

<b>APPEAL DECISION (LRB)</b>
<b>Appeal Reference</b>
LRB 507
<b>Planning Reference</b>
APP/2020/0728
<b>Planning Proposal</b>
Full planning permission for the Erection of Two Dwelling Houses at Land Adjacent to Hill of Findon, Portlethen, Aberdeenshire, AB12 4SL
<b>Summary of Decision</b>
<p>The LRB Panel considered that the main determining issues in this review were:</p> <ul style="list-style-type: none"><li>• Whether the development site represented an acceptable departure from Policy R1 'Special rural area' in terms of the applicant's statements set out in the Notice of Review in relation to the potential improvement to road safety and consideration to the suitability of the steading for conversion.</li><li>• Whether the loss of the steading building would have an adverse impact on the character and amenity of the area contrary to Policy P1 and Policy E2 Landscape of the Aberdeenshire Local Development Plan 2017.</li></ul> <p>The LRB agreed that the proposal would not constitute development which accorded with Policy R1 as it applied to the Green Belt and Coastal Zone. The development did not utilise the existing vernacular building and no other criteria under the policy had been met. The LRB agreed that the proposal would have an adverse impact on the character of the area due to the removal of the existing steading building and its replacement with new dwellings.</p> <p>The LRB acknowledged that the removal of the building would improve visibility, however in considering the weighted balance, the LRB considered any benefits in terms of roads safety would not justify the buildings removal and replacement in the manner proposed in the application. The LRB considered that the application was not particularly sensitive to the character of the existing building or the character of the area. The LRB therefore concluded that the matters raised in the applicant's Notice of Review could not be afforded sufficient weight and as such it was not reasonable to depart from Policy R1.</p> <p>In conclusion and in the absence of any other over-riding material considerations, the LRB agreed to uphold the decision to refuse Full Planning Permission, for the reasons contained in the Decision Notice dated 8 August 2020.</p>

<b>Policy Issues</b>
None
<b>Additional Points</b>
None
<b>Actions</b>
None
<b>Note Decision</b>
Appeal Dismissed
<b>Other</b>
None

## **Aberdeenshire Council Local Review Body**

**Reference LRB 507 APP/2020/0728**

### **Review Decision Notice**

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Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Land Adjacent to Hill Of Findon, Portlethen, Aberdeenshire, AB12 4SL
- Application for review by RJM Architectural Design on behalf of Miss Kelly McAlpine against the decision by an Appointed Officer.
- Application reference APP/2020/0728 Full Planning Permission for the Erection of 2 Dwellings refused by Decision Notice dated 12 08 2020.
- Application drawings: 'Ref No: 344 -18 Version A House type 2, Ref No: 344 -17 House type 1, Ref No: 344/16 Version c Proposed Site Sections, Ref No: 344/15 Version 1
- No site inspection took place.

Date of Decision: 16 February 2021

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### **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 January 2021. The LRB was attended by Councillors J Hutchison (Chair), R Cassie, P Gibb and A McKelvie.
- 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 Full Planning Permission for the erection of two dwellinghouses, on a site at Hill of Findon which lies within a rural area just to the south of Aberdeen City, between the village of Findon which lies to the south, the industrial area of Marywell which is located to the north west and the east coast which is around 1km to the east. The area is characterised by coastal farmland and isolated single and small groups of houses.
- 2.2 The development site would occupy an area of land immediately to the north of the existing dwelling known as Hill of Findon. The site is currently occupied by a steading which is located along the minor public road to the west of the site which is used to access the site at present. That would be removed as part of the proposed development and the existing access to the steading reconfigured. The two new dwellings proposed would be erected to the rear of the site of the existing steading which would be removed as part of the proposal. Additional land would be taken to form the two plots, partially from the existing formal garden ground of the house and partially from the area adjacent to the steading.
- 2.3 The two houses proposed by the application would be arranged in a north - south orientation and be of one and a half storey design with roof space accommodation. Both houses would face the public road to the west. Plot 1 to the north would feature a 3-bed dwelling in a rectangular format whilst the southernmost house, located on Plot 2, would feature a 4-bed dwelling arranged with a L-shaped footprint. Both houses would be 1.5 storey in design with roof space accommodation and be finished in a mix of materials including granite (front elevations), natural slate and a wet dash render (rear and side elevations). Both houses would feature private garden ground of approximately 0.06ha and be served by private foul drainage treatment systems and surface water soakaways. Those aspects of the development would be located in an adjacent parcel of land to the north which would be retained as agricultural land. A potable water supply was proposed by way of connection to the Scottish Water network.
- 2.4 The documents submitted as part of the planning application were:
- Ground Assessment Report and Drainage Recommendations, SA MacGregor, 19 March 2020.
  - Bat Survey Report HFS-1906-BS
  - Design Statement, RJM Architectural Design
- 2.5 The site was subject to a previous application under APP/2019/1586 which proposed a similar development albeit with a more dispersed layout using more of the land within the site boundary and with an alternative design of dwelling. This application was withdrawn by the applicant.

