



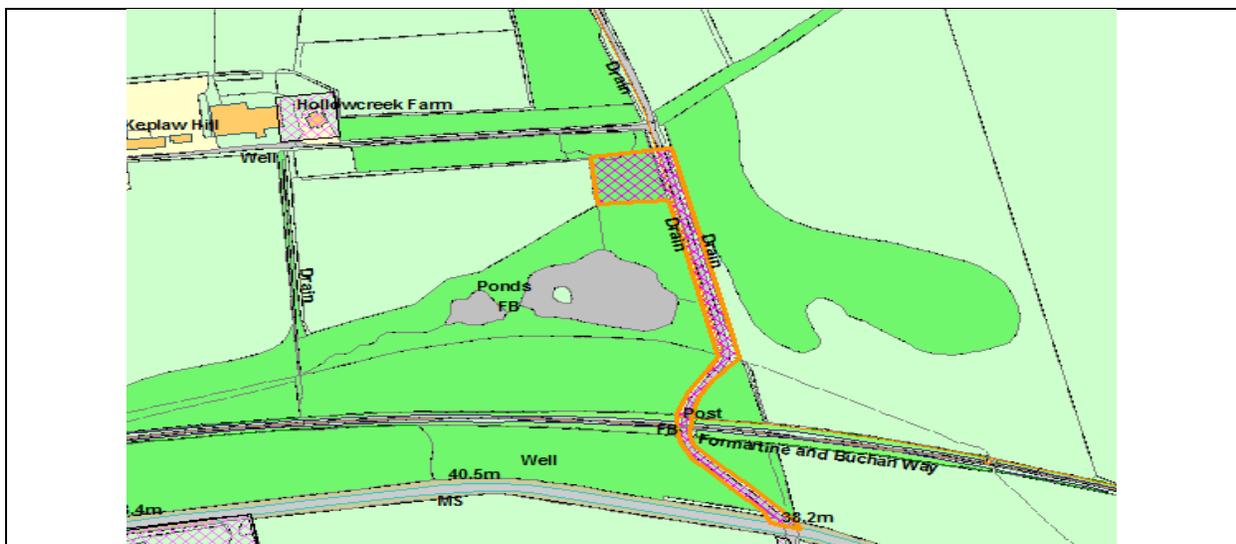
## Buchan Area Committee Report 11 May 2021

Reference No: APP/2020/2259

### Planning Permission in Principle for Erection of Dwellinghouse and Garage at Land to The East of Hollowcreek Farm, Keplahill, Mintlaw, Aberdeenshire, AB42 4TB

**Applicant:** Messrs D & A Birkett & Mallinson, Hollowcreek Farm, Keplahill, Mintlaw  
**Agent:** Philip Baxter, Arcus Design Ltd, Mavisbank, Old Deer, Peterhead

Grid Ref: E:401618 N:848512  
 Ward No. and Name: W04 - Central Buchan  
 Application Type: Planning Permission in Principle  
 Representations: 0  
 Consultations: 7  
 Relevant Proposals Map: Aberdeenshire Local Development Plan 2017  
 Designations: Rural Housing Market Area  
 Complies with:  
 Development Plans: No  
 Main Recommendation: Refuse



**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.8.1 of Part 2A List of Committee Powers and Section C.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.
- Cllr Anne Simpson – To further discuss Policy R2
  - Cllr Marion Buchan – To further discuss Policy R2
  - Cllr Jim Ingram – To give further consideration to Policy R2
  - Cllr Norman Smith – To further discuss Policy R2
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## **2. Background and Proposal**

- 2.1 This application seeks planning permission in principle for the erection of a dwellinghouse and garage at land to the east of Hollowcreek Farm, Keplahill, Mintlaw (Appendix 1 – Location and Site Plan). An area of trees lies to the north of the site with the access to Hollowcreek Farm beyond, agricultural fields lie to the east beyond the existing field access track from the A950 Peterhead to Mintlaw Public Road. A large pond lies to the south of the site with the Buchan and Formartine Way and the A950 beyond, and agricultural fields lie to the immediate west of the site. There are agricultural buildings to the immediate west of the existing farmhouse that are currently being used as storage for the farm machinery and general agricultural storage.
- 2.2 As this is an application for planning permission in principle, only indicative details have been submitted regarding the siting and design of a proposed dwellinghouse and garage. Specific issues relating to the design, size and scale of the dwellinghouse would be considered as part of any application for Matters Specified in Conditions on the site.
- 2.3 In terms of access, this would be formed off the existing field access track from the A950 Peterhead to Mintlaw Public Road. It is proposed to connect to the public water supply and foul water drainage would be a treatment plant with discharge to a soakaway.

2.4 In terms of relevant planning history it is noted that none are within the application site. however, within the wider farm complex the following applications are noted:-

- APP/2008/3404 – Erection of Dwellinghouse (Amended Design to Planning Permission Reference APP/2003/1696). Granted, 11 November 2008. This was an application for a replacement dwellinghouse at Keplahill for the current applicants.
- APP/2003/1696 – Erection of Dwellinghouse. Granted, 22 October 2004.

