



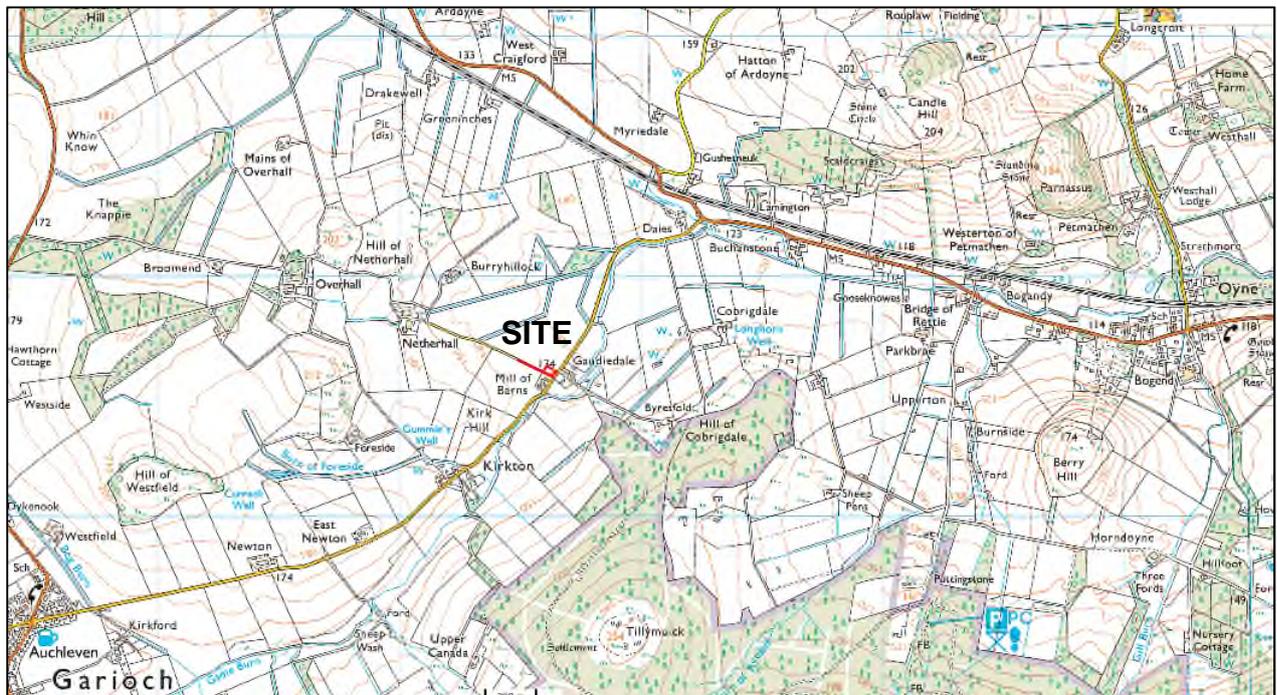
## Garioch Area Committee Report – 9 October 2018

Reference No: APP/2018/1393

**Description: Full Planning Permission for Erection of Dwellinghouse and Garage and Formation of Access at Site on Burryhillock Farm, Adjacent to Mill of Barnes, Premnay, Inch, Aberdeenshire**

**Applicant: Mr Mark McKain**  
**Agent: Strutt And Parker**

Grid Ref:	E:364576 N:825617
Ward No. and Name:	W10 - West Garioch
Application Type:	Full Planning Permission
Representations:	7
Consultations:	5
Relevant Proposals Map Designations:	Countryside (RHMA)
Complies with Development Plans:	Yes
Main Recommendation:	Delegated Grant



**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.8.1 of Part 2A List of Committee Powers and Section C.3.1f of Part 2C Planning Delegations of the Scheme of Governance as there have been valid objections from six or more individuals or bodies with separate postal addresses or premises. In addition, the Committee is able to consider and take a decision on this item in terms of Section B.8.1 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 dwellinghouse and garage and formation of an access at a site on Burryhillock Farm, Premany.
- 2.2 The site is located directly adjacent to the C62S road which runs from the B9902 to Auchleven. There are currently a small collection of residential dwellings neighbouring the site and the Gadie Burn is located further east. The area is characterised by open views across agricultural land with scattered farms and residential properties. The proposed site is currently used for agricultural production. The neighbouring dwellings are traditional rural properties with features that reflect the rural context. Some of the buildings would originally have been steadings associated with agricultural activity, however these have been converted to dwellings. There is some limited tree cover situated around this grouping of houses.
- 2.3 It is proposed to erect a 1½ storey T-shaped building that is simple in form and reflects a rural approach to a residential dwelling. The dwelling would be positioned in the centre of the plot with the main elevation facing in a south easterly direction. A garage would be positioned towards the north of the plot, to the rear of the dwelling.
- 2.4 The proposal is a symmetrical design with a feature gable porch and bay dormers. The design includes some traditional detailing including chimneys, tabling and a finial. The material finishes would consist of natural slate roof, cream wet dash, timber windows and upvc rainwater goods.
- 2.5 The proposal would be served by the public water supply and the surface and foul water would be dealt with by a private drainage system. Some new landscaping is proposed along the north east and north west boundaries. A new access would be created off the existing private access track.
- 2.6 There is no planning history associated with the site. A number of reports were submitted in support of the application including planning support statement, design statement, Land Capability Classification for Agriculture and drainage certification.

