

APPEAL DECISION (LRB)
Appeal Reference
LRB 515
Planning Reference
APP/2020/2081
Planning Proposal
Full planning permission for erection of 3 dwelling houses a land to the west of Maryfield Cottage West, Crathes, Banchory.
Summary of Decision
<p>The LRB Panel considered that the main determining issues in this review were:</p> <ul style="list-style-type: none">• Whether the application could be supported, either as in accordance with, or as a departure from Policy R2: Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017 and• Whether, by virtue of its layout siting and design the proposed development would have an adverse impact on the visual amenity of the countryside contrary to Policies P1 Layout Siting and Design and E2 Landscape of the Aberdeenshire Local Development Plan 2017. <p>The LRB gave consideration to the case set out by the applicant regarding the need for further opportunities within rural areas for family home and to support the local economy during the pandemic.</p> <p>The LRB were unanimous in their view that the proposal failed to meet any of the criteria of Policy R2 of the Aberdeenshire Local Development Plan 2017 and as there was adequate housing land supply within the Aberdeen Housing Market Area there were no significant material reasons to support a departure from this policy.</p> <p>In considering the proposals impact on the character of the area, the LRB agreed that the layout and repetition of house types was suburban in character and in conflict with the provisions of Policy P1: Layout Siting and Design and Policy E2: Landscape of Aberdeenshire Local Development Plan 2017.</p> <p>In conclusion, in the absence of any other over-riding material considerations, the LRB determined to refuse Full Planning Permission, for the reasons:</p> <ol style="list-style-type: none">1) The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The proposed development would

be located in the designated Countryside where housing development is restricted to replacement dwelling houses, the conversion of vernacular buildings, houses required for the efficient operation of a primary industry which is appropriate to the countryside and the redevelopment of brownfield sites with up to 3 dwelling houses. None of these exceptions apply to the proposal. As such the proposal is considered contrary to R2: Housing and employment development elsewhere in the countryside.

- 2) The Planning Authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2017. The proposed linear layout would be out of keeping with the established patterns of development typical of the countryside in the area, thus having a detrimental impact on the character of the landscape which would be exacerbated by the extensive use of white render. This would be contrary to Policy P1: Layout, siting and design and Policy E2 Landscape of the Aberdeenshire Local Development Plan 2017.

Policy Issues

None

Additional Points

None

Actions

None

Note Decision

Appeal Dismissed

Other

None

Aberdeenshire Council Local Review Body

Reference LRB 515 APP/2020/2081

Review Decision Notice

- Decision by Aberdeenshire Council Local Review Body (LRB)
- Site address: Land to West of Maryfield Cottage West, Crathes, Banchory, Aberdeenshire
- Application for review by Cobban Architecture Ltd on behalf of Raemoir Properties Ltd against the decision by an Appointed Officer.
- Application reference APP/2020/2081 for Full Planning Permission for erection of 3 Dwellinghouses refused by Decision Notice dated 26 January 2021.
- Application drawings:
 - Reference Number: CA0405-Loc Version B Location Plan
 - Reference Number: CA0405-01 Version C
 - Reference Number: CA0405-02 Version A Ground Floor Plan and Elevations
 - Reference Number: CA0405-03 Version B First Floor Plan
- No site inspection took place.

Date of Decision: 9th April 2021

Decision

The Local Review Body (LRB) agrees with the determination reviewed by it and refuses Full Planning Permission in accordance with the Appointed Officer's decision 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 26 March 2021. The LRB was attended by Councillors J Hutchison (Chair), P Gibb, J Ingram and P Johnston.
- 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 Erection of 3 Dwellinghouses on land located to the west of Maryfield Cottage West, Crathes, Banchory, Aberdeenshire. The application site is located 40 metres to the west of Maryfield Cottages and within an agricultural field sited around 3km west of Drumoak and 1km to the north of the A93 'North Deeside' Road. The site is surrounded by woodland to the north, east and west whilst open farmland lies to the south. The development site is located within the Aberdeen Housing Market Area (AHMA) of the Aberdeenshire Countryside as defined within the Aberdeenshire Local Development Plan 2017.
- 2.2 The site plan indicates that three detached houses would be arranged in a linear arrangement with private garden ground, driveway access onto the private road located to the west which leads to the minor public road sited to the west of the proposed development. The access would be upgraded to suit the requirements of the Roads Department. Each house would be serviced by a public water supply, private foul and surface water drainage.
- 2.3 The dwellinghouses would be identical in design being 4 bedroomed detached dwellings with accommodation over two storeys. The dwellings would feature a high wall head and partial dormer arrangement provided to accommodate the first-floor accommodation. A single storey wing would be provided on the eastern aspect of each house containing an attached double garage. The houses would be clad in a white render with a natural stone porch feature and a small section of timber cladding. Roof tiles would be in natural slate whilst windows and doors would be timber.
- 2.4 The documents submitted as part of the planning application were:
- Ground Assessment Report and Drainage Recommendations
 - Design Statement
- 2.5 A total of three valid representations had been received during the consultation period, prior to determination. Additional representation in the form of two supplementary representations were received in response to the Notice of Review. Those representations raised a variety of concerns regarding the proposal which are summarised below:
- The existing road network and access onto the A93 is unsuitable
 - Safety of road network for non-motorised users
 - The design of the proposed houses is out of character of the area
 - The site could be returned to use as a productive agricultural field
 - The arguments raised by the applicant in terms of supporting local shops and the use of the current pandemic to justify the proposal is disingenuous as this is purely a speculative commercial proposition
 - Such housing proposals should be directed towards brownfield sites
 - New housing should be located next to that existing development which is already well serviced.
 - Potential adverse impact on wildlife