2.5 In support of the application the following documents have been submitted:

- Drainage Certificate submitted 29 December 2020 by Arcus Design Ltd which shows that the percolation test failed as water table present.
- Viability Statement submitted 29 December 2020 by Arcus Design Ltd

2.6 An updated site plan was submitted 29 December 2020 showing the proposed treatment plant and partial soakaway to existing field drain following the failed soakaway test.

### 3. Representations

3.1 No valid letters of representation have been received.

### 4. Consultations

#### Internal

4.1 **Legal and People (Developer Obligations)** confirms that Mintlaw Primary School and Mintlaw Academy are currently operating within capacity. The proposed development does not engage the Developer Obligations and Affordable Housing policies or associated supplementary planning guidance of the Aberdeenshire Local Development Plan 2017. Therefore, in this instance, no contributions are required.

4.2 **Infrastructure Services (Contaminated Land)** confirms that having received further information on the former use of the site, there is no indication of any past use which might have caused contamination. It has no further comments to make on the application.

- 4.3 **Infrastructure Services (Flood Risk and Coast Protection)** confirms that having considered the information available, it has no objection to this particular application at this stage.
- 4.4 **Infrastructure Services (Roads Development)** confirm that it has no objections to the proposal subject to conditions.

#### External

- 4.5 **Health and Safety Executive (HSE)** confirms it does not advise, on safety grounds, against the granting of planning permission in this case.
- 4.6 **National Grid** confirms it has no objection to the proposal which is in close proximity to a High-Pressure Gas Pipeline – Feeder.
- 4.7 **Scottish Water** confirms that the proposed development will be fed from Turriff Water Treatment Works. However, it confirms that it is unable to confirm capacity current and advises that the applicant completes a Pre-Development Enquiry (PDE) form. It also confirms that there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development.

## **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 2020

The Strategic Development Plan was approved on 12 August 2020.

The purpose of this Plan is to set a clear direction for the future development of the City Region. It sets the strategic framework for investment in jobs, homes and infrastructure over the next 20 years. 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.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Aberdeen City & Shire SDP 2020 as approved forms part of the Development Plan.

### 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 PR1 Protecting important resources.

Policy C1 Using resources in buildings

Policy RD1 Providing suitable services

Policy RD2 Developers' obligations

### 5.4 Proposed Aberdeenshire Local Development Plan 2020

Aberdeenshire Council on 5 March 2020 resolved to agree the Proposed Aberdeenshire Local Development Plan (LDP) 2020 as the 'settled view of the Council' on what the final adopted content of the LDP 2021 should be. A period during which representations on the Proposed LDP 2020 could be made took place between 25 May and 31 July 2020.

The Proposed LDP 2020 is a material consideration in the determination of planning applications. The Planning Authority must therefore assess what weight it should have in the context of this particular application. The Proposed LDP has been subject to public scrutiny and has now been submitted for Examination by an independent Reporter. Nevertheless, it is considered that the level of weight that should be applied to the Proposed LDP 2020 remains as not significant at this time. The Aberdeenshire LDP 2017 remains the up-to-date LDP for the area and the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted.

## 6. Discussion

- 6.1 The main planning issues to be considered in this application are the principle of development, the likely impact of the development on the character and amenity of neighbouring land uses and whether it can be satisfactorily serviced both in terms of drainage and access.

### Principle

- 6.2 The site is located outwith a defined settlement boundary therefore it would equate to development in the countryside under Policy R2 Housing and employment development elsewhere in the countryside. The Planning Service supports new dwellinghouses in the countryside if, amongst other qualifying criteria, it is for the retirement succession of a viable farm holding. In this case, the proposed dwellinghouse would be for a retiring farmer from Hollowcreek Farm.
- 6.3 The Economic Report on Scottish Agriculture, (Scottish Government, 2016) identifies that dairy, general cropping, cereal farms are predominantly over 50 hectares in size. Therefore, farm holdings of 50 hectares or more will be considered to be viable for the purpose of this policy. It is acknowledged that more intensive types of farming are often smaller in size, however viability in these cases is required to be demonstrated.
- 6.4 The applicant has provided a supporting statement to justify their application. The approximately 20.78 hectare farm is run by Mr David Birkett and has part time assistance from Andrea Mallinson and during lambing time, two sons, including Lee, also help out. Further information has been provided to confirm that Mr Birkett's son Lee, who provides help on the farm when required, will be taking over the full time running of the farm enterprise and Mr David Birkett will work part time. This would enable Lee to move into the main farmhouse which is located approximately 180 metres to the north west of the site which is currently the centre for all the farm's activities, and the proposed dwellinghouse would be occupied by Mr David Birkett and Andrea Mallinson which would be located within the current agricultural holding.
- 6.5 The Agent has confirmed that there are no opportunities for the refurbishment of vernacular buildings or the reuse of any brownfield sites as they are currently being used for farming and domestic purposes associated with the existing farm and farmhouse.
- 6.6 In terms of the viability statement, there are concerns in that the labour requirement appears speculative in nature as it states that 'Lee would like to

