice and guidance from the Planning Authorities, the area currently set aside for the arena could be incorporated into the new development or left as part of the existing dwelling.

As described in the previous section, the inclusion or exclusion of the arena was not a material consideration in the application.

However it was included in the discussions with the marketing agencies and it did not make the potential sale any more attractive.

Even if there was no demand for the stables, planning policy does not generally favour the replacement of modern buildings with dwelling houses as these would generally be considered suitable for a multiple number of uses compatible with a countryside location notably storage. In this instance, it is considered that the building could be used or even converted to serve other purposes compatible with the adjacent residential uses.

Applicant Comment AC021

At a rough estimate, the existing stable block has an internal volume in excess of 800 cubic meters. To put that into context, that's roughly equivalent to 16 or 18 domestic single garages and is similar in volume to our existing house. Currently I can see no reason why we, nor anyone else, would require that quantity of domestic storage. As mentioned earlier, we

have failed to find a marketing strategy that would be suitable as an equestrian facility and I am sure that any sale as general storage would be even less viable.

If conversion to another purpose would be considered, why could that purpose not be housing?

As such, the planning service does not consider that the site is disused for the purpose it was consented for and as such, the application is not considered to comply with planning policy and therefore, the principle of the development cannot be supported.

Applicant Comment AC022

As stated previously in AC004 and AC019 there has been no equine presence or activity on the land since the spring and is therefore, as far as we are concerned, the land should be considered, disused for the consented purpose.

Furthermore we have no intention of re-introducing any type of equine activity and therefore, as far as we are concerned, the facility is now redundant as far as its original consented purpose.

We have looked to market the house and the equestrian facilities as a whole and have been unsuccessful in finding a marketing strategy, which would not see us significantly financially disadvantaged.

We cannot foresee that marketing the facilities as general storage or for any purpose other than housing would be realistic.

Landscape impacts

Policy E2 – Landscape presumes against development that would cause unacceptable effects through its scale, location or design of the key natural landscape elements, historic features or the composition of the quality of the landscape character.

Applicant Comment AC023

Acknowledged

The proposed development would be sited on the site of an existing stable block located within relatively close proximity of a group of dwelling houses.

Applicant Comment AC024

We believe that the proposed siting would help create a cohesive grouping of properties, creating a connection between Hollybank House and the four other properties at Muirskie Grange.

However, although development could potentially be accommodated on the site without significant adverse impacts on the surrounding landscape, this cannot be fully assessed at this stage as the application only seeks planning permission in principle and as such does not include details of layout, siting and design.

Applicant Comment AC025

We would commit to working closely with the Planning Authority during the detail design phase to ensure the proposed development would add value to the surrounding area and prevent potential dilapidation.

Technical issues

Policy RD1: Providing suitable services seeks to ensure that new development can be drained in ways that avoid flooding and pollution. The percolation tests carried out on the site demonstrate that ground conditions are suitable for full subsurface soakaways for both surface and foul water drainage. As such, it is considered that the proposal complies with Policy RD1 Providing suitable services.

Applicant Comment AC026

We are pleased to note the acceptability of the tests and that the proposed scheme complies with the relevant policy

Although the objector is concerned about potential smell and odour emanating from the foul drainage system, it is not expected that a modern drainage system that meets all the required standards would create any smell or odour providing it is suitably maintained.

Applicant Comment AC027

We are pleased to note that the Planning Authority appreciates that the objectors concerns should be able to be overcome.

It may also be worth noting at this point that the draft scheme proposed in the application is actually sited considerably further away from our own and our neighbours' current septic tanks and soakaways.

Infrastructure Services (Roads Development) are satisfied that the site can accommodate a suitable layout and access arrangements to serve the proposed change of use. As stated in section 6, a number of planning conditions related to the specific detailed requirements of access and servicing proposals would be required if the principle of development was to be accepted. The proposal is therefore considered to be compliant with the provisions of Policy P2: Open space and access in new development and Policy RD1: Providing suitable services of the ALDP.

Applicant Comment AC028

We are pleased to note the acceptability of the proposed scheme and that it complies with the relevant policy.

It may also be worth noting at this point that the proposed scheme looks to re-use the existing access to the stable block, which was built to the appropriate local authority standards.

Policy RD2: Developers' obligations of ALDP 2017 seeks to ensure that new development makes a fair contribution towards public infrastructure and services.

Business Services (Developer Obligations) has confirmed that in this instance there would be no identified developer contribution requirement.

