

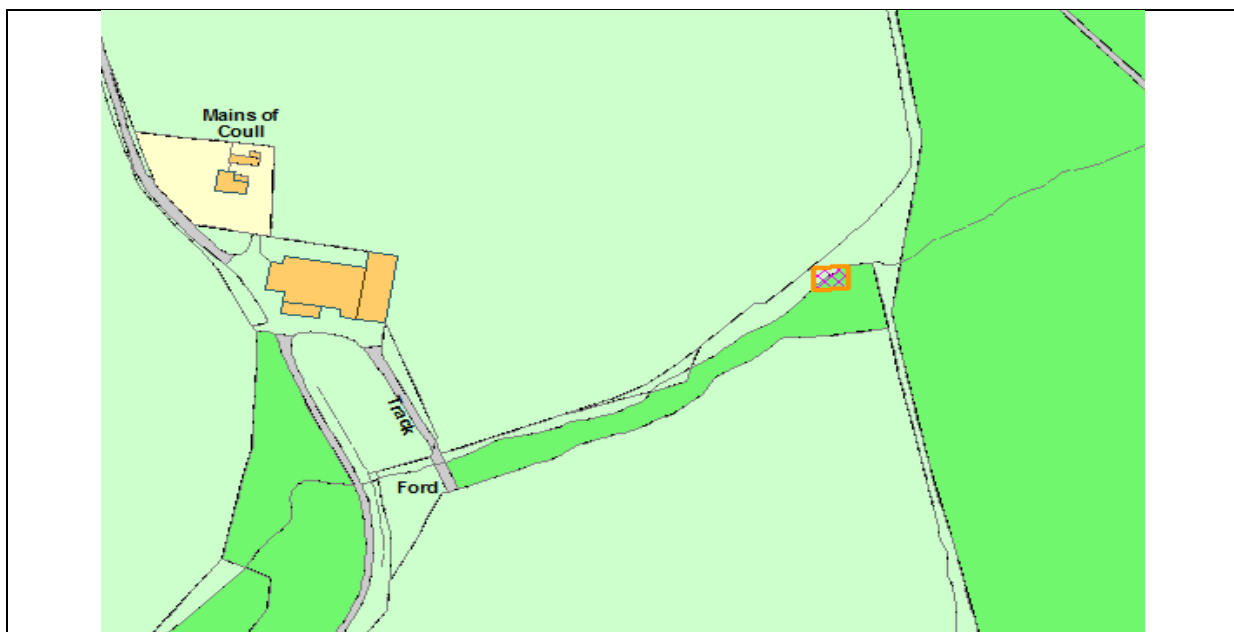
Marr Area Committee Report 02 October 2018

Reference No: APP/2018/1986

Full Planning Permission For Erection of Hut (Sui Generis) at Site Adjacent To Mains Of Coull Steading, Coull, Aboyne, Aberdeenshire, AB34 4TS

Applicant: Mrs Lynn Murphy, Roslyn, St Eunans Road, Aboyne
Agent: Craigie Levie, The Walled Garden, Dess, Aboyne