- 2.7 Following discussions between the Planning Service and the agent, soil investigations were undertaken and amended plans were submitted showing a revised site boundary. This was revised to exclude an area of prime agricultural land (3.1). As a result of this change, a second period of neighbour notification was undertaken and Bennachie Community Council informed.

### 3. Representations

- 3.1 A total of 7 valid representation (1 support/6 objection) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

#### *Support*

- *Inward investment and skills*
- *Increase community resilience*
- *Support local services*

#### *Objections*

- *Building on Prime Agricultural Land*
- *Supporting information incorrect*
- *Relocation of field access and turning area*
- *Limited salt damage*
- *Conflict with policy*
- *Alternative options for development*
- *Overlooking neighbouring property*
- *Impact on water supply pipeline*
- *Increase in water runoff*
- *Allows further development*
- *Loss of safe access*
- *Impact on private domestic water supply*
- *Question planning process followed*

### 4. Consultations

- 4.1 **Business Services (Developer Obligations)** has agreed a financial contribution towards secondary education (Inverurie Academy).
- 4.2 **Infrastructure Services (Environmental Health)** does not object to the proposal subject to a condition on a connection to the public water supply.
- 4.3 **Infrastructure Services (Roads Development)** does not object to the proposal subject to a number of planning conditions.
- 4.4 **Bennachie Community Council** objects to the proposal as the site is partially located on prime agricultural land (3.1) and the proposal fails to meet any of the criteria contained within Policy PR1. The development of this site would relocate the compaction issue to an area of prime agricultural land and therefore cause degradation of the land. Other alternative field accesses are not suitable for farming operations and would cause further soil degradation. Concern has been raised about the further consultation period, namely the re-notification of neighbours and the additional opportunity for comment from Bennachie Community Council.

4.5 **Scottish Water** has confirmed that there is currently sufficient capacity at the Invercarnie Water Treatment Works to serve the proposed development.

## 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.

### 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

Policy R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout, siting and design

Policy PR1 Protecting important resources

Policy C1 Using resources in buildings

Policy RD1 Providing suitable services

Policy RD2 Developers' obligations

### 5.4 Other Material Considerations

None.

## 6. Discussion

6.1 This proposal is for a new residential dwelling located adjacent to a collection of residential dwellings at Gaudieburn / Mill of Barns and situated within the countryside (Rural Housing Market Area). The main planning considerations are:

- whether the principle of development is acceptable and in line with the relevant policies of the Aberdeenshire Local Development Plan 2017;
- whether the layout, siting and design is appropriate within the context of the site and surrounding landscape;
- whether the proposal impacts on prime quality agricultural land; and
- whether the site can be sufficiently serviced by the required infrastructure.

### Principle

6.2 The key planning issue for this application is whether the principle of development complies with Policy R2 Housing and Employment Development elsewhere in the Countryside. The policy states “We will also allow development proposals in the rural housing market area (which are classed as ‘intermediate’ rural areas) if they are small-scale employment proposals, or a small-scale addition to an existing cluster or group of at least five houses which is of a scale and character that is in keeping with that cluster or group. No more than an additional 20% growth of the cluster, up to a maximum of 2 new homes, will be permitted under this policy during the plan period”.

6.3 At the current time there are a number of residential dwellings directly adjacent to the site, this includes Gaudiedale Farm, Cherry Tree Cottage, Gaudiedale Cottage, Mill of Barnes and Mill of Barnes Farmhouse. A further two dwellings are located within this group but further to the east, Cruachan and High Water Croft.

6.4 It is clear that there is a grouping of at least five houses within this cluster, although it could be argued that the grouping contains seven dwellings. There have been no additions to this grouping within this planning period therefore there is capacity to accept an additional 20% growth of the cluster subject to the other policy requirements; this would equate to one additional dwelling.

