

<b>APPEAL DECISION (DPEA)</b>
Appeal Reference: PPA-110-2362
Planning Reference: APP/2018/0353
Planning Proposal: Erection of Dwellinghouse (Proposed erection of retirement farm succession dwellinghouse).
Summary of Decision –  Appeal against refusal for Planning Permission in Principle. The DPEA dismissed the appeal and refused planning permission for the erection of a retirement farm succession dwellinghouse.  The Reporter found that the proposal does not facilitate, nor is it necessary for, the succession planning of Oldmill Farm. The proposed house is not required as the residence of a person who would permanently work on the farm, given the intended retirement of the appellant. Its construction would not enable an existing house on the farm to be occupied by his successor. The Reporter established that the successor was not a relative (which is required by Policy R2).  The Reporter noted the framework of woodland planting and the existing pattern of the scattered single houses in the surrounding area and concluded that an appropriately designed house, if it met the requirements of policy R2, could be constructed without detriment to the landscape character of the countryside, i.e. the application was not contrary to Policy P1.  The Reporter stated that given the failure of the proposal to comply with Policy R2, the most directly relevant development plan policy, that the proposal does not accord with the development plan.
Policy Issues  Application deemed not to be compliant with Policy R2 Housing and employment development elsewhere in the countryside, but not in conflict with Policy P1 Layout, siting and design.
Additional Points  None.
Actions

Note Decision.

Planning and Environmental Appeals Division

## Appeal Decision Notice

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Decision by Chris Norman, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2362
- Site address: Oldmill Farm, Strichen, Fraserburgh, AB43 6RY
- Appeal by Mr. D Fotheringham against the decision by Aberdeenshire Council
- Application for planning permission in principle B/APP/2018/0353 dated 19 February 2018 refused by notice dated 21 May 2018
- The development proposed: Proposed erection of retirement farm succession dwellinghouse.
- Date of site visit by Reporter: 9 October 2018

Date of appeal decision: 9 November 2018

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### Decision

I dismiss the appeal and refuse planning permission in principle.

### Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the development plan the main issues in this appeal are, firstly, whether a new house located in the countryside is appropriate. Secondly, it is necessary to ascertain whether the siting and design of the proposal demonstrates the qualities of a successful place.

2. The appeal seeks planning permission in principle for the erection of a dwellinghouse on a broadly rectangular site comprising of some 0.55 hectares of agricultural land, 200 metres west of Oldmill Farm, Strichen. Access to the site would be from a proposed track that would join the B9093 north-east of the house and which is acceptable to the council from a road safety perspective. Because the proposal seeks planning permission in principle no design details have been submitted. The plan accompanying the application indicatively shows the location of the house in the central part of the site and a turning area, drainage details and 3 car parking spaces all surrounded by extensive garden ground.

### The development plan

3. The development plan comprises the approved Aberdeen City and Shire Strategic Development Plan 2014 and the adopted Aberdeenshire Local Development Plan 2017 (the local development plan). Other than its general objectives no relevant policies within the strategic development plan have been brought to my attention. My decision is therefore based upon policies contained in the local development plan.



4. Local development plan Policy R2 sets out the circumstances where development in the countryside would be supported. Policy P1 'Layout, siting and design' provides that all proposals for new development must include appropriate consultation and demonstrate the stated six qualities of successful places.

5. To the council the proposal conflicts with policies R2 and P1. In the appellant's view there is no conflict with these policies.

#### *Housing in the countryside*

6. Policy R2 'Housing and employment development elsewhere in the countryside' of the local development plan addresses small scale housing development in the countryside on sites outwith the Aberdeen greenbelt or the coastal zone. To the appellant there is no opportunity to refurbish a vernacular building or reuse brownfield land at Oldmill Farm. The appellant acknowledges that there are other houses on Oldmill Farm but submits that the termination of their long-term leases, and the subsequent rehousing of the tenants, would be, for unspecified reasons, difficult. It is submitted that the proposal is compliant with policy R2 because it is for development comprising a single home for the farmer of Oldmill Farm, a viable farm unit, following his retirement.

