

APPEAL DECISION
Refuse Planning Permission in Principle in accordance with the Appointed Officer's decision
Appeal Reference
LRB 408
Planning Reference
BB/APP/2017/2448
Planning Proposal
Planning Permission in Principle for demolition of steading and erection of dwellinghouse at site adjacent to Loch Hills Farmhouse, New Aberdour
Summary of Decision
<p>The main determining issues in this review was whether the proposal was in accordance with Policy R1 Special Rural Areas of the ALDP.</p> <p>The site is located in the Coastal Zone as identified in ALDP and (Supplementary Guidance 4). Policy R1 significantly restricts housing and employment development in the greenbelt and coastal zone to reflect the special nature of these areas.</p> <p>While having some sympathy with the case (including the supporting medical information) and having also fully considered the Equalities Impact Assessment, the Aberdeenshire Council Local Review Body (LRB) agreed that the applicant currently has access to ground floor accommodation which appears to meet her needs, and that there were also other potential development options available to the applicant.</p> <p>The LRB were of the view that the site of the proposed new dwelling would be approximately 50 metres away from the steading to be demolished therefore could not be regarded as redevelopment within the curtilage of the existing building. The site of the proposed house would result in an addition/extension to an existing cluster of buildings in the Coastal Zone, which is contrary to Policy R1 where it specifically seeks to limit environmental impacts.</p> <p>The LRB considered that the principle of the development could not be supported as it failed to comply with the qualifying criteria specified in Policy R1 of the ALDP 2017. In the absence of any over-riding material considerations, the LRB resolved to uphold the decision of the Appointed Officer.</p>
Policy Issues
None

Additional Points
None
Actions No actions required.
Note Decision Refuse Planning Permission in Principle.
Other None

Aberdeenshire Council Local Review Body

Reference LRB 408 APP/2017/2448

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Site adjacent to Loch Hills Farmhouse, New Aberdour.
- Application for review by Mrs McIsaac c/o Baxter Design Company against the decision by an appointed officer.
- Application reference APP/2017/2448 for planning permission in principle for the demolition of steading and erection of dwellinghouse refused by decision notice dated 17 November 2017.
- Application drawings: Location Plan, Site Plan & Block Plan @ 1/25000, 1, 2500 and 1/500 scales (drawing no: 17026 – P1).
- No site inspection took place.

Date of Decision: 24 April, 2018

Decision

The Local Review Body (LRB) agrees with the determination reviewed by it and refuses Planning Permission in Principle in accordance with the Appointed Officer's decision.

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 23 March 2018. The LRB was attended by Councillors F C P Hood (Chair), J Hutchison, P K Johnston, A Ross, I Sutherland and M Roy.
- 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 or site inspection was required.

2.0 Proposal

- 2.1 The site is situated in the countryside approximately 2km to the northeast of the settlement of New Aberdour. Loch Hills Farmhouse sits centrally within its curtilage with its rear (north) extension adjacent to a large U-shaped steading. A smaller steading, which is to be demolished under this proposal, is located to the east of the farmhouse and southeast of the larger steading.
- 2.2 Access to the proposed new dwellinghouse would be taken via an access track heading north between the eastern site boundary and the east elevation of the larger steading (to be retained) from the existing access with the public road (B9031). The existing access would be shared with Loch Hills Farmhouse.
- 2.3 This application is identical to a previous proposal (2017/1388) which was refused in July 2017 under delegated powers due to non-compliance to the Local Development Plan policies. The only difference in this application is that the agent had submitted a supporting statement which states that the proposed house is required as the applicant is unable to access the upper floor of the existing Loch Hills Farmhouse due to her disability in early 2016. Loch Hills Farmhouse had been altered and extended in the past following approval of APP/2012/2462.
- 2.4 A ground assessment and drainage report and a justification statement had accompanied the application.

3 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 specifically within the Coastal Zone.
- 3.2 In his presentation to the Local Review Body, the Planning Adviser confirmed that the site was located in the Coastal Zone as identified in ALDP and (Supplementary Guidance 4), with the adjacent public road (B9031) marking the southern boundary of the zone.
- 3.3 The LRB agreed that the relevant policies contained in the adopted ALDP 2017 were as follows:
 - Policy R1 – Special Rural Areas;
 - Policy P1 - Layout, Siting and Design;
 - Policy C1 – Using resources in buildings;
 - Policy HE1 – Protecting historic buildings, sites and monuments;

Policy RD1 – Providing suitable services; and

Policy RD2 – Developer’s obligations.

- 3.4 In addition to the statement provided in support of the Applicant’s Notice of Review, the LRB also noted that the agent had provided a supporting letter from the applicants GP to confirm her disability and details of the surgeries that had taken place since her accident. An Equality Impact Assessment had also been undertaken as part of the application determination process.
- 3.5 The LRB confirmed that they would not enter any discussion on the procedural issues that had been raised by the agent in respect of the councillor consultation that had been undertaken at the time of the determination of the application, as the remit of the LRB is solely to consider the planning merits of any proposal before them.
- 3.6 During discussion on the principle of the development, the LRB focused their attention on the key relevant development plan policy (R1 from the ALDP 2017). Policy R1 – Special Rural Areas confirms that there are significant restrictions on housing and employment development in the greenbelt and coastal zone to reflect the special nature of these areas. Only development which is essential and cannot be located elsewhere would normally be allowed. In the Coastal Zone, development will only be allowed under the following circumstances;
- 1 The development must require a coastal location, and the social and economic benefits must outweigh any adverse environmental impact;
 - 2 It must be the redevelopment of an existing building, or within the curtilage of an existing building;
 - 3 Proposals for coastal protection works.
- 3.7 While having some sympathy with the case put forward by the applicant (including the supporting medical information) and having also fully considered the Equalities Impact Assessment, the LRB agreed that the applicant currently has access to ground floor accommodation that appears to meet her needs and that there were also considered to be other potential development options available to the applicant as outlined in paragraph 3.9 below.
- 3.8 The LRB were of the view that whilst the proposal is to demolish an existing steading, the site of the proposed new dwelling would be approximately 50 metres to the north of the steading and could not be regarded as redevelopment within the curtilage of the existing building. Rather than the site being located on or forming part of the demolished steading, the site of the proposed house would result in an addition/extension to an existing cluster of buildings in the Coastal Zone,

where Policy R1 specifically seeks to limit environmental impacts and where the proposal would set an undesirable precedent.

- 3.9 The LRB agreed that other options were available and that there could be merit in the applicant seeking to redevelop the existing building or develop within the curtilage of the existing steading building, or even to convert another part of the other adjacent larger steading buildings into single level accommodation.
- 3.10 In this case the LRB considered that it was clear from the Applicant's submissions and the assessment contained in the Appointed Officers Report of Handling that the principle of the development could not be supported as it failed to comply with the qualifying criteria specified in Policy R1 of the ALDP 2017.
- 3.11 In the circumstances, and in the absence of any over-riding material considerations, the LRB resolved to uphold the decision of the Appointed Officer as set out below.

4.0 Reason for refusal

- (1) The proposed development is contrary to Policy R1 Special Rural Areas, 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. The development fails to justify a coastal location, whereby the social and economic benefits would outweigh any adverse environmental impact; b. It is not a redevelopment of an existing building, or within the curtilage of an existing building; c. It is not for coastal protection works.

Geraldine Fraser
Acting Head of Legal and Governance