

## Marr Area Committee Report 27 March 2018

Reference No: APP/2018/0065

**Full Planning Permission For Erection of Two Dwellinghouses (Short Term Letting Accommodation - Retrospective) at Land Adjacent To Denend, Newton Of Begshell, Drumblade, Huntly, Aberdeenshire, AB54 6BJ**

**Applicant:** J & J Foad, Newton Of Begshell, Drumblade, Huntly, AB54 6BJ

**Agent:** Ryden LLP, 25 Albyn Place, Aberdeen, AB10 1YL

Grid Ref: E:359948 N:837919  
 Ward No. and Name: W14 - Huntly, Strathbogie And Howe Of Alford  
 Application Type: Full Planning Permission  
 Representations: 12  
 Consultations: 3  
 Relevant Proposals: Aberdeenshire Local Development Plan  
 Map  
 Designations: Rural Housing Market Area  
 Complies with: No  
 Development Plans:  
 Main Recommendation: Grant With Conditions



### NOT TO SCALE

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## 1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and have no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## 2. Background and Proposal

- 2.1 Full planning permission is sought for the erection of two dwellinghouses, to be used for short term letting accommodation, on land adjacent to Denend, Newton of Begshill, Drumblade. The site is approximately 8 miles to the east of Huntly. Access to the site is taken from the A96 via an unclassified road and a private track adjacent to Denend. The units in question are already in place, and have been for a considerable time; the applicant believed that negating the need for foundations for the structures meant they did not require planning permission. The Planning Service became aware of them through an enforcement complaint. The application is therefore retrospective in nature.
- 2.2 The two dwellinghouses are named Barley Bothy and Sheep Shed. The Barley Bothy is on elevated ground compared to the Sheep Shed, and the surrounding ground drops sharply towards Denend. The sites are merged into the surrounding agricultural field without any fencing or boundaries. The houses are separated from Denend by a watercourse (Burn of Denend) and surrounding mature trees.
- 2.3 The wider site for the Barley Bothy measures 547sq.m and the Barley Bothy is single storey dwellinghouse measuring 6.8m by 6.8m, and the height is 3.8m from the ground to the ridge. It has a door and window on the west elevation. The south, east and north elevations also have windows. The Barley Bothy comprises of two bedrooms and a bathroom, with large open plan kitchen/dining/living room, plus external deck at the front of the house (west elevation). The finish for the walls and the roof covering is slate blue corrugated sheeting with a light blue trim on the eaves, windows and door, with untreated timber decking and beams supporting the projecting flat roof. There are two large steel flues projecting from the roof, serving two stoves in either corner of the large open plan living space internally.
- 2.4 The site for the Sheep Shed measures 427sq.m. The Sheep Shed is 1  $\frac{3}{4}$  storey structure, with a footprint of roughly 3.5m by 5.5m, with an external deck on the south elevation. It is built on an elevated platform, and the height is 5m from the ground to the ridge. It has a French door with glass panels on the sides at the north elevation and picture window at the first floor. Windows are on the west elevation and east elevation. The south, gabled elevation has a door. The house comprises of a living room, bath room and entrance hall on the ground floor, and a bedroom at the first floor (mezzanine level). The finish

for the walls and the roof covering is light grey corrugated sheeting, with red stained timber windows and a brown door.

2.5 The applicant has indicated that the units offer peace and relaxation by the nature of their rural location, and promotes tourism in the local area by providing visitors with an extensive list of potential tourism attractions and things to do within the surrounding area such as walking, cycling trails, golf courses, Artloch Fishery, and Castle Trails (Huntly, Fyvie, Kildrummy, Conzie, Craigievar and Castle Fraser), all within a short drive of the development. The applicant has indicated that the development employs one person, and utilises a number of local businesses who directly benefit from the tourist enterprise. These include:

- Firewood for wood burning stoves supplied by Linnorie Firewood Services, Huntly
- Laundry services provided by Huntly Cleaners
- Local produce for guests sourced from Forbes Raeburn Butcher, Huntly
- Heart of homemaking in Auchaber and Thorneybank Farm Shop in Auchterless.

2.6 A supporting statement and reports have been submitted with the planning application. These include:

**Site drainage assessment report by S.A. McGregor** dated 28<sup>th</sup> February 2018. The report indicates that that proposed development is reliant on private foul water and private surface water systems. The assessment demonstrates that the surface water drainage system takes account of SUDS and its specification is in accordance with legislation, and no issue has been raised in the report, demonstrating the installed drainage infrastructure is sufficient.

