



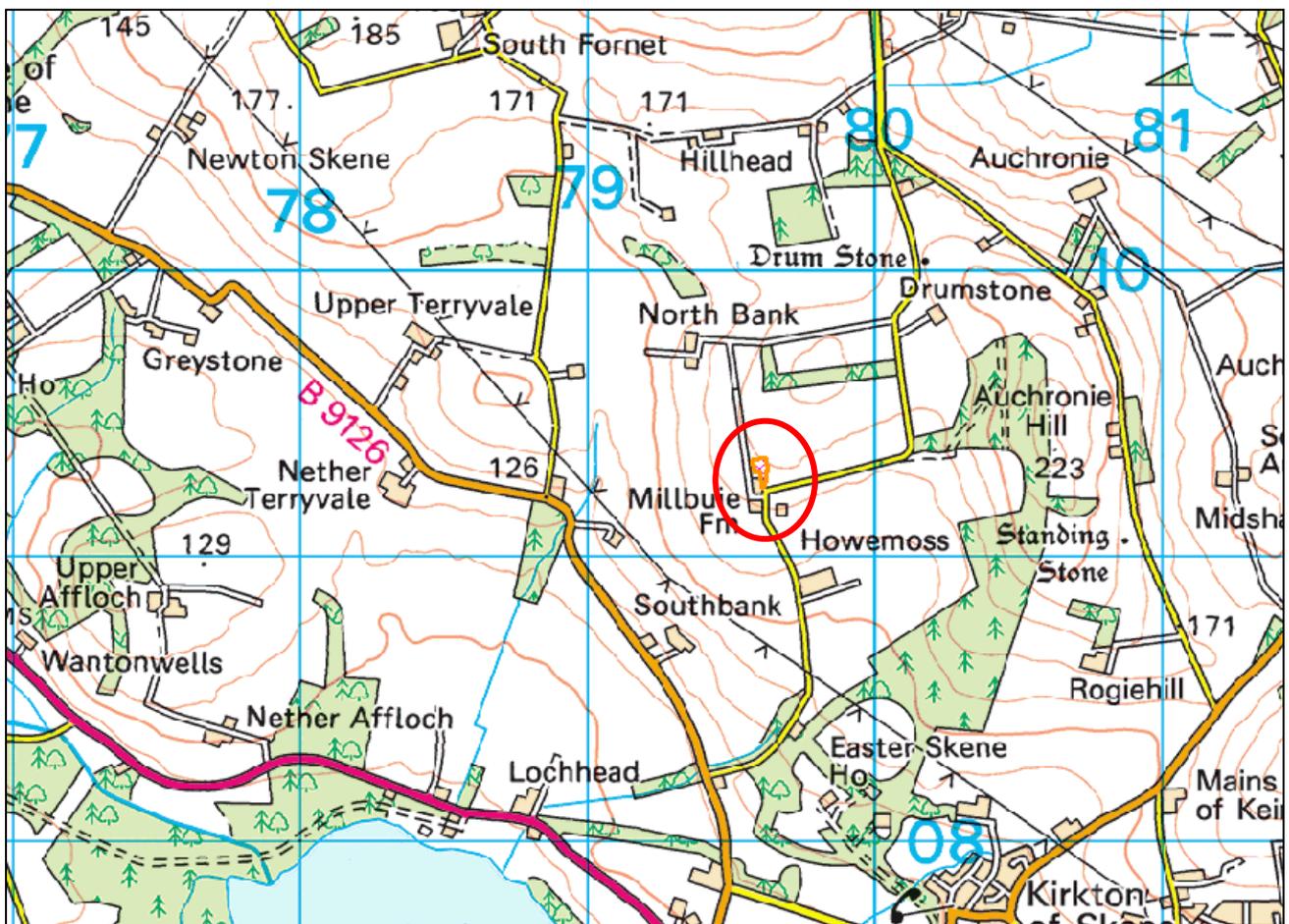
## Garioch Area Committee Report – 25 June 2019

Reference No: APP/2018/2681

**Description: Full Planning Permission for Change of Use of Agricultural Buildings to Livery Stable and Formation of Manège (Retrospective) at Millbuie, Skene, Westhill, Aberdeenshire, AB32 6YP**

**Applicant: Mr N Scott**  
**Agent: RJM Architectural Design**

Grid Ref:	E:379607 N:809200
Ward No. and Name:	W13- Westhill and District
Application Type:	Full Planning Permission
Representations:	0
Consultations:	3
Relevant Proposals Map	Countryside, Aberdeen Housing Market Area
Designations:	
Complies with Development Plans:	No
Main Recommendation:	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.9.1 of Part 2A List of Committee Powers and Section C.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and they are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## **2. Background and Proposal**