- 2.6 No representations were received in respect of the planning application.
- 2.8 A number of consultations had been undertaken in respect of the application. There were no objections to the development, however, both the Council's Archaeologist and Roads Development Service had requested conditions be applied to any grant of planning permission. Developer Obligations had noted that Developer Obligations would apply in the event that the application was to be supported.
- 2.7 The development site is located within the Aberdeen Housing Market Area (AHMA) and the area is identified as falling within the Green Belt and Coastal Zone as defined within the Aberdeenshire Local Development Plan 2017.

### **3.0 Reasoning**

- 3.1 The main determining issues for the Review were:
- Whether the development site represented an acceptable departure from Policy R1 'Special rural area' in terms of the applicant's statements set out in the Notice of Review in relation to the potential improvement to road safety and consideration to the suitability of the steading for conversion.
  - Whether the loss of the steading building would have an adverse impact on the character and amenity of the area contrary to Policy P1 and Policy E2 Landscape of the Aberdeenshire Local Development Plan 2017.
- 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 R1: Special rural area  
Policy P1: Layout, siting and design  
Policy E2: Landscape  
Policy RD1: Providing suitable services
- 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 the Roads Development Service had not commented on the matter of whether the existing position of the building created a road safety issue, however, they had commented solely on the acceptability of the proposals as submitted. The submitted proposal would have allowed for the required visibility splays to be achieved for a new access. The Planning Adviser confirmed the road was used by HGV vehicles as an approved route from the nearby Findon Quarry and that the bend did reduce visibility along this stretch of road. The Planning Adviser also confirmed that there were a mix of house types in the area and secondly that Policy R1 would look more favourably on proposals which involved the

conversion in part or in whole of existing vernacular buildings rather than their demolition.

- 3.5 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 would not constitute development which accorded with Policy R1 as it applied to the Green Belt and Coastal Zone. The development did not utilise the existing vernacular building and no other criteria under the policy had been met. The LRB agreed with the Appointed Officer's view that the proposal would have an adverse impact on the character of the area due to the removal of the existing steading building and its replacement with new dwellings.
- 3.7 The LRB gave consideration to the case set out by the applicant regarding the relationship of the steading to the road and any benefits of its removal in respect of road safety and whether its position would prohibit the building from being converted. The LRB also acknowledged the applicant's consideration of the impacts of proposal on the character of the area.
- 3.8 The LRB acknowledged that the removal of the building would improve visibility, however in considering the weighted balance, the LRB considered any benefits in terms of roads safety would not justify the buildings removal and replacement in the manner proposed in the application. The LRB considered that the application was not particularly sensitive to the character of the existing building or the character of the area. The LRB therefore concluded that the matters raised in the applicant's Notice of Review could not be afforded sufficient weight and as such it was not reasonable to depart from Policy R1. In light of that conclusion, the LRB were minded to agree with both reasons for refusal set out in the Decision Notice.
- 3.9 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 8 August 2020 and set out in paragraph 4.0 below.

#### **4. Reasons for refusal**

01. The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The proposal would result in the erection of two new dwelling houses in the designated Greenbelt and Coastal Zone areas which would be contrary to Policy R1: Special rural areas of the Aberdeenshire Local Development Plan 2017.
02. The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The proposal would lead to the loss of a building which is considered to be of vernacular architectural merit and worthy of retention. The proposal would significantly alter the character of the site, which is distinctive with a strong sense of local identity, thus having a positive contribution to the rural character

of the surrounding landscape As such is considered that the proposal fails to comply with Policy P1: Layout, siting and design and Policy E2: Landscape.



**Karen Wiles**  
**Head of Service (Legal and People)**

## **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 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.**

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.