**Supporting Statement by Ryden**, dated 12<sup>th</sup> January 2018, outlines the retrospective nature of the application, the site location, the applicant's purchase of the site in 2011, the erection of the Barley Bothy in 2014, the erection of the Sheep Shed in 2016, and the successful operation of each since December 2016. Extracts from SPP were provided to demonstrate general support for farm diversification, positive economic development, and tourism and leisure proposals. In LDP terms, reference is made to B3 and R2, and the letter highlights that there were buildings previously on this site.

**Additional Supporting statement by Ryden**, dated 7<sup>th</sup> March 2018, provides commentary on the originally submitted application and summarises the key issues set out in various correspondence with the Planning Service, as well as providing a final response to matters relating to compliance with Aberdeenshire Local Development Plan policies and other material considerations. The letter highlights that the structures are movable, and sit

on castors and mounted rails (Sheep Shed) or skids (Barley Bothy). The letter also cites conflict within policy that restricts tourism development to be near settlements, that the site is brownfield, there should be a general welcoming approach to new development carried through from the LDP, and there is established benefits to local businesses. The year round tourist

accommodation offering benefits from being close to various castles, whisky trails, walking routes, golf courses, cycling trails and fishing facilities. The enterprise utilises other local businesses, such as firewood providers, laundry services, and butchers.

**A letter from VisitScotland dated 15<sup>th</sup> February 2018** has been submitted by the agent in support of the development. The letter highlights VisitScotland's national tourism strategy and general support for the proposal. VisitScotland, have indicated that over the last few years, they have seen a significant rise in the popularity of this particular accommodation sector; with glamping, camping and caravanning continuing to perform well with domestic, but also international visitors. It particularly appeals to Dutch and German visitors, which represent two of the region's key international markets, highlighting regional strategic alignment. Additionally, Glamping is one of the most popular searches on [www.visitscotland.com](http://www.visitscotland.com) and this site gets around 20 million visitors per year. Currently, there are limited glamping accommodation providers in this part of Aberdeenshire.

### 3. Representations

- 3.1 A total of 12 valid representations (10 support and 2 objection) have been received as defined in the Scheme of Delegation. All issues raised have been considered. The letters raise the following material issues:

#### *Support*

- Glamping bothies sympathetically blend into the rural community.
- Provides local employment
- Support local businesses
- Promote tourism in the local area
- Support agricultural diversification of glamping bothies

#### *Objection*

- Grant of permission will encourage other unauthorised developments in the rural area
- Buildings do not fit into the rural setting
- Private water supply has never been tested, could be unsafe
- Negative impact on existing, established tourist accommodation offerings

### 4. Consultations

#### Internal

- 4.1 **Infrastructure Services (Contaminated Land)** has no objection to the proposed development.
- 4.2 **Infrastructure Services (Roads Development)** have no objections to the development subject to condition being applied relating to parking provision.

- 4.3 **Infrastructure services (Environmental Health)** have commented that information on the quantity of water provided by the source of the private water supply serving the development shows there is a sufficient quantity to service the proposals, and other uses on the same supply. In terms of water quality, required filtration is in place and ensures the supply is acceptable in this regard.

## 5. Relevant Planning Policies

### 5.1 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.

### 5.2 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.

### 5.3 Aberdeenshire Local Development Plan 2017

Policy B3 Tourist facilities  
 Policy R2 Housing and business development elsewhere in the countryside  
 Policy P1 Layout, siting and design  
 Policy E1 Natural heritage  
 Policy E2 Landscape  
 Policy RD1 Providing suitable services

## 6. Discussion

- 6.1 This proposal seeks retrospective planning permission for the erection of two dwellinghouses, to be used for short term letting accommodation, on a land adjacent to Denend, Newton of Begshill, Drumblade. Reference is made in the supporting letters from the applicant that the proposal is for “glamping”. This is quite a generic term, however the general arrangement of the two units proposed are very much of a dwellinghouse for self-catering short term letting purposes. Glamping proposals are typically of tent-like size and structure, but in a timber pod form. Glamping proposals typically have just one open plan space (like a tent), rather than a multi-use roomed structure. Regardless of the terminology, the proposal is for the erection of 2 dwellings, with the applicant clearly identifying that these will be for short term letting accommodation.
- 6.2 Legislation requires decisions on planning applications to be made in accordance with the development plan, unless material considerations indicate otherwise. In this case the primary consideration is the Aberdeenshire Local Development Plan 2017.