- 2.1 Retrospective planning permission is sought for a change of use of an agricultural building to commercial livery stables, and the formation of a manège at Millbuie, Skene, Westhill, Aberdeenshire.
- 2.2 The site is located approximately 1km to the north-west of Kirkton of Skene and is accessed via a road leading from the B9126 Garlogie to Lyne of Skene road situated to the west. The road continues north past Millbuie Farm to Glasgoforest Farm off the A96. The site comprises an existing farm hub as discussed below, and is characterised by surrounding agricultural land.
- 2.3 In May 2017, Aberdeenshire Council's Planning Service was made aware that a Livery business (Millbuie Livery Ltd) was being operated from Millbuie Farm without the necessary planning permission having been obtained. This matter was investigated by the Council's Planning Enforcement Team under COMP/2017/0173 who determined that an unauthorised change of use of some of the farm buildings and land had occurred from their previous agricultural use to an equestrian use. In January 2018, the Planning Service served a Planning Enforcement Notice on the site requiring the submission of a planning application for this change of use. This current application was submitted in order to rectify the unauthorised development, seeking full planning permission retrospectively for a change in the use of agricultural buildings to livery stables and the formation of a manège.
- 2.4 Millbuie Farm consists of two dwellinghouses (Millbuie Farmhouse and Millbuie Cottage) and a core group of agricultural buildings of different ages and styles, located to the north and north-west of the dwellinghouses. The farm is surrounded by agricultural land with the nearest property Millbuie Croft being located approximately 100m to the south-east of the application site.
- 2.5 The agricultural buildings comprise of a building containing private stables located to the north of the farmhouse used for the stabling of horses for agricultural and recreational purposes by the applicant and his family. Immediately to the north of this building, and central to the site, are two conjoined buildings which are used as an indoor sand school and stabling for 20 horses associated with the livery business. An outdoor manège lies to the north of this surrounded on 3 sides by existing embankments. Miscellaneous agricultural buildings lie to the east and west of these buildings. This

application concerns the change in the use of the conjoined centrally located agricultural buildings to livery stables and the formation of the outdoor manège to the north, covering an area of approximately 0.3ha.

- 2.6 The stables are constructed from prefabricated units that can be dismantled so that the buildings can be returned to an agricultural use. No alterations affecting the external appearance of the existing buildings have been made to enable the livery operation. The stabling also includes an indoor sand school area which uses part of a larger shed to the north.
- 2.7 The outdoor manège sits on the site of an old silage storage area and is bounded by the original bunding of the silage storage area. The bunding and surrounding topography mean that the manège is not visible from the road or surrounding area. The manège incorporates a small seating area and is lit by six downward angled floodlights which are not used after 9pm weekdays and 6pm at the weekends.
- 2.8 The existing vehicular access to the farm is utilised to service the livery. This access is at the corner of the public road and provides visibility to the south and east along both directions of the carriageway. No new access is to be formed. No other technical arrangements to water supply or drainage are proposed under this application.
- 2.9 The livery business has been in operation at the site since 2014 and currently employs 1 member of staff on a full-time basis. No competitions or events are planned to be held at the site. A supporting statement has been submitted by the agent which provides an overview of the site context, existing building arrangement, and provides a justification for the proposed change of use by outlining the extent of the business, vehicular movements and demand for the livery due to recent restrictions as a result of the new Aberdeen Western Peripheral Road. Updated drawings were provided in relation to roads details throughout the course of the application.
- 2.10 Relevant planning history at this site includes:
  - APP/2018/2508: Alteration and Extension to Agricultural Building- Approved 6 December 2018.
  - COMP/2017/0173: Planning Enforcement Notice- requiring the submission of an application for development already carried out. Issued 11<sup>th</sup> January 2018.
  - APP/2008/1483: Construction of Slurry Lagoon and Associated Earthworks- Approved 17 June 2008.
  - APP/2007/2877: Erection of Agricultural Building- Approved 20 September 2007.

### **3. Representations**

- 3.1 No valid letters of representation have been received.

#### 4. Consultations

- 4.1 Infrastructure Services (Environmental Health)** has no observations or objections to the approval. This service reminds the applicant that the proposed development would remain subject to other statutory legislation. In particular, the grant of planning permission would not prevent the Council from subsequently investigating complaints concerning activities arising from the development that could amount to a "statutory nuisance" as defined in section 79(1) of the Environmental Protection Act 1990.
- 4.2 Infrastructure Services (Roads Development)** has no objection to the proposal, subject to standard conditions relating to the gradient and paving of the access; parking provision; improvements to passing places; formation of visibility splays; and the formation of a turning area being attached to any permission granted. Discussions with this service were held to establish the requirement for passing places as shown on drawing number 554-023 Rev C.
- 4.3 Echt and Skene Community Council** does not object to the proposal, but raised concerns regarding potential light pollution from the floodlights servicing the outdoor manège. Please refer to Appendix 1.