6.5 A number of other development opportunities may be available within the local area; however determination of this application must be limited to the proposal submitted. No alternatives have to be considered under this policy criteria and the Planning Service cannot consider other possibilities and compare the relative planning merits to this site.

6.6 The proposed site is relatively compact and broadly reflects the curtilages of the other properties within this cluster. Furthermore the site has development on two sides and four of the five houses directly border the proposed site. The addition of a dwelling on this site would ensure that the property is contained within the cluster rather than extending it. There is already development on both sides of the public road and the development of this site would not be inconsistent with the development pattern. Further discussion on the scale and character of the development is discussed in the following section.

### Layout, Siting & Design

- 6.7 As noted the site lies within a grouping of existing houses, on an area of land currently used for agricultural purposes. The site is located to the west of the public road and sits level with the wider area. There are a number of buildings within the locality therefore when travelling along the public road there is already a built element within this part of the countryside. The buildings neighbouring the site are all fairly traditional both in design and the use of materials. There are a number of mature landscape features which help to integrate the existing buildings into the wider landscape. There are views across open countryside to the west and north.
- 6.8 The proposed development is based on a traditional design both through the design and the finishing materials. The main elevation is symmetrical with a feature gable porch and bay dormers to match the position of the windows on the ground floor. The roof is pitched at 45° and the use of tabling reflects the traditional nature of the building. Further traditional features include chimneys and a finial on the front gable. The material would again reflect the traditional rural context of the dwelling, this would include natural slate, cream wetdash, sash and case look-a-like white painted casement windows and upvc cast iron look rainwater goods. The design and finishing materials are high quality and reflect both the neighbouring properties and the wider rural context.
- 6.9 The dwelling would be positioned within the centre of the site and face a south east direction. The site plans shows additional landscaping along the north east and north west. The field is bounded by a post and wire fence and it is proposed to erect a post and wire fence on the undefined boundary.
- 6.10 The position and orientation of the dwelling and the existing landscaping will mitigate any adverse amenity impacts on the neighbouring dwellings. It is considered that the site is well positioned and the existing building pattern and landscaping would allow the house to sit well within the landscape.
- 6.11 Taking account of the above, the siting and design is considered to be acceptable and is therefore considered to comply with Policy P1 Layout, siting and design.

### Protecting Important Resources

- 6.12 It should be noted that the site boundary originally submitted included an area of land that is designated as prime agricultural land. Policy PR1 Protecting important resources states 'Prime agricultural land, as defined as classes 1, 2 and 3.1 of the Soil Survey for Scotland, Land Capability for Agriculture series, should not normally be developed unless it is allocated in the local development plan. For clarity, time-limited proposals for renewable energy generation or mineral extraction may be acceptable on prime agricultural land providing the site will be restored and returned to its original status. In addition, small-scale development proposals that are directly linked to a rural business may be permissible where they are located on prime agricultural land.'

- 6.13 At the request of the Planning Service, the applicant submitted a report and supporting statement (prepared by SAC Consulting) which includes details on intrusive site testing and the associated results. Five test pits were dug and the content analysed to establish if the site was consistent with the requirements to confirm it was Prime Agricultural Land (PAL) 3.1. The resulting information (Appendix 7 – LCCA Classification of test pits) concluded that 3 of the test pits would be classified as 3.2 and two of the pits as 3.1/3.2. The report states that the site area is very small in agricultural terms and the area has been identified as mainly 3.2 (61%) as shown on drawing 201356963-L-01. The report concluded that that the 'site would require to be managed according to the majority Land Capability Class for Agriculture on the site which is 3.2 and is therefore not Prime Agricultural Land which only includes Classes 1,2 and 3.1.
- 6.14 The Planning Service accepts the findings of the report, while it is acknowledged that the area of land identified as 3.2/3.1 is borderline in terms of classification, there is merit in retaining this for agricultural use due to the likelihood that it still retains elements of prime land. The Planning Service and the agent explored options in order to resolve this situation and ensure the integrity of the development remained. Consequently, the northeast boundary was reduced by approximately 11m and the site layout slightly rearranged to allow the amended site to sit within the area identified as PAL 3.2.
- 6.15 It is noted that this area of the field is currently being used as an access for the field. Consequently, if development was approved on this site then clearly this access would no longer be available for a field access. The applicant has highlighted that an existing secondary access, which is under the ownership of the applicant, would become the primary access for the field.
- 6.16 Overall, the Planning Service is satisfied that that the applicant has satisfactorily demonstrated that the proposed development can be accommodated and the loss of prime agricultural land is minimised. The proposal is therefore considered to comply with Policy PR1 Protecting important resources.