- 2.6 A number of consultations had been undertaken in respect of the application. The Councils Roads Development Service had no objection subject to conditions being applied to any grant of planning permission. Business Services had noted that Developer Obligations would apply if the application was to be supported. Scottish Water noted that there was capacity in the public water supply system but no public foul drainage network within the area. National Grid had not objected to the development on the grounds of safety.
- 2.7 Crathes Drumoak and Durris Community Council had objected to the proposed development as they considered the site failed to meet any of the policies pertaining to rural development within the Aberdeenshire Local Development Plan. They considered that there was sufficient housing allocations in settlements within the area. They had also raised concerns over the suitability of the local road network for non-motorised forms of travel and potential environmental impacts on the Coy Burn from the proposed septic tanks.

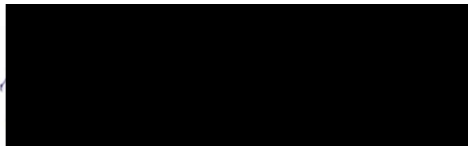
3.0 Reasoning

- 3.1 The main determining issues for the Review were whether the application could be supported, either as in accordance with, or as a departure from Policy R2: Housing and employment development elsewhere in the countryside and secondly whether, by virtue of its layout siting and design the proposed development would have an adverse impact on the visual amenity of the countryside contrary to Policies P1 Layout Siting and Design and 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 these were as follows:
- Policy R:2 Housing and employment development elsewhere in the countryside,
Policy P1: Layout, siting and design,
Policy E2: Landscape,
Policy C1: Using resources in buildings,
Policy RD1: Providing suitable services,
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 The LRB gave consideration to the case set out by the applicant regarding the need for further opportunities within rural areas for family home and to support the local economy during the pandemic.

- 3.6 The LRB were unanimous in their view that the proposal failed to meet any of the criteria of Policy R2 of the Aberdeenshire Local Development Plan 2017 and as there was adequate housing land supply within the Aberdeen Housing Market Area there were no significant material reasons to support a departure from this policy.
- 3.8 In considering the proposals impact on the character of the area, the LRB agreed with the Appointed Officer that the layout and repetition of house types was suburban in character and in conflict with the provisions of Policy P1: Layout Siting and Design and Policy E2: Landscape of Aberdeenshire Local Development Plan 2017.
- 3.9 After due consideration, and in the absence of any other over-riding material considerations, the Local Review Body agreed to UPHOLD the Appointed Officer's Decision to REFUSE Full Planning Permission, for the reasons contained in the Decision Notice issued on 26 January 2021 and set out in paragraph 4.0 below.

4.0 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 proposed development would be located in the designated Countryside where housing development is restricted to replacement dwelling houses, the conversion of vernacular buildings, houses required for the efficient operation of a primary industry which is appropriate to the countryside and the redevelopment of brownfield sites with up to 3 dwelling houses. None of these exceptions apply to the proposal. As such the proposal is considered contrary to R2: Housing and employment development elsewhere in the countryside.
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 proposed linear layout would be out of keeping with the established patterns of development typical of the countryside in the area, thus having a detrimental impact on the character of the landscape which would be exacerbated by the extensive use of white render. This would be contrary to Policy P1: Layout, siting and design and Policy E2 Landscape of the Aberdeenshire Local Development Plan 2017.



Patricia Jericevich, Legal Service Manager

**pp 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.