The key issues to be considered in the assessment of this application are:

- the principle of the development
- the landscape and visual impact of the development
- whether the proposal affect nature conservation interests related to the adjacent watercourse (Burn of Denend) and,
- whether all technical issues have been addressed

### *Principle of Development*

- 6.3 Policy B3: Tourist facilities supports new tourist facilities or accommodation that are well related to settlements and deliver net economic and social benefits. Having assessed the site of the development, it is evident that the site is not well related to any identified settlement. The site is located at approximately 5 miles to the north of Forgue, Huntly is approximately 6.5 miles to the east, and Fisherford (which itself has a camp site) at approximately 8 miles to the west. Policy B3: Tourist facilities aims to promote sites that can be easily accessible for visitors, hence the desire to well relate to settlements, and where possible this will enable sustainable travel. It is evident that this application is a small-scale rural tourism development, and by virtue of not being well related to a settlement, it is dependent on the private car for access. It does not sit on a major public transport route, and it is not linked via cycleways or footpaths to a settlement, bus stop or train station. Therefore the proposal does not meet the terms of new tourist facilities or accommodation identified in Policy B3, due to the site not being well related to a settlement.
- 6.4 Beyond Policy B3, Policy R2 Housing and business development elsewhere in the countryside is also relevant, and this states that the Council will restrict development proposals in the countryside area outwith the Aberdeen greenbelt and coastal zone to small-scale development that would, amongst

other things, involve remediation of redundant brownfield land opportunities. In this regard, a historical Ordnance Survey Map has been submitted to demonstrate that there was once a brownfield opportunity. Given that this application is retrospective, any physical remains on site are unable to be observed. The historical Ordnance Survey Map from 1901 is insufficient information to support of the brownfield opportunity, it is not recent enough to have any substantial degree of significance. Additional information was requested to demonstrate that the site did contain a redevelopment opportunity prior to the construction of the development. The applicant has failed to provide additional information, and it is unfortunate that they were unable to provide a deed plan, sales brochure or any pictures from the time of purchase (considering the supporting letter states that building remains were present in 2011 at the time of the applicant purchasing the site). Having considered the information submitted (Historical Ordnance Survey Map), it is judged that insufficient information has been submitted to give any weight to the potential brownfield opportunity. Accordingly, the development does not comply with Policy R2 Housing and business development elsewhere in the countryside.

- 6.5 Overall, whilst there are two policies that relate to consider the principle of development in this proposal, neither are satisfied. The site is not well related to a settlement, so cannot comply with Policy B3, and there was no substantial evidence of suitable remains on the site of the two units that could be considered an appropriate brownfield opportunity, so the proposal cannot comply with Policy R2. There are elements of B3 that are complied with, there would be an economic benefit from the proposal, and the accommodation on offer is not considered to pose a significant cumulative impact on existing enterprises, rather it offers further choice and diversification to the choice available to those who wish to visit the area. However, as clearly stated, the proposal fails to fully satisfy Policy B3 due to the remote location not being well related to a settlement.

#### *Other Material Considerations*

- 6.6 As outlined at the start of this section, other material considerations can be taken into account when determining planning applications. SPP does identify general support for farm diversification, tourism and economic development proposals. Whilst small scale, these units do present an opportunity for modest economic development through supporting associated business to help service the function of the units, as well as bring in visitors to the area. The applicant's agent has reported successful operation of the two units since they began to operate. Giving material weight to the success of an unauthorised development is not something the Planning Service wish to encourage, however were this proposal to have been applied for in advance, a business case could have been provided to demonstrate the potential benefits to the same effect.
- 6.7 Some sympathy is had, for proposals of this nature, given the restrictions imposed within Policy B3 for rural tourist offerings to be well related to settlements. It is accepted that Aberdeenshire is a rural authority, has attractive countryside, and a multitude of rural pursuits, such as walking, cycling, golf, fishing, castle visits, and whisky trails, that visitors may wish to explore. With this in mind, it seems logical to locate small scale

accommodation offerings in the rural locale, near these rural pursuits – however preference would be for these to be on public transport routes, or have some links to a settlement via the Core Path Network, National Cycle Routes or other forms of sustainable travel. This site does sit quite remote, with no real alternative other than the private car for access. However, the nature of the attractions that visitors would wish to access would, by their location and nature, typically rely on private car use too.