7. The appellant has a planned succession for the farm business. For personal reasons the person who would succeed the appellant is a trustee and not a member of the appellant's family. The named trustee does not reside on Oldmill Farm but is experienced in agriculture and is familiar and experienced in the operation of the farm. He would actively farm the unit as his main employment.

8. Evidence before me concludes that a house is justified on the farm and it would enable the appellant's continued involvement with the business. He wishes to continue to live in close proximity to the farm to provide advice, but step back from its day to day running and fully retire, on an unspecified date. The appeal site is within walking distance of the farm hub and the house would be occupied after the farm's ownership is transferred to the trustee.

9. It is submitted by the council, and not disputed by the appellant, that the named trustee is not a relative of the retiree as defined by the Agricultural Holdings (Amendment) (Scotland) Act 2012, but an employee of the retiree. To the council the proposal is not supported by the provision in policy R2 which relates to the erection of a house for succession planning which, undisputed by the appellant, only applies when the successor is a near relative of the retiree.

10. The appellant does not reside in Strichen, contrary to his report on farm labour requirements. He is currently able to carry out supervisory and day to day agricultural activities while resident in a temporary caravan on the farm. The council advises that the caravan is unauthorised by not having the benefit of planning permission. Notwithstanding the planning status of the appellant's residential caravan, no other practical problems with this current arrangement have been brought to my attention. Neither has it been argued by either party that this supervisory activity is unable to continue from the appellant's current place of residence. In any event, the appellant wishes to commence his gradual retirement

from farming. Because the appellant does not live in a house on the farm the trustee would not displace him from a house.

11. In conclusion, the proposed house is not required as the residence of a person who would permanently work on the farm, given the intended retirement of the appellant. Its construction would not enable an existing house on the farm to be occupied by his successor. The appeal proposal does not facilitate, nor is it necessary for, the succession planning of Oldmill Farm. If he wishes to reside on the farm the trustee would require a second new house on the farm unit, or the vacating of one of the long-term tenanted properties there. I conclude that there is no support in policy R2 of the local development plan for the appeal proposal.

12. Policy R2 of the local development plan also provides that the siting and design of any new development will be a primary consideration. I have addressed these matters below in the context of policy P1.

#### *Layout, siting and design*

13. Being an application for planning permission in principle, the appeal is accompanied by an indicative site plan only, with no details of the height, design or finish of the house. The site is bordered by woodland and is not visible from the B9093 and is relatively isolated from the group of residential and agricultural buildings at Oldmill Farm. However there is an extensive coverage of woodland around the appeal site and any new house would only be visible in more distant views, from higher ground to the east.

14. For the proposal to be supported by policy P1 it must be subject to appropriate public consultation and satisfy the 6 stated requirements of successful places. I am satisfied that adequate publicity of the proposal has been carried out through statutory procedures associated with the planning application I note there are no objections.

15. To the appellant the site of the proposed house, because of its location in relation to the farm hub, is compliant with policy P1. The council argues that the layout and siting of the proposal is inappropriate because it does not reflect a reasonable level of cohesion with the existing farm buildings. In addition because of its size, and due to the proposed access road, a large part of the land would be less capable for farming. I have noted the framework of woodland planting and the existing pattern of the scattered single houses in this part of the landscape of Buchan. I conclude that an appropriately designed house, if it met the requirements of policy R2, could be constructed without detriment to the landscape character of the countryside.

16. However given the failure of the proposal to accord with policy R2, the most directly relevant development plan policy, my conclusion is that it not accord with the development plan.

#### **Other material considerations**

17. There is support given in Scottish Planning Policy to appropriate development and I note that there are no infrastructure constraints that impact on the development of a house at the appeal site, and that it can be safely accessed. I have noted the recent decisions by

Aberdeenshire Council that have been brought to my attention by the appellant for similar proposals elsewhere, although I must determine the application on its merits, on the basis of the evidence before me.

18. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

*Chris Norman*  
Reporter