Grid Ref: E:351872 N:802405
Ward No. and Name: W15 - Aboyne, Upper Deeside And Donside
Application Type: Full Planning Permission
Representations: 3
Consultations: 4
Relevant Proposals: Aberdeenshire Local Development Plan
Map
Designations: Rural Housing Market Area
Complies with: Yes
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.3.1g of Part 2C Planning Delegations of the Scheme of Governance as there is an unresolved objection from a consultee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had 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 a hut (Sui Generis) at land adjacent to Mains of Coull Steading, Coull, Aboyne.
- 2.2 The application site is located approximately 3km north of the Aboyne settlement, and 4km south east of Tarland. It is located in open agricultural land to the south east of Mains of Coull Steading and Mains of Coull dwellinghouse, and to the east of the Tarland Burn, Coull Castle, and neighbouring properties which are of considerable distance away. Coull Home Farm is located to the south west beyond a woodland area. Mains of Coull Steading is accessed via a track leading from the north west, off the B9094 road towards Tarland.
- 2.3 Across the centre of the fields, adjacent to Mains of Coull Steading, is an area of rough shrub land predominantly comprising of grass, gorse and broom bushes. This forms a rough belt running west to east, with a ditched watercourse running through it leading to a ford at the west side, south of the Steading. There is mature woodland to the immediate east at Hill of Coull, and further south. Boundary treatments of the field include stone walling and post and wire fencing. The site slopes from east to west. The area is characterised by the Howe of Cromar rural setting.
- 2.4 Planning permission is sought for the erection of a hut, which is to be sited at the far most eastern side of the shrub belt, adjacent to the woodland, approximately 150m east of Mains of Coull Steading. The proposed hut would measure approximately 6m in height (from ground level), with an internal floor space of approximately 24sqm. It would be constructed of larch timber cladding, timber window and door frames, and corrugated galvanised steel roof sheets, with a covered verandah on the south side, PV panels and a velux rooflight on the south facing roof elevation, and a flue projecting from the northern roof elevation. The hut would be positioned on removable screw-in piles. Internally it would comprise an open plan lower floor with a woodstove and compost toilet, and a mezzanine platform to accommodate a bed.
- 2.5 The proposed hut is to feature a composting toilet on the north side, and would utilise an existing water supply to Coull Home Farm. Access would be

obtained as existing from the tracks to the west, and parking is available at the adjacent steading which is within the applicant's ownership. Further access to the hut would be on foot. Any refuse waste would be taken home and disposed of by the applicants with their household waste.

- 2.6 For clarification, no change of use of land is proposed in the title of the application, as the application site boundary includes the hut only. The strip of land associated with the hut proposal, which comprises some 0.34ha, running in a west to east direction, is to be planted with wildflower meadow mix and trees. A mown path from the car parking at the steading is to be formed within this, and the existing stream is shown to be straightened and ditched. This is outwith the application site boundary, and therefore does not form part of this assessment, and works to simply closely mow the field is not development, and depending on the specific nature of the works to the minor watercourse, it may not require consent either. Discussion will take place on this aspect with the applicant.
- 2.7 Supporting documents have been submitted with the application which include:
- **Supporting Statement-** this outlines the purpose of the proposed hut to provide the applicants with a base to make recreational use of the land, which is within their ownership, and enjoy and promote biodiversity, habitat creation, planting, green technologies and landscape management. It states that the site is within walking/cycling distance from their home in Aboyne, and attempts to demonstrate compliance with the SPP definition of a hut.
 - **Composting toilet details**
 - **Private Water Supply Risk Assessment Report**
- 2.8 The proposal was previously applied for under APP/2018/0315 which was subsequently withdrawn to allow for technical matters relating to water supply and flooding to be addressed.

3. Representations

- 3.1 A total of 3 valid representations (3 support) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 3 letters in total. All issues raised have been considered. The letters raise the following material issues:
- General support for design of proposal and 'off-grid' nature of development
 - Modest design
 - Support for maintenance and habitats for wildlife, and environmental benefits
 - Historic context of crofting nearby

4. Consultations

Internal

- 4.1 **Infrastructure Services (Environmental Health)** has no objection to the proposal subject to a condition to ensure that the requirements and recommendations outlined in the risk assessment are carried out prior to occupation of the hut, and general maintenance.
- 4.2 **Infrastructure Services (Flood Risk and Coast Protection)** has no comments or objections to make.
- 4.3 **Infrastructure Services (Roads Development)** note that the hut is to be sited in a woodland and is to be accessed on foot, with parking existing at Mains of Coull Steading which is within the applicant's ownership and is accessed by a farm track. This service accept this approach as there is to be no commercial usage of the proposed hut, and therefore have no further comments to make on this application.

External

- 4.4 **Cromar Community Council** object to this application based on a lack of policy justification for the proposed hut development. The comments refer to Scottish Planning Policy, stating that it is discretionary in this case. The comments outline advice the Community Council gained from Aberdeenshire Council's Policy Team, in regard to the lack of a tradition of huts in the area, and that huts were inappropriate for Aberdeenshire.