- 6.8 Huntly had several hotels in the not too distant past, however the levels of occupancy declined, those businesses became unviable, and have now ceased operation. Were there to be a sufficient demand for tourism accommodation within the settlement of Huntly, those previous offerings may have survived, or have been purchased by a new hotelier and made viable once again. The very nature of tourist accommodation demand in Scotland would appear to be self-catering accommodation in a remote setting, as evidenced by the supporting comments from VisitScotland. The “home from home” demand is often based on the aforementioned pursuits that visitors may wish to enjoy when they holiday away from home, and in this particular context locating these modest dwellings for self-catering tourist accommodation in rural settings is what sets them apart from properties within settlements.
- 6.9 Further to the above tourism merits, the proposal sought to exploit an opportunity to diversify Newton of Begshill farm by tapping into the sector of the previously mentioned rural tourism industry. The applicant has indicated that the business has been operating successfully, and there is widespread public support for the development as per letters of representation. The applicant has indicated that the operational existence now serves to demonstrate that there is a market for this type of tourist development in Aberdeenshire. They have advertised the business on their Facebook page with more than 1600 followers, and excellent reviews of the accommodation. They have indicated that last year saw 176 separate stays booked at the bothies. This evidence is similar to a number of strategies that would normally support such a proposal, had it have been applied for in advance.
- 6.10 The above does demonstrate the viability, and positive economic contribution the proposal can and does make, however a robust business model and justification for a proposal could identify such a strategy, in advance of works taking place. The retrospective nature of the application results in a consequential evidence based viability justification, however it is the content of the general tourist principles, marketing, and strategy that identifies the future success of the venture, rather than sole reliance on data gathered from 2017. This does signal compliance with a big aspect of Policy B3, however the requirement to be well related to a settlement does remain. Looking at compliance with Policy R2, there could have been scope for support through a brownfield redevelopment opportunity, however the only evidence provided is significantly dated and insufficient. The proposal therefore clearly fails to comply with the main principal policies of the LDP. However, whilst other matters will be discussed in more detail below, the general siting, layout, design, landscape impact and servicing of the units is acceptable, and those aspects do comply with the relevant policies of the LDP. Although the principle of the development cannot be supported in terms of Policy B3 Tourist facilities and Policy R2 Housing and business development elsewhere



in the countryside, this development is promoting small scale tourist accommodation that has demonstrated its success, provides a basis for longevity of success through VisitScotland's wider tourism strategy, there was once buildings on this site, albeit they are long since removed; coupling these aspects together, and taking account of wider aspirations and positive views on development of this nature within SPP, the Planning Service are minded, on balance, to support this proposal as a departure from the LDP.

*Layout, siting and design*

- 6.11 Policy P1: Siting, layout and design, supports development designs that demonstrate the six qualities of successful places. Development should be distinctive, safe and pleasant, welcoming through visual appeal, adaptable, resource efficient and well connected, ultimately combining to ensure developments are appropriate for the site and wider setting. The design of the dwellings displays traditional proportions, in keeping with vernacular house in Aberdeenshire. The scale of the development is suitable as it is small scale. The materials (corrugated sheeting) is contemporary, but reflective of the wider agricultural setting. The development is sited in an elevated position above the adjacent watercourse (Burn of Denend), and against a backdrop of mature trees, making it relatively inconspicuous when viewed from Denend and the private road east of Denend. Views from the west are from open fields, not a prominent public vista. Overall, the siting is appropriate, and integration within the surrounding environment is sensitively achieved.
- 6.12 Policy E2: Landscape, seeks to ensure that new development does not have a detrimental impact on the landscape character of the area in which it is set. The proposed development is small scale in terms of number of units, and the modest size and scale of the properties themselves. The development does not dominate the landscape, and the design show relatively traditional proportions in keeping with the local and wider area. Accordingly the two dwellings do not have significant negative impact on the landscape.

*Natural heritage*

- 6.13 Policy E1: Natural heritage seeks to ensure that new development does not adversely affect nature conservation sites designated for its biodiversity or geodiversity importance. In considering the impact of the development on the watercourse (Burn of Denend), there will not be any issue as the units and their septic tanks are set far from the watercourse, in compliance with the buffer strip Guidance. Proposals of this nature, in this location, would typically have greater impacts on minor watercourses during the construction phase through the change in the physical environment, however given the development is already in place the ability to ensure construction takes place appropriately has passed.
- 6.14 Policy RD1: Providing suitable services, seeks to ensure that access to new development is safe, functional and appropriate to the development to which it relates. Infrastructure Services (Roads Development) have no objections to the development subject to condition being applied to ensure adequate parking provision is catered for.

