



**Aberdeenshire Council Local Review Body**

**Reference LRB 424 APP/2017/2864**

**Review Decision Notice**

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Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Site to the North East of Logie House, Logie Home Farm Road, Pitcaple, Inverurie.
- Application for review by Ms Stephanie Ross c/o Halliday Fraser Munro against the decision by an Appointed Officer.
- Application reference APP/2017/2864 for planning permission in principle for the erection of 4 dwellinghouses refused by decision notice dated 9 April 2018.
- Application drawings: Location Plan @ 1/25000 & 1/10000 scale (Drawing no. 314E-Loc 2 - C) and Location Plan @ 1/2500 scale (Drawing no. 314E-101 - J).
- No site inspection took place

Date of Decision: 11 September, 2018

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**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, subject to the inclusion of an additional reason for refusal highlighting that the proposal is also contrary to Policy R2 of the Aberdeenshire Local Development Plan 2017.

**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 in principle at its meeting held on 31 August 2018. The LRB was attended by Councillors F C P Hood (Chair), R Cassie, J Hutchison, P K Johnston, A Ross 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 as well as photographs of the category C listed South Lodge located adjacent to the A96.

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

## **2.0 Proposal**

- 2.1 The proposal seeks planning permission in principle for the erection of four new dwellinghouses as an 'enabling development' for restoration, alterations and extension to convert South Lodge into tourist accommodation at Logie, Pitcaple.
- 2.2 The dwelling houses are proposed to be located in the Logie Estate, in a group of four. The plots are approximately 400m north east of Logie House and 900m west of the settlement of Whiteford. The plots share the same access to the private road to Whiteford which is approximately 30m north of the site. The site is located in an elevated position in an agricultural field. There is recently planted woodland to the north of the application site and dense coniferous woodland further to the south of the site. The indicative layout shows four detached dwellinghouses in a linear form along the irregular shaped site from north-west to south east. The layout shows each house is accessed via an independent access that adjoins the main northern access.
- 2.3 Logie House and the surrounding estate, which covers approximately 130 acres of land, is located approximately 1.5km south west of the settlement of Whiteford. The applicant became involved with the estate when purchasing the B Listed Logie House approximately 12 years ago. Logie House was partially destroyed in a fire in 1975 and stood in a very poor state of repair for over 30 years. Through a series of planning applications dating from 2006-2009, Logie House was restored and turned into a wedding venue.
- 2.4 This enabling development is proposed to restore the South Lodge and extend it so that it can be converted into ancillary guest accommodation. Applications for full planning permission (APP/2016/0241) and listed building consent (APP/2016/240) were approved by the council in October 2016.
- 2.5 Logie South Lodge is located at the main south entrance and approximately 500m south of Logie House. The lodge, which is 'C' listed, is a small T-shaped 'gate house' that was used in the past as a dwelling and takes access from the A96 trunk road which is to the immediate south. The lodge has been vacant and in a dilapidated condition for some time and has been on the Buildings at Risk Register for around 20 years.

2.6 This application is a resubmission of a previous application APP/2016/0243 which was an enabling development of five dwellinghouses across two separate plots that had been refused in November 2016 and subsequently dismissed by the LRB in March 2017 (LRB 369). It is now proposed to omit plot 1 from that previous scheme and erect four dwelling houses on the area formerly identified to the east. The proposal also includes upgrading of the access road between the application site and the settlement of Whiteford.

2.7 The current application was accompanied by a copy of the appeal statement from the previous application (2016/0243) (LRB 369) and also a covering letter dated 9 November 2017.

### **3.0 Reasoning**

3.1 The main determining issues in this review is whether the proposed enabling development can be supported in principle based on the information submitted and whether the 4 plots meet other planning policy criteria and technical requirements.

3.2 The LRB agreed that the relevant Aberdeenshire Local Development Plan (ALDP) 2017 policies were as follows:

3.3 Policy R2 – Housing and employment development elsewhere in the countryside;

Policy P1 – Layout, siting and design;

Policy RD1 – Providing suitable services;

Policy RD2 – Developers' obligations;

Policy HE1 – Protecting historic buildings, sites and monuments; and

Policy HE3 – Helping to reuse listed buildings at risk.