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.

Huts

Specifically in relation to huts, SPP states that local development plans should, where appropriate, set out policies and proposals for leisure accommodation, such as holiday units, caravans, and huts. Within the glossary of SPP it defines hut as:

“A simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30m²; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.”

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

R1 Special rural areas
 R2 Housing and employment development elsewhere in the countryside
 P1 Layout siting and design
 E2 Landscape
 C4 Flooding
 RD1 Providing suitable services

6. Discussion

- 6.1 Full planning permission is sought for the erection of a hut near Mains of Coull Steading. The main issues to be addressed in the determination of this application include the acceptability in principle of a hut in this location in terms of development in the countryside, and the layout, siting and design of the hut, and any potential adverse impacts arising from this. The policies contained within the Aberdeenshire Local Development Plan 2017 are the main consideration in this case, together with an assessment of any material planning considerations.

Definition of a Hut

- 6.2 It is relevant to ascertain initially if the proposal constitutes a hut as per the definition outlined in Scottish Planning Policy. SPP defines a hut as:

“A simple building used intermittently as recreational accommodation (i.e. not a principal residence); having an internal floor area of no more than 30m²; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life. Huts may be built singly or in groups.”

- 6.3 It is outlined in the supporting statement that the hut is intended to be used by the applicants on a recreational basis. The sui generis use proposed does not deem it a commercial development (i.e. rental property), nor is the property to be used domestically by the applicants who reside permanently within walking/cycling distance of the proposed hut. Thus, no change of use of land is required, demonstrating the temporary nature of the development and its compatibility with the surrounding natural setting. The hut is intended to be used as a base to allow the applicants to undertake a programme of biodiversity and habitat enhancement through landscaping, planting and environmental improvements in the agricultural location it is situated within. Effectively allowing the applicants to reside in the hut occasionally to pursue the recreational pastime of habitat and landscaping enhancement of the immediate vicinity.
- 6.4 The design of the building further demonstrates the proposal fitting the definition of a hut, as it would have an internal floor space of approximately 24sqm, be positioned on screw piles allowing it to be removable, and the proposed timber materials are of a low impact well-suited to the rural setting it is located within. Additionally, the proposed hut would not be connected to a public drainage, water and electricity supplies. This simple design has gained support from some neighbours who consider it to be a modern approach to historic crofting activities in the area. It is typical of bothy accommodation on a small scale, albeit of contemporary design, which is deemed appropriate in this area.
- 6.5 As such, it is considered that the proposed development constitutes a hut as it is non-commercial, for intermittent recreational use, and meets the design criteria outlined in SPP, therefore the principle of development can now be assessed on the basis of hutting as a recreational activity.

Principle of Development

- 6.6 It has been raised in the comments received from Cromar Community Council that there is no policy justification for huts, following advice from the Council's Policy Team which suggests there is no tradition of huts within Aberdeenshire, and that is why there is no policy within the LDP relating to hutting.

- 6.7 For context, the requirement for a policy regarding huts was discussed at the relevant forums during the 2017 LDP process prior to its adoption. While no specific policy relating to huts is contained in the current LDP, this does not warrant immediate refusal should a proposal come forward. Furthermore, a lack of huts in the authority area at present does not justify a refusal either, as each case is assessed on its own merits. The absence of a dedicated policy to any proposed development does not facilitate instant refusal, rather relevant policies are given due weight in the determination of an application, and if found acceptable, development can be granted.
- 6.8 Due to the countryside location of the site, within the rural housing market area, the main policy consideration in this case is Policy R2 Housing and employment development elsewhere in the countryside. This states, amongst other things, that development will be restricted to small-scale development that would be appropriate in the greenbelt under Policy R1 Special Rural Areas. Subsequently, Policy R1 allows development for a recreational use that is compatible with its agricultural or natural setting.
- 6.9 The siting of the proposed hut is remote, within a natural agricultural setting, situated between fields, adjacent to a woodland and small watercourse. This is considered appropriate for a single hut, as the small scale nature of this development would fit successfully within the rural location, and would allow for the applicants to enjoy the natural setting it is set within, as promoted in SPP. The site is easily accessed on foot and would allow the applicants to exploit surrounding natural resources.
- 6.10 Therefore, through acceptance criteria within Policy R1, recreational uses are acceptable in the countryside, and the proposed hut can be accepted in principle in accordance with Policy R1 and R2 of the ALDP 2017.
- 6.11 As the definition of a hut considers it to be removable, it would not be considered brownfield land for future development opportunities. It is considered reasonable to condition any permission granted to restrict the development to a temporary permission for 5 years, to ensure the hut remains low impact and its existing can be reviewed and renewed periodically, where appropriate.

