

APPEAL DECISION
Refuse Planning Permission in Principle in accordance with the Appointed Officer's decision
Appeal Reference
LRB 410
Planning Reference
BB/APP/2017/2520
Planning Proposal
Planning Permission in Principle for erection of dwellinghouse at site adjacent to Thornbank, Lonmay
Summary of Decision
<p>The main determining issue 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 which in this case is the (RHMA).</p> <p>Although the appeal had made reference to the personal circumstances of the applicant and the proposal was claimed to be necessary in order that the appellant could continue to invest in her 31-acre holding, the Aberdeenshire Council Local Review Body (LRB) noted that no agricultural justification had been submitted either with the original application or with the Notice of Review.</p> <p>Other than the cohesive group category, none of the other criteria listed under Policy R2 were applicable in this case. Whilst the LRB agreed that in certain cases clusters and groupings can be slightly looser, they are still connected in some way i.e. by being located on the same side of the public road or by sharing the same boundaries or landscape features. That is evidently not the case here.</p> <p>The LRB agreed with the conclusions of the appointed officer that the 10 other properties that had been identified on the proposed plan were significantly separated from one another and not connected in any way as they are fragmented in terms of the distance among them and from the proposed site. None of the existing properties are considered to form a cluster or a group and the proposed site is completely disconnected, physically and visually from any of those other properties. The proposal would therefore not be located within an existing recognised cluster of 5 or more properties.</p> <p>The LRB were unanimous in their view that the principle of the development could not be supported as it failed to comply with any of qualifying criteria specified in Policy R2 of the ALDP 2017. In the absence of any other material considerations, the LRB resolved to uphold the decision issued by</p>

the Appointed Officer.
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 410 APP/2017/2520

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Site adjacent to Thonbank, Lonmay.
- Application for review by Mrs Emma Rogers c/o Suller & Clark against the decision by an appointed officer.
- Application reference APP/2017/2520 for planning permission in principle for the erection of a dwellinghouse refused by decision notice dated 30 November 2017.
- Application drawings: Location Plan, Site Plan and Block Plan @ 1/25000, 1/2500 and 1/500 scale (drawing no: 17045-01 Rev 1).
- 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, M Roy and I Sutherland.
- 1.3 The LRB was shown projected plans and photographs by the Planning Adviser. These showed the application site and its relationship to the surroundings. The Planning Adviser also summarised the points raised within the 2 valid representations and the further representations that had been received to the Notice of Review.

- 1.4 The LRB agreed that there was sufficient information before it to consider the application and that no further information was required.

2.0 Proposal

- 2.1 The proposed site is situated in the countryside approximately 3.7km to the southwest of the settlement of St Combs, and 1.6km to the northeast of A90. The application site lies within the Rural Housing Market Area (RHMA) and covers approx. 0.18 ha in area. The site is currently in agricultural use and is bound by existing post and wire fences on the northeast and west. A minor public road runs past the site on the west, where a new access would be formed for the development.
- 2.2 An existing house known as 'Thornbank' is the closest residential property and lies some 33m to the southern boundary of the proposed site. A further dwelling 'Braeside' partially surrounded by trees beyond the northeast fence is situated approximately 120m to the northeast of the proposed site. The submitted plan indicates a further 8 properties in the area, ranging from approximately 128m (the closest 'Greenbank' to the southwest) to 440m (the furthest 'Clachantrushal' to the northwest) from the proposed site.
- 2.3 The proposal is identical to a previous application (APP/2017/1313) that was refused permission in July 2017.
- 2.4 The application had been supported by a drainage certificate and report.

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 which in this case is the (RHMA).
- 3.2 The LRB agreed that the Appointed Officer had identified the relevant Aberdeenshire Local Development Plan 2017 (ADLP) policies and these were as follows:

Policy R2 – Housing and employment development in the countryside;

Policy P1 - Layout, Siting and Design;

Policy C1 – Using resources in buildings;

Policy RD1 – Providing suitable services; and

Policy RD2 – Developer's obligations.

- 3.3 The LRB gave consideration as to whether a site inspection or further information would be helpful but agreed that this was unnecessary in light of the well-defined issues that had been presented in the Notice of Review paperwork, coupled with the Planning Advisers presentation and series of photographs.
- 3.4 It was noted that as the site lies within the (RHMA) the key policy (R2) did allow for consideration to be given under the terms of the cohesive groups/cluster category of the policy. Although the appeal had also made reference to the personal circumstances of the applicant and the proposal was claimed to be necessary in order that the appellant could continue to invest in her 31-acre holding, the LRB noted that no agricultural justification had been submitted either with the original application or with the Notice of Review. Accordingly, other than the cohesive group category, none of the other criteria listed under Policy R2 were applicable in this case.
- 3.5 During discussion, the LRB noted the case put forward by the agent that due to the history of other applications in the area and examples being provided of where proposals have been accepted by the council as being a not dissimilar scattering of properties and dispersed pattern of development. On that basis the proposal was argued to represent a reasonable and appropriate addition to an existing cluster of 5 houses in this rural area.
- 3.6 Whilst the LRB agreed that in certain cases clusters and groupings can be slightly looser, they are still connected in some way i.e. by being located on the same side of the public road or by sharing the same boundaries or landscape features. That is evidently not the case here. The LRB agreed with the conclusions of the appointed officer that the 10 other properties that had been identified on the proposed plan were significantly separated from one another and not connected in any way as they are fragmented in terms of the distance among them and from the proposed site. None of the existing properties are considered to form a cluster or a group and the proposed site is completely disconnected, physically and visually from any of those other properties. The proposal would therefore not be located within an existing recognised cluster of 5 or more properties.
- 3.7 The LRB were unanimous in their view that the principle of the development could not be supported as it failed to comply with any of qualifying criteria specified in Policy R2 of the ALDP 2017.
- 3.8 In conclusion and in the absence of any other material considerations, the LRB resolved to uphold the decision issued by the Appointed Officer, thereby refusing Planning Permission in Principle for the reason set out below.

4.0 Reason for refusal

- (1) The proposed development is contrary to Policy R2 Housing and employment development elsewhere in the countryside, as contained in the Aberdeenshire Local Development Plan 2017, as the proposed dwelling house fails to meet the criteria set out in the policy, in that:
- a) It is not of a type that would be permissible in the green belt;
 - b) It does not contribute to the growth of a settlement identified in Appendix 4;
 - c) It is not associated with the retirement succession of a viable farm holding;
 - d) It is not for the refurbishment or replacement of an existing or disused building, or remediation of redundant brownfield land opportunities;
 - e) It is not an economic development proposal;
 - f) It is not an appropriate addition to a cluster or group of at least 5 houses

Geraldine Fraser
Acting Head of Legal and Governance