#### Technical Considerations

- 6.17 Policy C1 Using resources in buildings requires new buildings to demonstrate a minimum level in the reduction of carbon dioxide emissions. A planning condition can be attached to ensure details are agreed before development commences.
- 6.18 Policy RD2 Developers' obligations aims to ensure that the cost of new or additional infrastructure required for new development is met by the developer. In this case the Developer Obligations team has agreed a contribution towards Secondary Education.
- 6.19 Policy RD1 Providing suitable services states '*We will only allow development that provides adequate road, waste management, water or waste water facilities, connections and treatment as appropriate.*'
- 6.20 The site is located in a rural location therefore there are limited opportunities for a range of transport options at this location. Roads Development is satisfied that the new access is suitable for this proposal subject to a number of conditions.

- 6.21 The proposal would connect to the public water supply network. The foul water would be disposed of by a septic tank and soakaway and the surface water by a separate soakaway. A drainage certificate was supplied and the proposal was detailed on the relevant site plan.
- 6.22 All of the above fulfils the requirements to ensure successful delivery of the site, therefore complies with Policy RD1 Providing suitable services. All other matters can be addressed by applying appropriate conditions and informatives.

### Representations

- 6.23 Many of the points raised in the objections have been addressed above, particularly the principle of the development, the issue of prime quality agricultural land, residential amenity and the field access. However, a number of points need further clarification, including allowing further development, impact on a private water supply and an increase in water runoff. During the second period of neighbour notification, similar concerns were raised, with an additional question about the planning process.
- 6.24 As Members will be aware, each application will be considered on its own planning merits and the granting of this proposal would not set a precedent for further development in this area. Further extension of the cluster of houses, loss of agricultural land, safe access etc. would have to be determined at that time using the policies in place.
- 6.25 The site plan demonstrates that the required foul and surface water drainage infrastructure can be accommodated on the site. This is supported by drainage certification and percolation testing. It is also worth noting that there will be no ground raising associated with the proposal. Therefore, the Planning Service is satisfied that the development will not increase surface water runoff outwith the site. A concern was raised regarding an adverse impact on the private water supply associated with Gaudiedale Cottage and Cherry Tree Cottage. It is noted that the private supply borehole is located to the rear of Gaudiedale Cottage. Therefore at the current time there is a public road and dwelling positioned between the proposed site and the source of the private supply. The distance from the edge of the development site to the rear of Gaudiedale Cottage is approximately 50m. Overall, it has been demonstrated that the proposed drainage infrastructure can serve the development and be accommodated within the site boundaries.
- 6.26 The impact on a water pipeline is not a material consideration. However, Scottish Water has identified through its consultation response that a water mains bisects the site. It is the responsibility of the applicant to contact Scottish Water to discuss options.
- 6.27 Many planning applications involve negotiations with applicants and agents during their determination. This can be to improve the layout or design, alleviate neighbour's concerns or allow a proposal to comply with policy. In such cases, the Planning Service may request the application be withdrawn and resubmitted or has discretion about the significance and materiality of the change and whether a further period of public comment should be permitted. In this case, the changes to the application were considered material and as the concerns were largely confined to the immediate area, it was concluded

that a further opportunity for notifiable neighbours to comment was justified. All material comments made during either period are included in this report with any final comments made after publication of this report to be given as a verbal update.

## Conclusion

- 6.28 To summarise, there is capacity for one additional dwelling within the existing cluster at this time. The proposal is for a single dwellinghouse and is considered to comply with the principle of Policy R2 Housing and employment development elsewhere in the countryside. It is considered that the site is suitable for a residential dwelling in terms of location and siting and it has been demonstrated that the design and materials are of a high quality. It has been demonstrated that the revised site will not lead to the loss of prime agricultural land. All technical issues have been resolved and matters raised in representations have been fully considered.

## **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 [state reasons using the guidance provided by the Equalities team] and 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 That authority to GRANT Full Planning Permission be delegated to the Head of Planning and Building Standards subject to:-

- a) confirmation of payment of developer obligations;**  
**b) and the following conditions:**

1. No works in connection with the development hereby approved shall commence unless details and colour of all the materials to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The development shall not be occupied unless the external finish has been applied in accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area.