#### 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.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

### 5.3 Aberdeenshire Local Development Plan 2017

Policy R2: Housing and Employment Development Elsewhere in the Countryside

Policy P1: Layout, Siting and Design

Policy E2: Landscape

Policy RD1: Providing Suitable Services

### 5.4 Other Material Considerations

None

## 6. Discussion

6.1 This application seeks planning permission retrospectively for a change of use of an agricultural building to livery stables and the formation of a manège at Millbuie, Skene, Westhill, Aberdeenshire. The main issues to be addressed in the determination of this application includes the principle of the development, and the impact upon the character and amenity of the surrounding area.

### Principle of development

6.2 Policy R2 Housing and employment development elsewhere in the countryside is the main policy consideration in this case. This restricts development within the countryside area outwith the Aberdeen greenbelt and coastal zone to small-scale development that would:

- be appropriate in the greenbelt (see Policy R1); or
- involve the refurbishment or replacement, on the same site of an existing house or a disused building; or
- involve the remediation of redundant brownfield opportunities.

- 6.3 In planning terms, a livery business is not regarded as agricultural nor recreational use, and therefore the proposal would not comply with Policy R2, through its acceptance of R1 policy criteria. While the proposal satisfies the definition of small scale development in that it employs less than 5 staff and measures approximately 0.3ha, R2 only supports small scale employment proposals in the Rural Housing Market Area, and as the site is located within the Aberdeen Housing Market Area, it would not accord with this element of the policy.
- 6.4 Technically the proposal does not involve the refurbishment or replacement of an existing disused building, or the remediation of brownfield land, as it simply seeks a change of use of existing agricultural buildings and land. However, it is evident that the use as a livery is established and is located in a suitable location for users. Given the site's rural/agricultural setting, the relatively small-scale nature of the livery operation, the fact that horses are already kept at the site for both agricultural and recreational purposes, the proposal is considered to be an acceptable departure from Policy R2 of the Local Development Plan 2017.
- 6.5 It is the opinion of the Planning Service that there is sufficient justification to warrant a departure from this policy as the use is suitable for siting in the countryside, and would fit successfully with the existing agricultural use at Millbuie. The development would not result in an increased footprint, and equestrian related uses are considered compatible with the rural setting. Therefore, it is considered that this presents sufficient reason to depart from Policy R2 of the Aberdeenshire Local Development Plan 2017.

#### Design and landscape

- 6.6 Turning to layout, siting and design, the livery stables and indoor sand school is housed within an existing agricultural building with no alterations affecting the external appearance of the existing buildings being made. The outdoor manège is located on a site of a silage storage area. The existing bunding around the manège and the topography of the surrounding area mean that the manège is not visible from the road or within the wider landscape. As such, the proposal is not considered to result in any adverse visual impact in accordance with Policy P1 and E2 of the Aberdeenshire Local Development Plan 2017 which respectively seek to ensure that all new developments are appropriately designed and scaled to meet the six qualities of a successful place, and protect the wider landscape character of the area.
- 6.7 In terms of amenity, as the livery business is contained within the existing farm hub and buildings, and due to the small scale nature of this use, it is not considered to give rise to any negative impacts. Ample separation distance to neighbouring properties provides suitable mitigation against any potential impacts.
- 6.8 Echt and Skene Community Council raised concerns regarding light pollution from the floodlights servicing the outdoor manège in terms of its potential impact on properties to the west and impact on vehicles traffic on the B9126 road. Infrastructure Service (Environmental Health) raise no concerns in this regard. Timings of use of lighting have been outlined in the supporting statement as between 5pm-9pm on weekdays, and no later than 6pm on weekends. This is considered reasonable, and of a low scale which would not

warrant refusal in this instance. Similarly, Infrastructure Service (Roads Development) does not raise any concerns with the floodlights in regards to users of the B9126 road. Therefore, overall the proposal is considered to comply with Policy P1 and E2.

### Technical Matters

- 6.9 Policy RD1 states that the Planning Service will only allow development that provides adequate road, waste-management, water or waste water facilities, connections and treatments as appropriate. The site does not require the provision of any electrical, water, drainage or waste service by virtue of these services already being present at the site.
- 6.10 In terms of road servicing, the existing vehicular access to the farm is utilised to gain access to the livery stables and manège. This access is at the corner of the public road and no new access requires to be formed. Infrastructure Services (Roads Development) sought the inclusion of a number of suspensive conditions in respect of road safety requirements as outlined in section 4 above. However, as this application is retrospective, the applicant's agent was asked to demonstrate that these requirements could be met prior to the grant of any planning approval. In this regard revised drawings showing proposed road upgrades and the formation of visibility splays were subsequently provided to the satisfaction of Infrastructure Services (Roads Development). Relevant conditions will be attached to any permission granted to ensure the site is adequately serviced, particularly in regards to passing places which was the subject of negotiation between the applicant and Infrastructure Services (Roads Development). Therefore, the proposal is considered to be adequately accessed and serviced in accordance with Policy PR1 of the ALDP 2017.

