

7. **LRB 517** – Notice of Review Against Refusal of Planning Permission in Principle for Erection of Dwellinghouse and Garage at Land to the West of Penelopefield Farmhouse, Carnoustie, Turriff – Reference: APP/2020/1801.

(i) Extract of Local Review Body Minute of 30 April 2021.

**EXTRACT  
LOCAL REVIEW BODY MINUTE  
30 APRIL 2021**

**7. LRB 517 – NOTICE OF REVIEW AGAINST REFUSAL PLANNING PERMISSION  
IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AND GARAGE AT LAND  
TO THE WEST OF PENELOPEFIELD FARMHOUSE, CARNOUSTIE, TURRIFF –  
REFERENCE: APP/2020/1801.**

Local Review Body: Councillors J Hutchison (Chair), R Cassie, P Gibb, J Ingram, P Johnston and A McKelvie.

There had been circulated, a Notice of Review and supporting documents by the agent, which sought a review of the Appointed Officer's decision to Refuse Planning Permission in Principle, for the Erection of a Dwellinghouse and Garage at Land to the West of Penelopefield Farmhouse, Carnoustie, Turriff – Reference: APP/2020/1801.

The Planning Adviser introduced the Notice of Review and advised the Local Review Body that in terms of review procedure, the applicant had requested a site visit and a review of the documents as presented before them. The Planning Adviser then provided the Local Review Body with the background to the applicant's case, along with a series of slides and photographs of the site and surrounding area.

The Planning Adviser ended his presentation by reporting that 2 valid representations had been received during the consultations period, and both were in support of the proposed development and the material issue raised within those representations were that they both considered that the farm was productive and had been viable for many years.

Further to consultations undertaken, it was reported that:

- Developer Obligations had confirmed that Developer Obligations had been agreed for Education towards the replacement Markethill Primary School which had greater capacity for future development.
- Business Development has commented that whilst the application had been accompanied by a letter from SAC, it was not sufficient to determine the viability of the existing farming business as the document had referred to income, sales, and farm subsidy payments; however, income levels alone did not confirm it was a viable entity.
- Roads Development had no objection to the proposal subject to conditions and
- Scottish Water has no objection to the proposal.

The Local Review Body then considered the Appointed Officer's reasons for refusal, namely:

- (1) The proposed development is contrary to Policy R1: Special rural areas and Policy R2: Housing and employment development elsewhere in the countryside, as contained in the Aberdeenshire Local Development Plan 2017, as the proposed dwelling house fails to meet the criteria set out in the policy, in that:
  - a) It is not of a type that would be permissible in the green belt;
  - b) It does not contribute to the growth of a settlement identified in Appendix 4;
  - c) It is not associated with the retirement succession of a viable farm holding;
  - d) It is not for the refurbishment or replacement of an existing or disused building, or remediation of redundant brownfield land opportunities;
  - e) It is not an employment development proposal;
  - f) It is not an appropriate addition to a cluster or group of at least 5 houses.
- (2) The proposal would be out of character with the development pattern and rural character of the surrounding area, and therefore is contrary to Policy P1: Layout, siting, and design as contained in the Aberdeenshire Local Development Plan 2017.

The Local Review Body considered that the relevant policies, as contained within the Local Development Plan 2017 were: Policy R1: Special rural areas; Policy R2: Housing and employment development elsewhere in the countryside; Policy P1: Layout, siting, and design; Policy E2: Landscape; Policy RD1: Providing suitable services and Policy RD2: Developers' obligations.

The Chair then asked the Local Review Body to consider whether there was sufficient information before them, for members to consider the review without further procedure.

In response to questions raised, the Planning Adviser confirmed:

- (1) The Appointed Officer had determined the application before the applicant had submitted additional financial information to the Business Development Officer. Having assessed that information, the Business Development Officer had confirmed that the financial predictions had provided evidence of a viable business (as presented on Page 178 of the agenda papers).
- (2) the income generated from the long-term lease of Penelopefield Bungalow had not been included in financial information for the business.
- (3) The applicant had rejected options for the redevelopment of two residential properties which lie within the ownership of the farm, and which were under the applicant's control. Penelope Cottage, which was on a long-term lease and the category "C" listed Woodhead Cottage which was in a ruinous state and was not considered financially viable to renovate.

- (4) The applicant had been granted planning permission and listed building consents in 2014 (APP/2014/4214 & 4220) and again in October 2018 (APP/2018/1411 & 1400), however, the applicant had stated that those proposal could not be implemented, as they were financially unviable due to the refusal of enabling development of APP/2017/2416 in February 2018.

During discussion, the Local Review Body concluded that they did not have enough information to determine the Notice of Review, and agreed by a majority, that they would require to undertake an unaccompanied site inspection to the application site and surrounding area. The site visit would allow members to gain a real understanding of the nature of the special landscape area in the Deveron valley; allow them to consider the prominent site area, and to view the two existing residential properties (Woodhead Cottage and Penelopefield Bungalow) and to experience local conditions, ground levels, gradients, and access.

After due consideration, the Local Review Body agreed to **DEFER** consideration of the Notice of Review, to allow them to follow further procedure, by way of undertaking an unaccompanied site inspection to the application site and surrounding area, to allow them to gain a real understanding of the nature of the special landscape area and the impact that the development may have on the Deveron valley.