2. No individual dwellinghouse hereby approved shall be erected unless an Energy Statement applicable to that dwellinghouse has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
  - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
  - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

3. The development shall be served in accordance with the approved drawings and the following details:
  - a) The maximum gradient of the first 5m of the access must not exceed 1 in 20.
  - b) Prior to occupancy of development, first 5m of access (measured from edge of road or back of footway) to be fully paved.
  - c) Prior to occupancy of development, Off-Street parking for 2 cars, surfaced in hard standing materials must be provided within the site.
  - d) Prior to commencement of development, a lay-by measuring 8.0m x 2.5m with 45° splays to be formed on frontage of the site and the proposed vehicular access to be taken via this. Construction shall be to a standard appropriate to the location & must be agreed in advance with Roads Development
  - e) Prior to commencement of development, visibility splays measuring 2.4m by 45m to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
  - f) Prior to occupancy of development a refuse bin uplift store area shall be constructed (behind any visibility splay) so as to be accessible for bin uplift and shall be secure enough to prevent empty bins from being wind blown.
  - g) Prior to occupancy of development a suitable vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

4. The proposed development shall be connected to the public water supply as indicated in the submitted application and shall not be connected to a private water supply without the separate express grant of planning permission by the planning authority.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or any order amending, revoking or re-enacting that Order no means of enclosure, other than that shown on the approved plans shall be erected on the site under the terms of Class 3E of Schedule 1 to that Order without an express grant of planning permission from the planning authority.

Reason: In the interests of the character and appearance of the development.

6. The dwellinghouse hereby approved shall not be occupied unless the proposed foul and surface water drainage systems have been provided in accordance with the approved plans. The foul and surface water

drainage systems shall be permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

#### 11.2 Reason for Decision

The proposed development accords with the development plan and there are no material considerations which indicate that permission should be refused.

#### **For noting:-**

Part 2C (Planning Delegations) states at Section C.3.2b for Local Development, that following consultation with the Chair and Vice-Chair of the determining Committee, the Head of Planning and Building Standards can refuse planning applications for which Section 75 Agreements are not completed or Developer Obligations are not paid within four months from the date of the Committee at which the application is determined. Local Ward Members shall be notified of any such refusal.

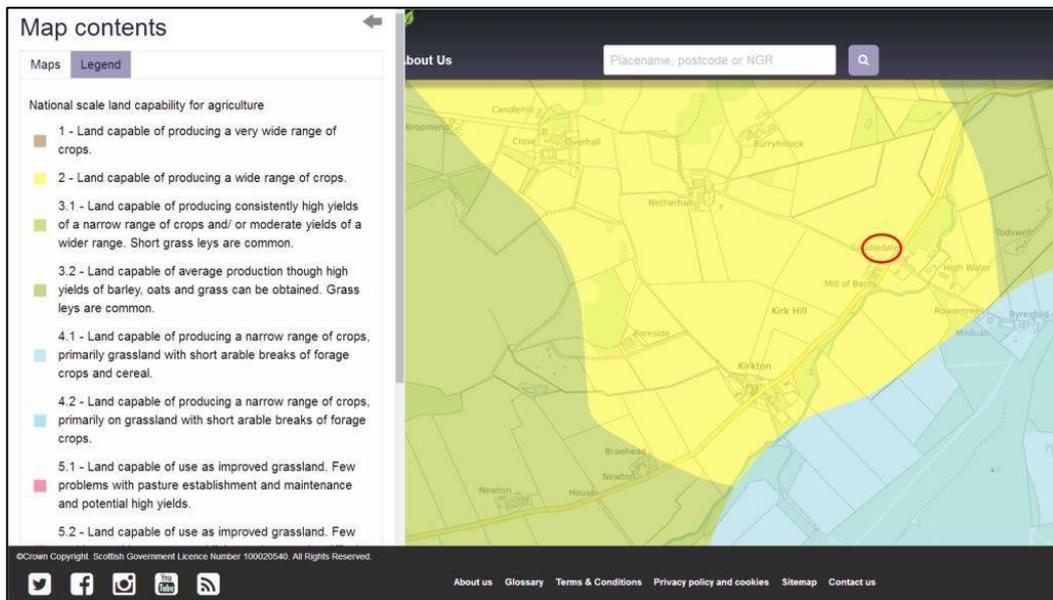
Please note that this power may be exercised in respect of the application which is the subject of this report if the application is approved by the Committee.”

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author: Matthew Watt (Planner)**  
**Date: 28/09/2018**

**APP/2018/1393 | Erection of Dwellinghouse and Garage and Formation of Access | Site On Burryhillock Farm Adjacent To Mill Of Barnes Premnay Insch Aberdeenshire**

**For the reasons stated below, Bennachie Community Council (BCC) objects to APP/2018/1393**

1. The entire site is graded '2' under the Macaulay Land Capability for Agriculture (LCA) classification system, placing it within the designation 'prime agricultural land' (PAL), which is defined as LCA grades 1, 2 and 3.1. **NOTE:** the Planning Statement refers to the site as being LCA Grade 3.1. However, the LCA map shows it to be Grade 2 (Figure 1).



