

Local Review Body Decision Notice
Appeal Reference: LRB 486
Planning Reference: APP/2019/2119
Planning Proposal: Planning Permission in Principle for Erection of Dwellinghouse
Address: Site adjacent to Adelboden, Gauchhill Road, Kintore, Aberdeenshire, AB51 0XQ
Summary of Decision:
<p>The LRB agrees with the determination of the Appointed Officer and refuses planning permission in principle.</p> <p>The main determining issues for the Review were:</p> <ul style="list-style-type: none">• Whether the development site represented an acceptable departure from Policy R2 'Housing and employment development elsewhere in the countryside' in order to permit retirement succession of a viable business.• Whether the development site represented a permissible redevelopment opportunity under Policy R2 'Housing and employment development elsewhere in the countryside' as remediation of a brownfield site.• Whether the site could be adequately serviced in relation to foul water drainage under Policy RD1 'Providing suitable services'. <p>The LRB agreed with the Appointed Officer's view that the proposal does not constitute appropriate brownfield development, as the land has not been shown to be redundant for its previous purpose (related to the adjacent caravan storage business). The LRB agreed with the Appointed Officer's view that the proposal does not constitute appropriate retirement succession under Policy R2, as the site does not relate to a primary industry such as farming.</p>
Policy Issues:
Policy R2: Housing and employment development elsewhere in the countryside;
Additional Points:
Actions: Note Decision

Aberdeenshire Council Local Review Body

Reference LRB 486 APP/2019/2119

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Site Adjacent to Adelboden, Gauchhill Road, Kintore, Aberdeenshire, AB51 0XQ
- Application for review by RJM Architectural Design on behalf of Mr A Williamson against the decision by an Appointed Officer.
- Application reference APP/2019/2119 for Planning Permission in Principle for the Erection of a Dwellinghouse refused by Decision Notice dated 13 December 2019.
- Application drawings: 'Proposed Site Plan, Ref: 684-001 Rev D, Dated 11.09.2019'
- No site inspection took place.

Date of Decision: 2 September 2020

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 for the reasons as set out in paragraph 4.0 below.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The LRB reviewed the determination of the above application for planning permission at its meeting held on 29 May 2020. The LRB was attended by Councillors R Cassie (Chair), J Hutchison, J Ingram, A McKelvie and A Ross.
- 1.3 The LRB was shown projected plans and photographs by the Planning Adviser. Those showed the application site and its relationship to the surroundings.

2.0 Proposal

- 2.1 The application was for Planning Permission in Principle for the erection of a dwellinghouse on a site adjacent to Adelboden, Gauchhill Road, Kintore.

- 2.2 The development site lies towards the western edge of the Kintore Settlement, and sits immediately north of the Kintore settlement boundary line. The site is accessed from a shared private track leading north directly from the B977 public road, which serves various dwellinghouses and a caravan storage business. The site measures approximately 1500 sqm (including access) and is a relatively flat site comprising an area of hardstanding used for caravan storage. The site is bound by woodland to the east and further north beyond the caravan storage site. The caravan storage business lies immediately to the north of the site. The closest dwellinghouse lies approximately 18m to the west and 19m to the south east from the closest point of the site boundary.
- 2.3 The proposal relates to Planning Permission in Principle and therefore full details (including layout and design) of the proposed dwellinghouse have not been provided. The submission indicates that the development would seek to connect to the public water supply, with foul water addressed through the use of a treatment plant and soakaway. Plans indicate parking for 2 cars, with access leading from the B977.
- 2.4 The documents submitted as part of the planning application were:
- Design Statement, RJM Architectural Design (September 2019)
 - Additional Supporting Information, RJM Architectural Design (November 2019)
- 2.5 The site had no relevant planning history.
- 2.6 A single letter of representation (1 objection) was received and considered when determining the Planning Application. The letter raised concerns in relation to amenity impacts including overlooking and separation distances, and concerns in relation to drainage and surface water disposal.
- 2.7 The development site is located within the Aberdeen Housing Market Area (AHMA).

