



APPEAL: DPEA
Appeal Reference
PPA-110-2350
Planning Reference
APP/2017/1802
Planning Proposal
Full Planning permission for continued use of building for Class 5 (General Industrial); non-compliance of condition 1 (Time) Of full planning permission App/2015/0663 at Unit 4 and 5, South Fornet, Skene, AB32 7BX
Summary of Decision
Main application
<p>The reporter has overturned the decision and granted planning permission subject to a condition on use of the external space.</p> <p>The Planning Service recommended the refusal of the application, which was agreed by Garioch Area Committee on 31 October 2017.</p> <p>The main determining issues in the appeal are whether the development proposed is small scale, the agricultural use is redundant, the location is sustainable and if the development proposed will have an unacceptable impact on highway safety.</p> <p>The reporter determined that the site, namely Units 4 & 5, should be considered a separate planning unit from the office development and the other adjacent units. Therefore this would meet the criteria for small scale development as defined in the local development plan.</p> <p>The reporter concludes that the buildings are redundant for agricultural use. This is based on the fact that the farming operations at South Fornet are now contract farmed by others, who have their own buildings elsewhere. Furthermore it is suggested that farmers prefer to have storage buildings adjacent to their steading. A previous appeal at an adjacent unit is also noted.</p> <p>The reporter refers to SPP and the need to protect against unsustainable growth and suburbanisation of the countryside. However it is stated that policy R2 promotes small scale growth in the countryside, which as noted above this development complies with. The reporter has accepted the submitted travel plan and the applicants commitment to sustainable travel, and again recognises the site is small scale development. On balance it is accepted that the proposal would not have a significant impact on delivering the objectives of sustainable travel.</p>

The reporter is satisfied that the applicants have sought to find alternative accommodation but concludes that this is not currently available. It is also noted that this information is not required by policy R2.

The reporter highlights that traffic movements are known as the business has been in operation since 2013 and a number of passing places are already in place. There is agreement that traffic movements are likely to be less when South Fornet was in full use as a farming enterprise. It is noted that the council's roads department did not object to the proposal.

In conclusion, the reporter states that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. It is also noted that some weight has been given to the benefits of the development to the local economy, these benefits support the conclusion that planning permission should be granted for the development.

Policy Issues

No significant policy issues although it is worth noting that the site was considered as a separate planning unit.

Additional Points

None

Actions

No actions.

Note Decision

Grant planning permission.

Other

None

Planning and Environmental Appeals Division
Appeal Decision Notice



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Decision by Jo-Anne Garrick, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2350
- Site address: Unit 4 and 5, South Fornet, Skene, AB32 7BX
- Appeal by South Fornet Estates Ltd, Aleron Subsea and ROVQUIP against the decision by Aberdeenshire Council
- Application for planning permission APP/2017/1802 dated 19 July 2017 refused by notice dated 3 November 2017
- The development proposed: continued use of building for Class 5 (General Industrial); non-compliance of condition 1 (Time) Of full planning permission App/2015/0663
- Application drawings: block plan and elevations L(90)001 and location plan L(90)002
- Date of site visit by Reporter: 20 March 2018

Date of appeal decision: 25 April 2018

Decision

I allow the appeal and grant planning permission subject to the following condition:

No industrial process or repairs or vehicle maintenance or storage of materials shall take place outwith the buildings hereby approved at any time unless previously agreed with the Planning Authority.

Reason: in the interests of the appearance of the development and the visual amenities of the area.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the Aberdeen City and Shire Strategic Development Plan (2014) and the Aberdeenshire Local Development Plan (2017). Material to the determination of the application is Scottish Planning Policy (2014).
2. Having regard to the provisions of the development plan the main issues in this appeal are whether the: development proposed is small scale; agricultural use is redundant; location is sustainable; and development proposed will have an unacceptable impact on highway safety.



3. The appeal site comprises Units 4 and 5 that sit within a complex of eight buildings at South Fonet. The complex originally comprised farm buildings and included a farm house which is now in use as offices. Units 1 to 7 are constructed from rendered concrete blocks and have profile metal sheet roofs. Two of the units remain in agricultural use. The properties at South Fonet are accessed by single track roads, with passing places.
4. Aleron Subsea and ROVQUIP along with other businesses, occupy offices within the former farm house at South Fonet. The former farm house was converted into offices in 2006.
5. The proposed development seeks to discharge condition 1 of planning permission APP/2015/0663 to allow the continued Class 5 use of Units 4 and 5, which have been occupied by Aleron Subsea and ROVQUIP since 2014. The time limiting condition was included on the planning approval in 2015 in order to allow the businesses involved time to find alternative, more appropriate premises for the proposed uses and relocate.