**Figure 1 - LCA map showing that the proposed site lies on LCA Grade 2 land**

2. In a world where the security of supply and price stability of food are threatened by climate change, geopolitical instability and an exponentially rising global population, PAL, which occupies only 8% of Scotland's land area, should be viewed as a precious and irreplaceable national resource. It is for this reason that Aberdeenshire LDP 2017 Policy PR1 only permits development on PAL where the site has been *"allocated in the development plan"* or *"the applicant has demonstrated that: a) the social or economic benefit clearly outweighs the agricultural value of the site; AND b) there is no suitable alternative site for the development"*. APP/2018/1393 fails to satisfy these criteria.
3. Given that the application does not comply with the requirements of Policy PR1, the applicant must provide proof that the land in question does not meet the requirements of a PAL designation. The supporting letter dated 28 February 2018 (agricultural land quality review) **fails to do this** for the following reasons:
  - 3.1. typical symptoms of salt damage to verges, hedges and field edges are plant death or dieback; distorted and/or stunted growth; and discolouration of foliage. These typically occur adjacent to heavily salted routes with high volumes of fast moving traffic, particularly downslope and downwind of the road, and are caused by splashing, run-off and drift. The public road adjacent to the proposed site (Premnay to Daies road) carries low volumes of traffic travelling typically at low speeds due to the nature of the road, and is not heavily salted, even under severe winter conditions. The proposed site is almost flat, appears to be at almost the same level as the road, and is separated from the road by a grassy bank estimated to be at least 0.5 metres high (Figure 2). These observations explain why none of the typical symptoms of salt damage may be observed along verges and field edges adjacent to the road. To summarise, the proposed site is at negligible risk from salt damage and there is no visual evidence for salt damage on the proposed site itself or on any of the other nearby verges and fields bordering the Premnay to Daies road.

- 3.2. BCC accepts that the proposed site lies in a field headland location and that such locations may, to some extent, become compacted. However, the supporting letter fails to address the point that, by fencing off and building on the proposed site, the headland would be moved to an area of the field that is currently not compacted. The problem of headland compaction would, therefore, be moved to another part of the field.



**Figure 2** - View looking NE along the Premnay-Daies road adjacent the the proposed site, which lies out of view to the left. Note the grassy bank separating the proposed site from the road.

Prepared by: Stuart Rennie BSc (Hons)  
Planning Spokesperson

Approved by: Sarah Robinson  
Chair

## Comments for Planning Application APP/2018/1393

### Application Summary

Application Number: APP/2018/1393

Address: Site On Burryhillock Farm Adjacent To Mill Of Barnes Premnay Insch Aberdeenshire

Proposal: Erection of Dwellinghouse and Garage and Formation of Access|cr|

Case Officer: Matthew Watt

### Customer Details

Name: Mrs Margo Gordon

Address: Gadiedale Farm Premnay Insch

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to the change of use of this land as it has been farmed with crops since I have lived at my address since 1992 and has never been poor quality land for farming.

# Comments for Planning Application APP/2018/1393

## Application Summary

Application Number: APP/2018/1393

Address: Site On Burryhillock Farm Adjacent To Mill Of Barnes Premnay Insch Aberdeenshire

Proposal: Erection of Dwellinghouse and Garage and Formation of Access|cr|

Case Officer: Matthew Watt

## Customer Details

Name: Mr Gregory Manning

Address: Sniefield Culsalmond Insch

## Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:I wish to support this application as believe that any inward investment of people into the community brings with it their skills, makes the community more resilient, makes local services public or private more viable, and increases the finial input into the community in all sectors be it in council tax, retail expenditure or the spend at local services. All these factors are to the benefit of the whole community.

# Comments for Planning Application APP/2018/1393

## Application Summary

Application Number: APP/2018/1393

Address: Site On Burryhillock Farm Adjacent To Mill Of Barnes Premnay Inch Aberdeenshire

Proposal: Erection of Dwellinghouse and Garage and Formation of Access|cr|

Case Officer: Matthew Watt

## Customer Details

Name: Mr oliver tomlins

Address: mill of barns steading Premnay Inch

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Objection to change of use of this site from grade 3.1 agricultural land to housing.

I wish to object to this development on the following grounds:

A) That the proposal does not adequately meet requirements for a new development under the following sections of LDP2017.

-Policy PR1

-Policy P1

- Policy R2

B) That the proposed development is detrimental to my property.