- 6.15 Policy RD1: Providing suitable services, also seek to ensure that new development is serviced in ways that avoid flooding and pollution to the water environment. The submitted drainage report demonstrates that suitable foul and surface drainage solutions has been achieved and already exist on site. Similarly, the water supply that is in place is acceptable to Environmental Health. The proposal therefore meets the requirements of RD1.

### *Representations*

- 6.16 In response to the concern raised that a grant of permission will set an undesirable precedent for other unauthorised developments in the rural area, this is something the Planning Service are mindful of. Part of the justification from the applicant's agent is reliant on the success of operations in 2017, which is only there due to the unauthorised nature of what has been carried out by the applicant. The Planning Service absolutely condemn those actions, and it is the following unique circumstances of this proposal that merit its support as departure: – the small scale units; in a sensitive site; limited evidence of previous development on the sites; location in relation to a magnitude of potential attractive tourist activities; general support through SPP; and the evidence provided to demonstrate the viability and economic benefits, in line with VisitScotland's strategy, that merit support of the proposal. The other points of objection are considered to have been addressed through the above discussion.
- 6.17 The supporting representations, which mainly all utilise the same text, outline general support for the proposal and commend its success.

### *Conclusion*

- 6.18 In summary, although the proposed development is not well related to any settlement as required by Policy B3: Tourist facilities, and does not present a sufficient redevelopment opportunity to conform with Policy R2 Housing and business development elsewhere in the countryside, this development is promoting small scale developments that acts as a new tourist accommodation destination in the countryside, which does not have a significant impact on amenity, the landscape or natural environment. In addition all other relevant issues relating to drainage, access and servicing have been addressed. The Planning Service is satisfied that the development can be supported as a departure from Policy B3: Tourist facilities and Policy R2 Housing and business development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017 on the basis of the unique circumstance that this development is promoting small scale tourist accommodation that has demonstrated its potential future success, provides a basis for longevity of success through VisitScotland's wider tourism strategy, there was once buildings on this site, albeit they are long since removed, and the general support for a proposal of this specific nature within SPP.

## **7. Area Implications**

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

## **8. Implications and Risk**

- 8.1 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.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

## **9. Sustainability Implications**

- 9.1 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

## **10. Departures, Notifications and Referrals**

### **10.1 Strategic Development Plan Departures**

None

### **10.2 Local Development Plan Departures**

Policy B3 Tourist facilities

Policy R2 Housing and business development elsewhere in the countryside

- 10.3 The application is a Departure from the valid Local Development Plan and Strategic Development Plan and has been advertised as such. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. The period for receiving representations has expired.
- 10.4 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

## **11. Recommendation**

### **11.1 GRANT Full Planning Permission subject to the following conditions:-**

01. The short term holiday letting accommodation hereby approved shall be used solely as temporary holiday letting accommodation for a period of stay not exceeding 4 weeks, and for no other purposes whatsoever including use as permanent residential units without the prior express grant of planning permission by the planning authority. The short term holiday letting accommodation shall not be occupied as a person's sole or main residence and the owner of the short term holiday letting accommodation shall maintain an up-to-date register of the name of each occupier of the short term holiday letting accommodation on the site, their length of stay and their main home address, and shall make this information available at all reasonable times to the planning authority.

Reason: The occupation of the short term holiday letting accommodation as permanent residential units would not comply with the Council's Local Development Plan policies regarding residential development in this area.

### **11.2 That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan.**

The proposed two dwellings, for short term letting accommodation, can be supported as a departure from Policy B3: Tourist facilities and Policy R2 Housing and business development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017 on the basis of the unique circumstance that this development is promoting small scale tourist accommodation that has demonstrated its potential future success, providing a basis for longevity of success through tying in to VisitScotland's wider tourism strategy, contributing to the wider social and economic benefits of the area through enhanced tourist accommodation offerings and support for local services ancillary to the functions of this enterprise, the general support for proposals of this nature within SPP, and the proposal is acceptable in all other matters in relation to access, servicing, design and landscape impacts.

**Stephen Archer**  
**Director of Infrastructure Services**

Author of Report: Emmanuel Hiamey  
Report Date: 12 March 2018