

APPEAL DECISION (LRB)
Appeal Reference LRB 443
Planning Reference APP/2018/2531
Planning Proposal Full planning permission for Erection of Dwellinghouse and Erection of 2 Holiday Let Accommodation (Amended Site Boundary to Withdrawn Application Reference APP/2018/1314)
Summary of Decision <p>Planning permission in principal was sought for the erection of a house and two holiday units on land largely relating to the former railway line just to the west of the settlement boundary of Turriff. The Planning Officer had refuse development based on a view that the proposal could not be considered brownfield land. The main determining issues for the review are as follows:</p> <ul style="list-style-type: none"> • The principle of development in relation to Policy R2 and the impact on the surrounding area • Whether the proposal could be considered a small scale employment opportunity (as a house for the owner of the holiday lets) or involve the remediation of brownfield land. • Impact on trees <p>The LRB agreed to uphold the appointed officer's decision and refuse development based on a lack of compliance with Policy R2: Housing and employment in the countryside (the house location was not on a brownfield site nor meet the other policy criteria. In addition the lack of information on the trees had not been considered and there was a lack of information to suggest the proposal complied with Policy Pr1: Protecting important resources.</p>
Policy Issues None
Additional Points The refusal noted that the site was not brownfield land based on the glossary definition of the LDP despite having been previously utilised.
Actions None
Note Decision Refuse Planning Permission in Principal
Other None

Aberdeenshire Council Local Review Body

Reference: LRB 443 APP/2018/2531

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body

- Site address: Beechfield, Bridgend Terrace, Turriff, Aberdeenshire, AB53 4ES;
- Application by Mr Mantell Ritchie, (on behalf of Mr & Mrs D Hepburn), against the decision by an Appointed Officer;
- Application Reference APP/2018/2531 for Planning Permission in Principle for Erection of Dwellinghouse and Erection of 2 Holiday Let Accommodation (Amended Site Boundary to Withdrawn Application Reference: APP/2018/1314) refused by Decision Notice dated 7 January 2019;
- Application drawing no's: 18023 LP.A, 18023 03A, 18023 02, 18023 01D
- No site inspection took place.

Date of Decision:

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.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town & 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 at its meeting held on 29 March 2019. The LRB was attended by Councillors F Hood (Chair), P Gibb, P Johnston and I Sutherland.
- 1.3 The LRB was shown projected plans of the existing site, its location and indicative site layout, and photographs of the site and its surroundings by the Planning Adviser.
- 1.4 The LRB agreed that there was sufficient information before it to consider the application and that no further information was required.

2.0 Proposal

- 2.1 The proposed site is situated just outside the settlement boundary for Turriff, as defined in the Aberdeenshire Local Development Plan 2017. The site lies mostly on the line of a dismantled railway and both the site and surrounding area are largely overgrown at present. The site is bounded to the north by the Burn of Turriff with sports fields beyond. To the west, lies further undeveloped and overgrown land which ultimately leads toward Turriff Golf Course. To the south, the site is bounded by a steep bank with agricultural land and a newly completed house atop this. To the east, the site is bounded by an informal storage yard area which presently contains a couple of storage containers and some builders' materials, with a dwellinghouse and access track immediately beyond this.
- 2.2 As the application was for Planning Permission in Principle, there were no detailed plans for either the site layout or the house and two holiday units proposed, although an indicative layout of the site had been provided. That showed the dwellinghouse would be located at the eastern end of the site with the two holiday units spaced to the west of this in a linear layout, following the line of the former railway. Vehicular access to the site was proposed through the feu of the applicant's property (Beechfield) and forming a new junction with the B9024 road (Bridgend Terrace) to the south. Connection to public water supply and foul drainage infrastructure is proposed, with a surface water soakaway on site.
- 2.3 The application was accompanied by a supporting statement from the applicants' which outlined the background to the application and the applicants' aspirations in terms of the site's long term development and potential for both economic and biodiversity benefits. In the Notice of Review statement the applicants' agent had noted that it would appear that the dwellinghouse was the unacceptable element of the application in policy terms, but stressed that it was key to delivering the holiday elements in terms of servicing and security. It was claimed that the applicants' current property (Beechfield) would have to be sold to finance the overall project. In further support of the Review, the agent had suggested that the development would add to an existing group of five houses along the current access road and that precedent would not be an issue as there were no other possible development sites in the vicinity. A recent development nearby to the south was cited where a new house was accepted as part of an existing group of 5 houses. The final points in the Notice of Review were that there were no trees within the application site as shown (and thus no impact on trees), and that further tree planting would be carried out to screen the development.

3.0 Reasons

- 3.1 The Local Review Body agreed that the main determining issues for the review were the principle of the development and the impact that the proposal would have on the character of the area.
- 3.2 The LRB noted that the Appointed Officer had identified the relevant policies as contained within the Aberdeenshire Local Development Plan 2017 and they were as follows;

Policy B3: Tourist facilities;

Policy R2: Housing and employment development elsewhere in the countryside;

Policy P1: Layout, siting & design;

Policy C1: Using resources in buildings;

Policy C4: Flooding; and

Policy RD1: Providing suitable services.

- 3.3 The LRB gave consideration as to whether a site inspection or further information would be helpful, and agreed that this was unnecessary in light of the information before Members, coupled with the Planning Adviser's presentation and accompanying photographs. The LRB then proceeded to determine the Notice of Review.
- 3.4 The LRB noted that the application site lies within the Rural Housing Market Area and as such Policy R2 was the main policy against which the proposal should be assessed. It was agreed that while small scale business could be supported under that policy, there was insufficient information contained within the application for Planning Permission in Principle to adequately assess what the employment use would be, and the justification for that, and thus whether it complied with the policy criteria. It was further noted that the proposal would not involve refurbishment or replacement of an existing house or disused building on the same site, the remediation of a brownfield site, and would not be a small scale addition to an existing group of five houses.
- 3.5 The LRB further noted that the proposed dwellinghouse was not required to provide accommodation for a worker in a primary industry that would be appropriate to the countryside, and that tourism (whilst encouraged) was not a primary industry.
- 3.6 In conclusion, and after due consideration, the Local Review Body resolved to uphold the Appointed Officer's decision to Refuse Planning Permission in Principle and Dismiss the Notice of Review for the reasons set out in paragraph 4.0 below.

4.0 Reasons for refusal

1. The development does not comply with Policy R2 Housing and employment development elsewhere in the countryside contained in the Aberdeenshire Local Development Plan 2017. The house proposed is not located on a brownfield opportunity site, it is not required for a worker in a primary industry and would not be an addition to an existing cluster of at least five houses. In addition, Turriff is not a settlement within Appendix 4 of the Aberdeenshire Local Development Plan 2017.
2. The development does not comply with PR1 Protecting important resources contained in the Aberdeenshire Local Development Plan 2017 as it cannot be demonstrated that the proposed holiday lets will not have an adverse impact on the existing trees and their root systems.

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 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

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.