1) There is not a local need for housing on this site for agricultural workers, farm retirement etc with adequate numbers of development sites for West Garioch community expansion available in the Premnay ( Auchleven), Oyne and Inch area, and undeveloped buildings suitable for housing located nearby.

2) That the design of and location of the proposed site would overlook my property from the north east and the earthworks required to develop the new site access will be at detriment to adjacent properties.

3) That the potential sale of additional land adjacent to the site to the new owner will further encourage loss of active grade 3.1 agricultural land and add pressure for ribbon development along the Daies - Premnay minor road.

4) That justification for change of use from good arable farmland was made as compaction and

hard pan by agricultural vehicles accessing the farmland which has caused a loss of productivity. The site development will require this good access to be moved to an alternative location either on the Daies - Premnay road or off the lane to the farms. Either way causing further loss of productivity and earthworks to create a suitable access. Note that we believe this site area was only taken out of production at end of 2017, in readiness for this application.

5) That the change of use was also justified by claiming loss of productivity due to salt spray and pollution from the roads adjacent to the site. This is hardly credible considering that these are minor roads that are low priority for salting in winter and that a good proportion of the traffic is farm related.

Other issues:

6) That the site development plan does not recognise the location across the site of the main water supply pipeline connecting Auchleven area to the main Aberdeenshire water supply.

7) Site water runoff. The site at the lower end of the farm lane and of the adjacent fields suffers from substantial water runoff in foul weather. Current drainage provision is not adequate putting adjacent properties the other side of the road at risk. The run off from the proposed buildings and hard standing will add to this.

# Comments for Planning Application APP/2018/1393

## Application Summary

Application Number: APP/2018/1393

Address: Site On Burryhillock Farm Adjacent To Mill Of Barnes Premnay Insch Aberdeenshire

Proposal: Erection of Dwellinghouse and Garage and Formation of Access|cr|

Case Officer: Matthew Watt

## Customer Details

Name: Mr Denis Knowles

Address: Mill of Barnes Farmhouse Premnay Insch

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I object to this planning application for the following reasons :-

New build on prime agricultural land

The field on which this development is proposed is recorded as Grade 3.1 in the Land Classification for Agriculture database.

Strutt & Parker while acknowledging that this is prime farmland, go on to make inaccurate statements in their Planning Supporting Statement. They say that the land is degraded due to compaction caused by farm traffic and that the land also suffers from salt damage along the roadside. To back up their statements, they say that a "report" to this extent has been prepared by Davidson & Robertson Rural.

I read this "report" - Agricultural Land Quality Review - and I question it's validity in support of this application. In the 1st paragraph of this single page letter, Gervase Topp clearly states that an "opinion" is being sought, not a report.

The lack of information in this single page makes it clear that no investigation of the site was made.

Generalised statements about compaction at gateways and headlands are meaningless without a site visit and comparisons of crop yield records over the previous years. It is only in recent times that this land has been used for growing barley. Prior to that, during the 30 years I have lived here, it was grazing land for cattle and sheep.

Selling prime land which may have become degraded, will not solve the problem of lower crop yields. The farm contractors still need access for the vehicles and so you will only shift the problem to another location where once again you will get compaction and lowered yields.

Similarly the information concerning salt damage from public roads is nonsense. Last winter was the most prolonged and severe in recent years. However, if you walk along the field margins of

Burryhillock, you will see no evidence of crop damage from salt spray. Salt spray may be an issue alongside busy trunk roads or motorways but in rural Aberdeenshire, minor roads are rarely ploughed and even less frequently spread with salt and grit

The Local Development Plan is required to deliver and maintain an effective supply of Housing Land. However, using Grade 3.1 agricultural land is not the answer when there are already many brownfield and building sites available in this area.

The applicant has made it known to local residents that he is prepared to sell an additional 3 acres of land from the same field to any purchaser. If this goes ahead, even more Grade 3.1 agricultural land will be lost.

Planning Policy PR 1 states that "Protecting important resources indicates that the Council would resist the loss of Prime Agricultural land except in certain conditions including small scale proposals linked to rural businesses and where the social and economic benefits outweigh the loss of land". Strutt & Parker have not supplied any information concerning what those social or economic benefits would be if this application were approved.

Strutt & Parker's Planning Supporting Statement

Page 9 of this Statement is entitled "CONSIDERATION"

Paragraph 5 contains an error. There have been no planning applications, extensions or alterations to this property since it was converted from a disused Steading in the early 90's

Paragraph 8 on the same page refers to a successful planning appeal for a development on agricultural land.