3.0 Reasoning

- 3.1 The main determining issues for the Review were:
- Whether the development site represented an acceptable departure from Policy R2 'Housing and employment development elsewhere in the countryside' in order to permit retirement succession of a viable business.
 - Whether the development site represented a permissible redevelopment opportunity under Policy R2 'Housing and employment development elsewhere in the countryside' as remediation of a brownfield site.
 - Whether the site could be adequately serviced in relation to foul water drainage under Policy RD1 'Providing suitable services'.
- 3.2 The LRB agreed that the Appointed Officer had identified the relevant Aberdeenshire Local Development Plan 2017 (ALDP) policies, and those were as follows:

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

Policy P1: Layout, siting and design;

Policy P3: Infill and householder developments within settlements;

Policy C1: Using resources in buildings

Policy RD1: Providing suitable services; and

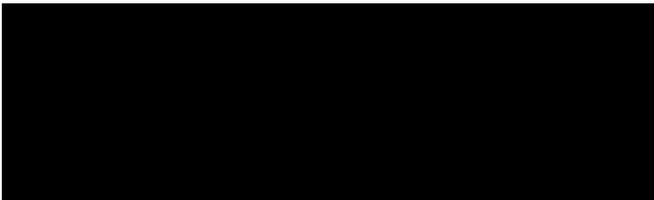
Policy RD2: Developers' obligations.

- 3.3 The LRB gave consideration as to whether a site inspection, a hearing or further information would be helpful but agreed they had sufficient information before them to proceed to determine the Notice of Review.
- 3.4 In response to questions raised, the Planning Adviser confirmed that neither the Health and Safety Executive (HSE) or National Grid maintained any objection to the development. Whilst apparatus has been identified in the vicinity of the development site, avoidance of this infrastructure would be a matter for discussion between the developer and relevant consultee.
- 3.5 The LRB gave consideration to the case set out by the applicant regarding the relationship of the development site to the settlement of Kintore.
- 3.6 During discussion, the LRB agreed that the Appointed Officer had assessed the application correctly and applied the correct policies. The LRB agreed with the Appointed Officer's view that the proposal does not constitute appropriate brownfield development, as the land has not been shown to be redundant for its previous purpose (related to the adjacent caravan storage business). The LRB agreed with the Appointed Officer's view that the proposal does not constitute appropriate retirement succession under Policy R2, as the site does not relate to a primary industry such as farming.
- 3.7 The LRB acknowledged other material considerations, namely whether the proposal could be considered to be in compliance with Policy P3 'Infill and Householder Developments within Settlements (including home and work proposals)'. The LRB considered that the site may be suitable for development due to the relationship to the settlement boundary and the potential economic benefits of permitting development (in allowing retirement succession). However, in considering the weighted balance, the LRB concluded that Policy P3 could not be afforded sufficient weight in this instance to depart from Policies R2 and RD1.
- 3.7 The LRB considered the consultation responses from Infrastructure Services (Developer Obligations), Infrastructure Services (Roads Development), Health and Safety Executive (HSE), National Grid and Scottish Water. The comments contained within the consultation responses were accepted.
- 3.8 In the circumstances, and in the absence of any other over-riding material considerations, the LRB agreed to UPHOLD the Appointed Officer's decision to REFUSE Full Planning Permission, for the reasons contained in the Decision Notice dated 13 December 2019 and set out in paragraph 4.0 below.

4. Reasons for refusal

- (1) The proposal does not comply with the requirements of Policy R2 'Housing and employment development elsewhere in the countryside' as it does not reflect an appropriate brownfield redevelopment opportunity or redundant site by virtue of its siting on an area of hardstanding previously used as storage for caravans, an adjacent and currently operating business. Furthermore, the proposal cannot be considered as retirement succession in terms of Policy R2 as it does not relate to a primary farming industry. The proposal therefore does not comply with any criteria of the above Policy R2 of the Aberdeenshire Local Development Plan 2017.

- (2). It has not been demonstrated that the proposal can be satisfactorily serviced in terms of foul water as no drainage certificate has been provided to demonstrate that the proposed treatment plant would be acceptable. The proposal therefore does not comply with the requirements of Policy RD1 'Providing suitable services' of the Aberdeenshire Local Development Plan 2017 as insufficient information has been provided.



Alistair Stobie, Legal Services Manager

pp Karen Wiles
Head of Legal and Governance