### Conclusion

- 6.11 The retrospective change of use from agricultural to a livery business and manège would be contrary to Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017. However, the Planning Service accepts the livery operation is relatively small in scale and requires no external modification to the existing agricultural buildings. The prefabricated nature of the livery stable accommodation means that it would not preclude the building being returned to future agricultural use. The outdoor manège will not be visible in the wider landscape, and horses are already kept at the site for both agricultural and recreational purposes. For these reasons, the livery operation is considered to be compatible with its rural/agricultural setting and has no significant adverse impact on its surroundings. Had the farm unit been located within the Rural Housing Market Area the proposed change would be acceptable, and thus on balance it is considered acceptable as a departure from the Aberdeenshire Local Development Plan 2017 in this instance.
- 6.12 The proposed development complies with all other relevant policies of the Aberdeenshire Local Development Plan 2017 and there are no other material considerations which suggest that permission should be refused. It is therefore recommended that Full Planning Permission be granted to this proposal as an acceptable departure from the Aberdeenshire Local Development Plan 2017, subject to conditions.

## **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 proposed development is not considered to give rise to any differential impacts on those with 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**

Policy R2: Housing and Employment Development Elsewhere in the Countryside

- 10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. The period for receiving representations has expired.
- 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. Within six months of the date of this planning permission hereby approved, access, parking and turning areas must be provided and fully paved. The maximum gradient of the first 5m of access (measured from the edge of road or back of footway) shall not exceed 1:20 gradient and must be fully paved. Parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the Council's Car Parking Standards, and 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. The access shall be internally drained and formed in such a way to prevent any flow of surface water either onto or from the public road. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: To ensure the timely completion of the access to an adequate standard to prevent the carriage of loose driveway material on to the public road in the interests of road safety.

02. Within six months of the date of this planning permission hereby approved, improvements to passing places on the C99C to the south of the site and improvements to vegetation to the north of the site at locations as shown on Drawing No. 554 – 023 Rev C must be provided. Construction shall be to an appropriate standard to the satisfaction of the Planning Authority.

Reason: To ensure the existing road network can accommodate the traffic likely to be associated with the proposed development in the interests of road safety.

03. Within six months of the date of this planning permission hereby approved, visibility of 45 metres in both directions along the channel line of the public road has been provided from a point 2.4 metres measured at right angles from the existing edge of the carriageway surface along the centre line of the approved access in accordance with the Council's Standards for Road Construction Consent and Adoption. The visibility splays shall be physically formed on the ground and any existing fences, walls, hedges or other means of enclosure or obstructions within the splays shall be removed and relocated outwith the splays in accordance with the approved plans. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

**11.2 That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan 2017.**

The proposed livery and manège does not comply with Policy R2: Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017. However, it is small scale, and the nature of the development is expected within a rural setting and the proposal fits successfully within the wider farm hub of the site, and therefore presents sufficient reason to support this application as a departure from the Aberdeenshire Local Development Plan. The proposal is appropriately designed and scaled and satisfies all other relevant policies of the Aberdeenshire Local Development Plan 2017.

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author: Jane Weir (Senior Planner)**  
**Date: 12 June 2019**

**From:** [Sylvia Coutts](#) on behalf of [Garioch Planning Apps](#)  
**To:** [Planning Online](#)  
**Subject:** ACTION REQUIRED - FW: Suggested ESCC comment on APP/2018/2681 Millbuie Farm  
**Date:** 18 December 2018 09:10:33

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Please upload to DMS etc

Kind Regards

Sylvia Coutts  
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**From:** JOHN FOULKES [REDACTED]  
**Sent:** 18 December 2018 07:56  
**To:** Garioch Planning Apps <[ga.planapps@aberdeenshire.gov.uk](mailto:ga.planapps@aberdeenshire.gov.uk)>  
[REDACTED]  
**Subject:** Fwd: Suggested ESCC comment on APP/2018/2681 Millbuie Farm

Planning Application APP/2018.2681

Dear Sir,

"The Echt & Skene Community Council does not object to the proposed change of use in principle but has concerns regarding light pollution from the manege. The manege lighting posts are taller than the embankments and manege itself is located near the top of a west-facing slope with the result that the lights on the east side of the manege are very prominent at properties to the west and to traffic on the B9126.

We would suggest that the lighting posts on the east side of the manege should be no taller than the embankment on the west side of the manege."

Regards.

John Foulkes Secretary Echt & Skene Community Council.