

APPEAL DECISION (LRB)
Appeal Reference LRB 522
Planning Reference APP/2020/2373
Planning Proposal Full Planning Permission for Erection of Dwellinghouse – Site at North Chapelhouses, Oldmeldrum, Aberdeenshire.
Summary of Decision The LRB agreed with the decision and refused full planning permission for a house in the countryside within the rural housing market area. The LRB unanimously agreed that the application site would be considered a greenfield site as the land was completely naturalised and the appropriate polices had been applied correctly by the appointed officer. The site did not meet the criteria set out in Policy R2 Development elsewhere in the countryside. The LRB unanimously agreed to uphold the appointed officer’s decision to refuse full planning permission for the reasons contained in the decision notice dated 12 April 2021.
Policy Issues N/a
Additional Points N/a
Actions Note Decision

Aberdeenshire Council Local Review Body

Reference LRB 522 APP/2020/2373

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Site at North Chaplehouses, Oldmeldrum, Aberdeenshire
- Application for review by Mantell Ritchie on behalf of Mr & Mrs T Louttit against the decision by an Appointed Officer.
- Application reference APP/2020/2373 for Full Planning Permission for Erection of Dwellinghouse refused by Decision Notice dated 12 April 2021.
- Application drawings:
 - Reference Number: 19043 LP Version D Location Plan;
 - Reference Number:19043 PT Version C Plans;
 - Reference Number:19038 04 Version A Plans, Elevations and Site Sections;
 - Reference Number:19043 05 Version A Location and Site Layout Plans.
- No site inspection took place.

Date of Decision: 2nd September 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, 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 25 June 2021. The LRB was attended by Councillors J Hutchison (Chair), R Cassie, P Gibb and J Ingram.
- 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 a single Dwellinghouse with integrated garage. The Dwellinghouse proposed was a modern 1 and a half storey dwelling, measuring 16.8 metres by 14.4 metres, with a ridge height of 7.1 metres. The design included large glazed features on both the entrance and northeast gable elevations. External walls were to be finished in an off-white K-rend render, while the pitched roof would be finished in flat concrete tile, and doors and windows in dark grey UPVC. The applicant had also included within the application the removal of some redundant walls, hardstanding areas as well as a detached agricultural building close to the public road.
- 2.2 The proposed site lies immediately west side of an unclassified public road, 2.4 km north of Oldmeldrum. The land to accommodate the Dwellinghouse was within a field in permanent pasture, bounded by post and wire fencing. The delineated red line boundary outline within the application, included steel framed and steel-clad agricultural buildings as well as a substantial area of hardstanding area/courtyard to the south of the buildings. The access to the new Dwellinghouse was to be taken over land previously identified for open storage relating to a commercial garage operation which received planning permission in 2015. All land and buildings within the red line boundary are in agricultural use except for the eastern end of the main building which is in use as a Commercial Garage in line with the change of use planning permission granted in 2015. The remaining breeze block wall base that earlier supported the former poultry buildings remain in situ around the modern steel-clad agricultural buildings.
- 2.3 The documents submitted as part of the planning application were:
- Design Statement, Mantell Ritchie Chartered Architects 25 November 2020;
 - Foul Water Soakaway Certificate, Mantell Ritchie 31 August 2019;
 - Percolation Test Report, Mantell Ritchie 31 August 2019;
 - Surface water soakaway report, Mantell Ritchie 31 August 2019.
- 2.4 Relevant planning history:
- APP/2020/2373 Planning Permission in Principle for Dwellinghouse. Declined to determine on 4 June 2020.
 - LRB 472 to APP/2019/1666. Appeal dismissed on 20 January 2020.
 - APP/2019/1666 Planning Permission in Principle for Erection of Dwellinghouse. Refused on 25 September 2019.
 - APP/2015/2000 FPP for Part Change of Use of Agricultural Shed to Commercial Garage. Approved 22 September 2015.

2.5 The site lies within the Countryside (Policy R2: Housing and employment development elsewhere in the countryside) and also within the Aberdeen City Housing Market Area.

3.0 Reasoning

3.1 The main determining issue for the Review was whether the proposal met Policy R2 Housing and employment development elsewhere in the countryside.

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 E2: Landscape;

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 the land immediately north of the earlier poultry sheds had previously been under permanent pasture and part of the field but was no longer so as the fence has been moved some distance from the building. The 2015 Planning Application had identified an open storage area associated with the Commercial Garage and identified land immediately north of the buildings. It was assumed that that was the reason why the fence had been moved. While there were no longer motor vehicles being stored on the land, motor vehicles had previously been clearly visible on that land in earlier photographs.

3.5 The LRB gave consideration to the case, as set out by the applicant, regarding whether the site was greenfield or brownfield along with other matters raised within the Notice of Review. Having taken all of the information presented before them into consideration, the Local Review Body were unanimous in their view that the application site would, in their view, be considered as a greenfield site as the land was completely naturalised and the appropriate policies had been applied correctly.

3.6 The LRB agreed with the Appointed Officer's view that the proposal did not meet the criteria set out in Policy R2 Development elsewhere in the countryside.

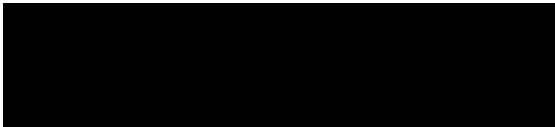
3.8 In the circumstances, and in the absence of any other over-riding material considerations, the LRB unanimously agreed to UPHOLD the Appointed Officer's decision to REFUSE Full Planning Permission, for the reasons

contained in the Decision Notice dated 12 April 2021 and set out in paragraph 4.0 below.

4.0 Reasons for refusal

- (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 site, is considered to be a Greenfield site and contains no buildings or evidence of being previously development that would support the view that the site is a brownfield opportunity site. No other opportunities exist for a dwelling under Policy R2 and Policy R1 and the proposal is therefore contrary to Policy R2 Housing and employment development elsewhere in the countryside and Policy R1 Special rural areas of the Aberdeenshire Local Development Plan 2017.



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.