progress the farm and introduce pedigree Texel sheep and make the unit more productive'. However, the Texel sheep have been included in the labour requirement but the labour report suggests that the sheep are not in situ at present. The labour requirement data also indicates that there are breeding sows however there is no mention of pigs elsewhere within the report. Although there are agricultural fields in use, a large proportion of the farm features woodland and ponds which are not suitable for grazing. The labour requirement discounting the admin and woodland management accounts for some 0.82 labour unit requirement, both of which do not require living on site. Discounting the maintenance of the hedge, pond and habitat, reduces this further to 0.66 labour unit, which does raise concerns over viability. As there has been no financial information submitted with the application to demonstrate the viability of the existing farm business, despite it being requested, the application conflicts with Policy R2.

- 6.7 Taking into account the information submitted, the Planning Service is not satisfied that adequate information has been submitted to establish that the farm business is viable and thus sufficient justification has been given for the accommodation required for retirement succession of a viable farm holding. The proposal would therefore not comply with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.

#### Siting and Design

- 6.8 In terms of design, no details have been submitted since this application seeks planning permission in principle only. Specific issues relating to the design, size and scale of the dwellinghouse would be considered as part of any application for Matters Specified in Conditions application on the site. However, the site could adequately accommodate a dwellinghouse with associated driveway, parking and turning area and it could also provide ample private garden ground. The proposal therefore complies with Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017.
- 6.9 There is an area of trees to the north of the site and the indicative house and garage layout shows proposed mixed deciduous and coniferous tree planting therefore, if approved, it would be appropriate to secure a condition for further details to be submitted at Matters Specified in Conditions (MSC) stage.
- 6.10 To meet Policy C1 Using resources in buildings of the Aberdeenshire Local Development Plan 2017 on the carbon neutrality of the proposal, a condition could be attached for the submission of an energy statement.

### Amenity

- 6.11 In terms of amenity of neighbouring properties, the nearest dwellinghouse, Hollowcreek Farm, is located approximately 180 metres away to the north west therefore it is unlikely there would be adverse impacts in terms of amenity, privacy and overshadowing. In this regard the application is not in conflict with Policy P1.

### Prime Agricultural Land

- 6.12 The area of land to the south of the application site is highlighted as prime agricultural land and is therefore required to be considered against Policy PR1 Protecting important resources. The policy states that prime agricultural land, which is classed as Classes 1, 2 and 3.1 of the Soil Survey for Scotland, Land Capability for Agriculture series, should not normally be developed unless it is allocated in the local development plan. In this case, the land is located beyond the Formartine and Buchan Way and beyond the A950 Peterhead to Mintlaw public road. Furthermore, it is just the access which runs through the site. It is therefore concluded that the proposed development would not have an impact on prime agricultural land and would not be in conflict with Policy PR1 Protecting important resources of the Aberdeenshire Local Development Plan 2017.

### Access and Servicing

- 6.13 In terms of access, this would be formed off the existing field access track from the A950 Peterhead to Mintlaw Public Road. It is deemed that there would be no issues as a result of the development and Roads Development has no objections to the proposal therefore the proposal is acceptable in terms of Policy RD1 Providing suitable services.
- 6.14 In terms of water supply, the applicant proposes to connect to the public water supply. Scottish Water is the responsible body with regards to the local water pressure and the development would require separate consent from Scottish Water for connection to the supply.
- 6.15 In terms of foul drainage, a treatment plant with discharge to an existing field drain via a soakaway is proposed. The drainage information submitted demonstrates that the site can effectively be served by a satisfactory foul drainage system. As the overflow of water would drain to a nearby field drain, the applicant will need to contact Scottish Environmental Protection Agency (SEPA) for separate consent on the matter. The proposal therefore satisfies the requirements of Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2017.

## Conclusion

- 6.16 In conclusion, it has not been demonstrated that the proposed dwellinghouse for retirement succession relates to a viable farm holding, as required by the Development Plan (Policy R2). Furthermore, large portions of the holding are occupied by wooded areas and a pond which are not suitable areas for grazing, which results in a lesser area of the holding being available for management of animals. From the submitted details, it is noted that Mr Birkett Senior will continue to work on the farm. The proposed development is in conflict with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.

## **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 Equalities 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. Any representations received have been circulated as part of the agenda and taken into account in recommending a decision. 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 **REFUSE Planning Permission in Principle for the following reason:-**

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 for a single dwellinghouse for the retirement succession of a viable farm holding is not acceptable in principle as it does not comply with Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017 in that insufficient evidence has been provided to demonstrate that the existing farm holding is viable.

Alan Wood  
Director of Infrastructure Services  
Author of Report: Victoria Grant  
Report Date: 27 April 2021