Applicant Comment AC029

Acknowledged

Policy C1 Using resources in buildings states that all development must be designed to reduce carbon-dioxide emissions. No details have been submitted in relation to energy efficiency, however it is considered that this matter can be controlled via an appropriate planning condition were the proposal deemed to be acceptable in principle. As such, the proposal complies with this policy.

Applicant Comment AC030

We would commit to working closely with the Planning Authority during the detail design phase to ensure the proposed development would meet and or exceed the current requirements.

Material Considerations and Representations

Although the objector is concerned about potential overlooking from the proposal into his property, this cannot be assessed at this stage as the application only seeks planning permission in principle and as such, no detailed designs have been submitted. However, the Planning Service is satisfied that a dwelling house could be designed and sited in such a way that any overlooking (or any other impacts including overshadowing and overbearing) of neighbouring properties are at best avoided or at worst mitigated.

Applicant Comment AC031

We are pleased to note that the Planning Authority appreciates that the objector's concerns should be able to be overcome.

We would commit to working closely with the Planning Authority, during the detail design phase, to ensure any material concerns were addressed and overcome.

Conclusion

To conclude, the proposal would replace a modern stable block located on a site that is still being used for equestrian related activities incidental to the use of the dwelling house as originally intended. As such the proposed development fails to comply with Policy R2: Housing and employment development elsewhere in the countryside – of the Aberdeenshire Local Development Plan 2017 and as such, the principle of the development cannot be supported.

Applicant Comment AC032

As described earlier in AC 004, AC019 and AC022, the facilities are no longer being used for equestrian related activities incidental to the use of the dwelling, as originally intended.

Whilst the Planning Officer saw a trailer on site, importantly he/she did not see any horses or any evidence of any horse activity.

As is evidenced in Appendix I and as could be demonstrated by any further site visit, there is no manure on site and there is no evidence of poaching of any of the gateways or trough areas.*

**a site visit would reveal a partially used bale of haylage sitting in the muck heap. This has been there since last winter as we have no means of disposing of it. Because of the length of time it has been laid open to the elements it would no longer be suitable for animal consumption. My intent would be to let it compost or potentially have it burned next summer once it dries out*

12. Recommendation

REFUSE for the following reasons:

01. The proposal would replace a modern stable block located on a site that is still being utilised for equestrian related activities incidental to the use of the dwelling house as originally intended. As such the building on site is not considered to be redundant for its intended purpose or disused and the proposed development therefore fails to comply with Policy R2: Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.

Applicant Comment AC033

We are pleased to note that there appear to be no technical or practical reasons why the proposed development could not or should not be approved.

The only stumbling block appears to be the determination of redundancy or disuse of the existing facilities.

The Planning Authority takes the view that having witnessed a trailer on site, this was evidence of equestrian activity. As I have stated, the trailer has its partitions removed and is used for general material movement use, including the transportation of my quad bike and lawnmower.

For us, what is key to this argument is that the Planning Officer makes no reference to having seen any actual equine activity, nor could he/she as there were no, are no and will not be any horses on site.

I hope the attached photographs (Appendix I) demonstrate, and any further site visit would confirm, there has been no horse presence on site since the spring.

We have looked to market the house and facilities as a whole, but due to the general downturn in the Aberdeenshire economy, we have not found a way of marketing the property without suffering significant financial loss. The Planning Officer's proposal of alternative use as general storage seems impractical given the volume and if the property were to be sold as general storage, the value realised would be even less than as an equestrian facility, therefore that also seems to be impractical.

If I stand in my back garden and look around, in the distance I can see 5 or 6 developments which have taken place in recent years. All of which are new builds, replacing redundant, dilapidated or disused brownfield sites. I really can't see what is different about our proposal. Would the further passage of time and allowing the building to fall down, through neglect, make it a suitable and viable option for approval?

13. Process of Determination

The application was the subject of consultation with Local Members under the Council's Scheme of Delegation.

Applicant Comment AC034

In terms of the overall handling, the foregoing are points that I would looked to have made had the application gone to Area Committee for determination.

However when the application was referred to the four local elected representatives, as can be seen in Appendix III

- *one supported refusal*
- *one recommended referring it to committee*
- *two provided no response*

I'm unclear as to how the one out of four which agreed to refusal outweighed the other one out of four which recommended referral.

14. Planning Obligations

No

Applicant Comment AC035

Acknowledged

APPENDIX I Site Photographs

Photographs - all taken on Saturday 21 October 2017. The prevailing weather conditions were wet and cloudy, following extended periods of heavy rain in the preceding days see Photo 6.



Photo 1

General view across the redundant 'Muck Heap' towards the Exercise Arena (Ménage) looking East.

