

**Aberdeenshire Council Local Review Body**

**Reference LRB 418 APP/2017/2523**

**Review Decision Notice**

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Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Boghead Farmhouse, Kintore.
- Application for review by Marshall Farms c/o John Wink Design against the decision by an appointed officer.
- Application reference APP/2017/2523 for full planning permission for erection of temporary building (retrospective) refused by decision notice dated 27 December 2017.
- Application drawings: Location Plan, Site Plan, Elevations and Floor Plan @ 1/1250, 1/200, 1/100 & 1/50 scale (drawing no: 1743-001 A).
- No site inspection took place

Date of Decision: 7 June, 2018

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**Decision**

The Local Review Body (LRB) agrees with the determination reviewed by it and refuses Full Planning Permission in accordance with the Appointed Officer's decision as set out in paragraph 4.0 below.

**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 25 May 2018. The LRB was attended by Councillors P K Johnston (Chair), R Cassie, P Gibb, J Hutchison, A McKelvie and I Sutherland.
- 1.3 The LRB was shown projected plans and photographs by the Planning Adviser. They 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 application and that no further information was required.

## **2.0 Proposal**

- 2.1 Full Planning Permission is sought for the erection of a temporary building for use as a Hairdressing Salon at Boghead Farmhouse, Kintore. The application is retrospective as the temporary building has already been erected and is in use.
- 2.2 The site is located on the southern edge of the Boghead farm complex to the immediate north of the A96 between Aberdeen and Inverurie. The site utilises the existing access directly from the A96 that serves the farm complex. To the northwest of the application site is a cluster of traditional farm buildings comprising a 'U' shaped steading, a number of farm houses/ cottages as well as a coach house and a bothy. To the north west of the application site is Concraig Dairy which is a large modern agricultural building. To the south of the application site across the A96 is Boghead Farm shop which is a small granite building which is operational as a farm shop.
- 2.3 The existing building is a flat roofed prefabricated modular unit of 9m x 3.2m. The unit has a small 1.7m x 2m toilet extension to the rear north elevation. The north elevation also has a rear entrance and a small rectangular window. The south elevation is accessed by pedestrians via concrete steps and a concrete ramp to a set of triple doors. The principal elevation also has a rectangular window. There are two further small windows to the east and west elevations. Carparking for 4 vehicles is located to the south of the building and the septic tank and soakaway are located to the west of the building. There is existing mature landscaping to the south of the site in the form of mature bushes as well as a large mature tree to the immediate east of the east elevation. The site is part enclosed to by a 0.6m high stone wall.
- 2.4 The existing building was previously subject to Full Planning Permission for the erection of temporary portacabin (retrospective) to sell farm produce which was approved in August 2011 (APP/2011/1529) with the temporary permission expiring August 2016.
- 2.5 The current proposal had been supported by a planning statement.

## **3.0 Reasoning**

- 3.1 The main determining issues in this review was whether the principle of the proposed development was in accordance with the policy criteria that would normally apply to the erection of this type and form of built development and this use within this rural location.
- 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 B2 – Town centres and office development;

Policy R2 – Housing and employment development in the countryside;

Policy P1 - Layout, Siting and Design;

Policy RD1 – Providing suitable services;

- 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. As part of his presentation the Planning Adviser also answered questions from the LRB in respect of the land ownership of the site and the surroundings.
- 3.4 It was noted in the agent's submissions that the proposal was deemed to be appropriate as there is evidence of other similar salons in rural settings and the small-scale nature of the proposal meant that it would not have a negative impact on existing town centres or employment land. If required, the building could be re-clad to improve its external appearance. The location of the salon has also proven to be viable and the business has been successful. There is also adequate on-site parking so the business does not interfere or impact on the A96.
- 3.5 In their discussion the LRB were unanimous in their view that the Appointed Officer's Report of Handling had set out the clear reasons why this proposal was deemed to be unacceptable.
- 3.6 The proposal does not lie within a designated town centre or identified settlement. Although small scale it is not considered that it is an appropriate use in the countryside and there is no locational requirement for a hairdressing salon use to be located in the countryside. The sequential approach to site selection had not been demonstrated and the proposal is not considered to comply with Policy B2 of ALDP 2017.
- 3.7 The salon occupies an existing prefabricated modular unit that was originally granted temporary permission until August 2016 for use as a farm shop (APP/2011/2523). The LRB agreed that given the construction of the building and the expired temporary consent it is not considered that the building is worthy of retention in this location and there would be no merit in redeveloping a temporary building that is redundant for its originally approved purpose or would justify a new permanent structure and therefore the proposal did not comply with Policy R2 of the ALDP.
- 3.8 The LRB also agreed that as the modular unit is in a prominent roadside location and is a temporary building of poor quality which was only ever intended to be used as a temporary farm shop. It is incompatible with the

existing farm uses and incongruous to the wider rural area contrary to the layout, siting and design criteria set out under Policy P1 of the ALDP.

3.9 In conclusion and in the absence of any over-riding 'other material considerations', the LRB resolved to uphold the decision issued by the Appointed Officer thereby refusing Full Planning Permission for the reasons set out below.

#### **4.0 Reasons for refusal**

- (1) The hairdressing salon is outwith a defined town centre or any identified settlement. It has not been demonstrated that a sequential approach has been executed for site selection and no information has been submitted the gives a justification or a locational requirement for the salon. The proposed development therefore does not comply with Policy B2: Town centres and office development of the Aberdeenshire Local Development Plan 2017.
- (2) It is not considered that the building is worthy of retention nor that it should be redeveloped and the Class 1 retail use is not considered to be an appropriate use in a rural location The proposal therefore does not comply with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.
- (3) The prefabricated modular unit is located in a prominent roadside location and is a temporary building of a poor quality. It is not desirable to grant full planning permission to a building intended for temporary use and the Hairdressing Salon is considered to be incompatible with existing farm uses and incongruous to the wider rural vernacular. The proposal therefore does not accord with Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017.



**Geraldine Fraser**  
**Acting Head of Legal and Governance**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

### **Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)**

#### **Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
  
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.