3.4 The LRB gave consideration as to whether a site inspection or a hearing session (as had been requested by the agent) would be required but agreed that these were unnecessary considering the well-defined issues that had been presented in the detailed Notice of Review paperwork, the Report of Handling and the Planning Advisers' presentation and series of photographs.

3.5 At the outset the LRB acknowledged that the restoration of South Lodge is a project that would be fully supported, and it was noted that planning permission and listed building consent already exists for such works.

3.6 The LRB focused on the criteria set out in Policy HE3 – Helping to reuse listed buildings at risk, as that was the only basis on which the proposal could potentially be given any support. Whilst acknowledging that the

proposal could comply with some of the criteria set by Policy HE3, the LRB considered that the proposal had failed to demonstrate compliance with criteria 4 i.e. that the proposed scale of development was the minimum required to achieve a sympathetic re-use of the listed building. The covering letter that accompanied the planning application had included costs of £150,000 towards road upgrade works and although this would serve the proposed 4 houses it could not be considered as eligible works.

- 3.7 The objection from the council's Roads Development was noted (as were the many comments that had been received about the sub-standard nature of the private road within the original letters of representation and the further responses received to the Notice of Review) and that to date it had not been demonstrated that the access is suitable. Detailed plans have not been submitted as part of the application process and no information has been provided that demonstrates there is agreement of road adoption from at least 50% of the adjacent land owners, and therefore the proposal fails to comply with criteria 5 of Policy HE3. Although other matters relating to developer contributions and water and drainage could be resolved, they hadn't been sufficiently addressed to date.
- 3.8 The LRB also discussed Point 6 of Policy HE3 which states that an enabling development proposal is required to be developed in full by the applicant and not sold on to ensure that the full development profit from the site is factored into conserving the building. The current proposal is for Planning Permission in Principle and the agent's covering letter had made clear reference to the sale of plots and a 10% developer profit. The proposal does not therefore comply with criteria 6 of Policy HE3 as it has not been demonstrated that all of the profits for the proposed houses will go back into the enabling scheme.
- 3.9 In this case the LRB agreed that the assessment of the Appointed Officer contained in the Report of Handling had followed the relevant policy guidance (ALDP 2017). The LRB also debated and then agreed that as the proposal could not currently be classified as an acceptable form of enabling development, then the proposal was also deemed to be contrary to Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire LDP 2017, and that for clarity this should also be included as an additional reason for refusal as set out in paragraph 4 below.
- 3.10 In the absence of any other material considerations, the LRB resolved to uphold the decision of the Appointed Officer, thereby refusing Planning Permission in Principle for the following reasons.

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

- (1) The proposed four house development fails to demonstrate that it is the minimum required to facilitate restoration of the South Lodge and the

disadvantage of the proposed scale of the development is not sufficiently outweighed by the other public benefit that would be achieved. The proposed road upgrade works to get the road up to an adoptable standard are not related to the restoration of the South Lodge. The site is a constrained site with a serious access issue that has not been resolved. It has not been demonstrated that all revenue from the sale of the proposed dwellings will be reinvested into the restoration of the South Lodge. The proposal is therefore contrary to several criteria within Policy HE3 Helping to reuse listed buildings at risk of the Aberdeenshire Local Development Plan 2017.

- (2) It has not been demonstrated that the proposed development can be accessed satisfactorily. Detailed plans have not been submitted as part of the application and no information has been provided that demonstrates there is agreement of road adoption from 50% of adjacent land owners. The proposal is therefore contrary to Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.
- (3) The applicant has failed to indicate agreement to the heads of terms required to secure the necessary developer obligations. The proposal is therefore contrary to RD2 Developers' obligations of the Aberdeenshire Local Development Plan 2017.
- (4) No details of surface water or foul drainage have been submitted, the proposal is therefore contrary to Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.
- (5) 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 4 dwelling houses fail 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



**Karen Wiles**  
**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.