This photo indicates the amount of rain experienced in the period leading up to the day that photographs were taken.

Had there been horses on site at the time or in the recent past, the fields would have been severely poached, especially around the gates, troughs and along the fence lines.



Photo 2

Gate area at 'Back Field' and water trough area in 'Road Field' beyond, looking North East.

Gate and water troughs are very heavy use areas, which very quickly become bare in periods of dry weather or 'poached' in wet weather.

Poaching occurs in wet weather when the underlying pasture root mechanism breaks down, under the feet of livestock and the grass is lost, resulting in deep mud areas where grass will not regrow.

It is clear from this picture that despite the very wet late summer and autumn that we have experienced this year, the grass sward is in good condition with around 6" to 8" of growth all over. This shows no evidence of livestock grazing during this growing season.



Photo 3

Gate area at 'Tree Field' looking North East towards redundant Stable Block.

Again this would typically have been a very heavily used area, had horses been present on site. There is no sign of wear or poaching.



Photo 4

Water trough area in the 'Back Field' looking North West.

Again this would typically have been a very heavily used area, but it shows no sign of wear or poaching.

This photo also shows much longer grass around the margins of the field. These areas have not been mechanically cut, in the same way that the wider pasture.

Typically horses would have eaten this area bare, as and when they had been at the water troughs.



Photo 5

Water trough in 'Tree Field' looking North West.

Same comments as per **Photo 4** and again the gateway can be seen as an area with no wear and no poaching.



Photo 6

General view across 'Back Field' looking West.

This photo shows the general condition of the grass, with no sign of livestock having been to pasture.

The parallel lines of brown/yellow grass are evidence of the machine cutting, which has been necessary throughout the growing season, as there has been no animal grazing.



Photo 7

By way of example, this is a photograph of a gate area at a nearby horse owning property, taken at around the same date.

This clearly shows the 'poaching' effect brought about by horse traffic on sodden ground.

Typically once poached, ground will not recover until the spring/summer of the following year, once the ground has dried, been harrowed and re-sown with grass seed.

APPENDIX II References

| Name | Address | Context |
|--|--|---|
| <p>Jason Sim <i>Farrier</i></p> | <p>Springfield Cottage Netherley Stonehaven Aberdeenshire AB39 3RY</p> | <p>Jason should be able to confirm that having visited our yard regularly over the last 8 or so years, to attend to the farriery needs of a succession of our ponies and horses; he has not had to visit since the spring of 2017.</p> |
| <p>Graham Hunter <i>Equine Veterinary Surgeon</i></p> | <p>Ardene House Vet Practice Ltd Skene Road Kingswells Aberdeen AB15 8PJ</p> | <p>Graham should be able to confirm that having visited our yard regularly over the last 8 or so years, to attend both the routine and emergency veterinary needs of a succession of our ponies and horses, neither he nor any of his associates have had to visit since before the spring of 2017.</p> |
| <p>John Skinner <i>Agricultural Contractor</i></p> | <p>Parkhead Farm Maryculter Aberdeenshire AB12 5GL</p> | <p>John should be able to confirm that having visited our yard regularly over the last 8 or so years to deliver haylage and remove horse muck; he has not had to visit since the spring of 2017.</p> |
| <p>Sally McCarthy <i>Director and Club Manager</i></p> | <p>Aberdeen Riding Club Nether Anguston Farm Peterculter Aberdeen AB14 0PN</p> | <p>Sally should be able to confirm that the riding school horse, Gizmo, that we had loan for a number of years, was repatriated to ARC in the spring of 2017.</p> |
| <p>Brian Martin <i>Neighbour</i></p> | <p>Muirskie Grange Durris Banchory Aberdeenshire AB31 6EB</p> | <p>As Brian's kitchen window looks out onto our exercise arena and yard, Brian should be able to confirm that there has been no equine activity in our yard since spring 2017</p> |

APPENIX III – Councillor Response

Your planning consultation entitled Land At Drambeel Lodge Durris Banchory Aberdeenshire AB31 6EB for Planning Application Reference APP/2017/1948 on Ward Pages has closed, your proposal for this application to be determined by officers using delegated powers has been Accepted. Full results are shown below:

| Councillor | Response | Comments | Interest Declared |
|---------------------|--------------------------|--|------------------------|
| Cllr. Alison Evison | Agree Officer Delegation | | • No Interest Declared |
| Cllr. Colin Pike | No Response | | • No Response |
| Cllr. Alastair Bews | No Response | | • No Response |
| Cllr. Ian Mollison | Refer to Committee | To consider further the policy issues in this case and the existing use of the site. | • No Interest Declared |