Layout, siting and design

- 6.12 As outlined above, the hut proposed is in accordance with SPP's definition of a hut, being of modest scale and utilising natural and traditional materials. It is not considered to give rise to any negative effects on the landscape character or visual quality of the area as it is considered to fit comfortably within the setting against a woodland backdrop. It would have no adverse amenity impact as it is of considerable distance from the nearest neighbouring property, thus the privacy of the nearest dwellings would be protected. Moreover, no significant natural heritage issues are raised by the development.

- 6.13 The proposal is therefore considered to comply with Policy P1 of the LDP 2017 as it meets the qualities of a successful place, being distinctive, efficient, and is visually appropriate, and accords with Policy E2 which seeks to protect the valuable landscape character.

Technical Matters

- 6.14 Roads Development are satisfied with the parking availability at the adjacent steading and access arrangements on foot, as this is not a commercial development. As stated in the application form, general waste will be taken home and disposed of via their household waste facilities.
- 6.15 In terms of drainage, a composting toilet is proposed, which further reinforces the recreational use of the proposed hut as no formal drainage connection is proposed. A private water supply is proposed via an existing supply nearby at Coull Home Farm to the south. Infrastructure Services (Environmental Health) have no objection to this proposal subject to a condition ensuring the requirements and recommendations in the risk assessment are carried out, and Flood and Coast Protection have no comments to make, resulting in compliance with Policy C4.
- 6.16 Overall, the site can be adequately accessed and serviced where necessary, in accordance with Policy RD1 of the LDP 2017.

Conclusion

- 6.17 In conclusion, the proposal satisfies the definition of a hut and complies with the relevant LDP 2017 Policy R1 and R2 as appropriate recreational development. It is suitably designed and scaled, and can be adequately serviced where necessary in accordance with the relevant policies within the Aberdeenshire Local Development Plan 2017. Therefore, the application is recommended for approval.

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 equality impact assessment is not required because the proposal does not have a differential impact on any of the 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 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

None

- 10.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.
- 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. Planning permission is hereby granted for a temporary period only and shall cease to have effect 5 years from the date of the decision notice (the cessation date). Prior to the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) and reinstated in accordance with a restoration scheme, which shall be submitted to and approved in writing by the planning authority prior to the commencement of development.

Reason: To enable the impact of the temporary development on the amenity of the surrounding area to be reviewed and to ensure the appropriate restoration of the site.

02. The development hereby approved shall not be brought into use or occupied unless the proposed private water treatment system has been installed in accordance with the approved details, and all of the requirements and recommendations outlined in the risk assessment report dated 8th May 2018 have been carried out. The pH filter should be retained and maintained regularly throughout the lifetime of the hut. Once installed the private water treatment system shall thereafter be permanently retained.

Reason: To ensure the long term sustainability of the development and the safety and welfare of the occupants and visitors to the site.

11.2 Reason for Decision

The proposed hut is an appropriate recreational use compatible with its natural setting, and suitably sited and designed. There would be no adverse amenity or environmental impacts arising from this development, and the site can be adequately accessed and serviced where necessary, all in accordance with Policy R1 Special Rural Areas, Policy R2 Housing and employment development elsewhere in the countryside, Policy P1 Layout, siting and design, and Policy E2 Landscape of the Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services

Author of Report: Jane Weir
Report Date: 17 September 2018