The case referred to occurred in Edinburgh and has no relationship with the housing situation or land availability in Aberdeenshire. Scotland's capital city has a known housing and building land shortage. Strutt & Parker have not demonstrated that there is an established housing need or a housing shortage at this location on Burryhillock land.

In any case, each planning application needs to be reviewed on its own merits and not compared with totally dissimilar cases elsewhere.

Planning History

Strutt & Parker report that there is no history of previous planning applications on this site. But

there should be.

One previous owner modified the shape of the road junction in order to make it easier for ARTIC trucks to turn into the farm road. A large section of the Grade 3.1 land was lost during this operation. No planning application was made. Aberdeenshire Council Roads Department should have maps showing the original road layout.

A subsequent owner, removed another 3 metre wide strip and fenced it in order to construct a safe passage for horses to cross onto the Bennachie path network. Again no planning application was made for the change of use.

So before this application is considered, perhaps 2 retrospective planning applications ought to be submitted first.

### Conclusion

Granting planning permission for development on prime Grade 3.1 land because of alleged soil compaction or salt damage will give the green light to farmers and landowners to sell off small parts of land for premium prices. The economic benefit to the community will be extremely small and the green belt will become a thing of the past. The potential loss of habitat for natural life would be immense and irreversible.

Denis Knowles  
Mill of Barns Farmhouse  
Premnay  
Insch  
AB52 6QH

# Comments for Planning Application APP/2018/1393

## Application Summary

Application Number: APP/2018/1393

Address: Site On Burryhillock Farm Adjacent To Mill Of Barnes Premnay Insch Aberdeenshire

Proposal: Erection of Dwellinghouse and Garage and Formation of Access|cr|

Case Officer: Matthew Watt

## Customer Details

Name: Mr Iain Jarvies

Address: Cruachan Premnay Insch

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Two Objections

- 1) Any hardstanding on the property will lead to increased run off onto the road and onto the private road, already subject to run off from the burryhillock lane, requiring additional maintenance cost to the users of the lane.
- 2) There is already run off from the site into the ditch in periods of moderate to heavy rain, which fills rapidly and floods across the Premnay to Daies road. Any septic tank outflow with the associated bacterial load will also flow into the ditch and onto the road, and hence into the Gadie Burn.

# Comments for Planning Application APP/2018/1393

## Application Summary

Application Number: APP/2018/1393

Address: Site On Burryhillock Farm Adjacent To Mill Of Barnes Premnay Insch Aberdeenshire

Proposal: Erection of Dwellinghouse and Garage and Formation of Access|cr|

Case Officer: Matthew Watt

## Customer Details

Name: Mr Matthew Pye

Address: Byresfold Premnay Aberdeenshire

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Although not a direct neighbour, my property is situated on the lane directly opposite to the proposed site of development. I object to the proposal on the following grounds:

1. The proposed piece of arable land is currently used as a turning point for agricultural vehicles. This ensures that vehicles are able to access and egress the site in a safe manner which is particularly important considering the proximity of the sharp bend adjacent to Mill of Barnes Farmhouse.
2. The site is not damaged and has been productive ground certainly for the 15 years that I have lived in the area. Crops and grass have been successfully grown on the site and there is no salt spray damage as is evident by the current barley crop growing alongside the whole length of the road.
3. If permission is granted this opens up the opportunity for ribbon development between Kirkton and Daies.
4. There have been no further steps to convert the steading at Burryhillock despite the previous owner obtaining planning permission to do so, reference APP/2004/3218. The applicant bought Burryhillock land, Dutch barn and steading with granted planning permission. It would make more sense to convert the steading as opposed to building a totally new property which ultimately would not be in the proximity of the applicants own house.

Matthew Pye  
Byresfold  
Premnay.

## Comments for Planning Application APP/2018/1393

### Application Summary

Application Number: APP/2018/1393

Address: Site On Burryhillock Farm Adjacent To Mill Of Barnes Premnay Insch Aberdeenshire

Proposal: Erection of Dwellinghouse and Garage and Formation of Access|cr|

Case Officer: Matthew Watt

### Customer Details

Name: Mr Grahame Newman

Address: Gaudiedale Cottage Premnay Insch

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My property lies directly south across the unnamed road and, crucially, down hydraulic gradient of the proposed development.

Should the development application be granted and any building erected and occupied, any septic tank effluent arising from the property and going to a full or partial soakaway, would have the 'highly likely' potential to directly and adversely affect my sole private, domestic water supply (and that of my attached neighbour (at Cherry Tree Cottage) which is derived from a groundwater borehole via a pump at the rear of my property.

I do not believe that without a full groundwater survey the suitability and impact of this development can be assessed.