Small scale

6. Policy R2 of the Aberdeenshire Local Development Plan seeks to restrict housing and employment development proposals in the countryside area to small scale development. In addition, the policy specifies a number of further criteria to be met. The glossary defines small scale, which in the case of employment development, is a site of less than 0.5 hectares and employing 5 or fewer full-time people.
7. It is the council's view that whilst the combined size of Units 4 and 5 is below the 0.5 hectare threshold, as a result of 15 people being employed between the two businesses, the proposal does not meet the definition of small scale. The council acknowledge that employees of the business also work within the office accommodation at South Fonet, however they conclude that as a result of the relationship with the office and the other units in the complex it is not appropriate to consider the development as a standalone proposal.
8. Objections to the proposal consider that the area of the development exceeds the 0.5 hectare threshold as this should be calculated by including the area of all parts of the site which are occupied by Aleron and ROVQUIP. This would include the office, Unit 1 (used as storage), the yard frontage to Unit 1 and the yard areas to Units 4 and 5.
9. Whilst I fully acknowledge the clear relationship between the units on the South Fonet site, I agree with the appellants that they are separate planning units. The office for example is also occupied by other companies and there is no planning limit on the number of staff that can be located within the office. I therefore conclude that the proposed development meets the definition of small scale as set out within the glossary of the local development plan.

Is agricultural use redundant?

10. One of the criteria of policy R2 is to restrict development proposals in the countryside to that which involves remediation or redundant brownfield land opportunities.

The glossary states that in rural areas and in the context of policy R2, it is necessary for a brownfield site to be redundant.

11. Both the council and objectors state that the appellants have not provided evidence to justify that the buildings are redundant and that there is no reason why they cannot accommodate modern agricultural practices.

12. The appellants submit that only Units 3 and 6 are required to support the ongoing agricultural operations, as the agricultural land at South Fornet is now contract farmed by others, who have their own farm buildings elsewhere. The appellants refer to a previous appeal decision for the change of use of Unit 1, where the Reporter concludes that in principle, Unit 1 could be used by another farming business, whose main operations are located elsewhere. However, the Reporter notes that in general, farmers prefer to have storage buildings adjacent to their main steading. I note the similarities with this appeal and I agree with this conclusion.

13. Whilst the council and objectors consider that there would be demand for an agricultural use, no details of this demand have been provided, nor have the appellants provided evidence to the contrary. However, I note that policy R2 does not require the submission of such evidence. I therefore conclude that, on balance, the agricultural use is redundant.

Sustainability of location

14. Paragraph 75 of Scottish Planning Policy requires the planning system to promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces. Paragraph 76 goes on to state that in the pressurised areas, which are easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside.

15. The council submits that the appeal site lies within close proximity to existing pressured areas, the A96 strategic growth corridor and Westhill, and given its agricultural significance, alongside the need to protect the character of the surrounding rural environment, these are the very locations where Scottish Planning Policy advises that this type of development should be strongly resisted. However, the appellants highlight that policy R2 allows for small scale development in the countryside, whether it is in the pressured or intermediate area, where it meets the requirements of the policy. I agree with this assessment. The introduction to the shaping development in the countryside section of the local development plan specifically states that policies and allocations promote a pattern of development that is considered to be appropriate to the pressured and intermediate character of the area.

16. Concerns have been raised by both the council and objectors regarding the ability to access the site by means other than the private car. Paragraph 270 of Scottish Planning Policy identifies that the planning system should support patterns of development which optimise the use of existing infrastructure, reduce the need to travel and provide safe and convenient opportunities for walking and cycling and facilitate travel by public transport. This is reflected within both the strategic development plan and the local development plan.

17. I agree that the use proposed would be better located on a site where access to public transport is better. However, I note the Travel Plan associated with Unit 1 and the appellants commitments to sustainable travel. As I conclude above that the development meets the definition of small scale I consider, on balance, that the proposal would not have a significant impact on delivering the objectives of sustainable travel.

18. Concerns have been expressed by both the council and objectors which state that the appellants have not justified the need for the rural location and that alternative employment sites are available. Policy R2 does not require applicants to submit this justification. However, the appellants have submitted a report to illustrate the lack of availability of the accommodation required and have provided details of the facilities required to allow the business to function, such as the high voltage electricity supply and test tank. In addition, the appellants have explained that during 2015 they moved part of the business to new accommodation, which was not suitable and this was at a great cost to the business. In accordance with my conclusions above, I agree with the appellants that whilst such information is not required by policy R2, the information submitted illustrates that the appellants have sought to find suitable alternative accommodation, which appears not to be currently available.

Road safety

19. Objectors highlight that the road network has been damaged as a result of HGVs and other large vehicles associated with the existing business uses contained within Units 4 and 5. The appellants identify that as the business has been operating from Units 4 and 5 since 2013 and 2015 respectively, they fully understand the type and number of vehicular movements, namely: two or three larger HGVs per month, an average of two articulated lorries per week in addition to the cars from the five employees working within Units 4 and 5.

20. I note that four new passing places were formed and one existing passing place upgraded as a requirement of a planning permission on Unit 1. I also note that the council's roads department has no objection to the proposal. I agree with the appellants that the traffic movements are likely to be less than occurred when South Fonet was fully in use as a farming enterprise and that road safety concerns are unlikely to arise.

Conclusion

21. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. In reaching my conclusion, I have given some weight to the benefits of the development to the local economy, these benefits support my conclusion that planning permission should be granted for the development.

22. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Jo-Anne Garrick