

Local Review Body Decision Notice
Appeal Reference: LRB 526
Planning Reference: APP/2020/2567
Planning Proposal: Full Planning Permission for Conversion and Extension of Steading to Form 2 Dwellinghouses Including Partial Demolition
Address: Pineview, Fowlershill, Dyce
Summary of Decision: The Local Review Body (LRB) agrees with the determination of the Appointed Officer and refuses full planning permission.
Policy Issues: Policy R1: Special rural areas The main determining issue for the LRB was whether the proposed development was an acceptable conversion of a vernacular building in principle as development within the Aberdeen City greenbelt as defined by the Aberdeenshire Local Development Plan 2017. The key policy consideration was Policy R1: Special rural areas and the specific consideration was whether the proposal would involve the conversion of an acceptable vernacular building for two dwellings. The LRB considered whether the Appointed Officer's opinion was correct in determining that only one distinct part of the existing agricultural building was of a nature and construction to be considered vernacular in nature and that this would not allow for a conversion of the buildings in their entirety for two dwellings. Clarification was provided by the Planning Adviser in respect of the definition of vernacular noting the definition within the glossary of the Aberdeenshire Local Development Plan 2017. Following discussion regarding the construction of the existing agricultural building, the LRB concluded that only part of the buildings to be converted currently displayed a traditional format of construction in line with the definition of vernacular buildings and as such the proposal did not adequately comply with Policy R1. 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 5 May 2021 as relevant to the circumstance of the review.

Additional Points:

The applicant raised in submission to the LRB that the proposed conversion of the agricultural buildings would meet the requirements of Class 18B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and as such would be permitted development. The Planning Advisor noted though that the proposal could not be permitted development as the site was on a site of archaeological interest with a Historic Environment Record and as such failed to fulfil the conditions of permitted development. Any proposal to convert the agricultural buildings would require planning permission.

Actions:

None

Note Decision
Refuse Planning Permission

Policy implications / lessons
None

Aberdeenshire Council Local Review Body

Reference LRB 526 APP/2020/2567

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Pineview, Fowlershill, Dyce, AB21 7AQ
- Application for review by David Murray Associates on behalf on Mrs Angela Slater
- Application reference APP/2020/2567 for Full Planning Permission for Conversion and Extension of Steading to Form 2 Dwellinghouses refused by Decision Notice dated 5 May 2021.
- Application drawings:

Reference Number: L(0-)01 Version A Location Plan

Reference Number: D(0-)04 Version A Site Access Road as Existing and Proposed

Reference Number: D(0-)05 Site and Roof Plan as Proposed

Reference Number: D(0-)06 Floor Plan as Proposed

Reference Number: D(0-)07 Elevations as Proposed

Reference Number: D(0-)08 Site Sections Existing and Proposed

- No site inspection took place

Date of Decision: 27 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 27 August 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, as well as the internal appearance of the buildings to be converted. Due to the matter being raised within the Notice of Review, the Planning Adviser provided further advise on the scope and limitations of the permitted development rights as they related to the conversion of agricultural buildings to dwellings.

2.0 Proposal

- 2.1 The application sought Full Planning Permission for two dwellinghouses which were to be formed by way of the partial demolition and conversion of an existing grouping of agricultural buildings which are located approximately 100 metres north of the boundary with Aberdeen City, off the B997 between Bridge of Don, and the Parkhill Crossroad. The site was located within part of the defined Aberdeen City green belt as defined in the Aberdeenshire Local Development Plan 2017. The site was characterised by various steading and agricultural buildings, of a range of age and construction types. The construction of these buildings varies and includes one building which was constructed from a mix of harled traditional stone walls combined with modern blockwork and two adjoined buildings of modern block walls with limited wall sections of traditional stone construction to low level or dado height which formed the buildings to be converted. Adjacent and attached to these buildings were a collection of steel-clad sheds which were to be removed as part of the proposal. Roof coverings are largely corrugated metal or potential asbestos sheeting.
- 2.2 The single storey residential property known as 'Pineview' was located immediately to the south of the agricultural buildings but was excluded from the development site. Agricultural fields surround the remaining boundaries with a storage and distribution business being located across the fields to the north. An existing access track provided access to the buildings from the B977 which was located a short distance to the west of the site.
- 2.3 The development would involve the conversion of the stone and blockwork buildings to form two single storey semi-detached residential dwellings which would be connected by a central pend which would provide access to the rear. The dwelling on plot 1 would feature a new garage and a gabled extension to the north-east of the converted building to form a four bed dwelling. The dwelling located on plot 2 would be formed on the footprint of the southern part of the existing building with a parallel extension to the north-east to form a second four bedroom dwelling which would feature an internal garage arrangement. The converted buildings would feature a traditional granite exterior finish and a slate roof. The extensions and detached garage would be finished in timber cladding with a steel profile roof.
- 2.4 Both dwellings would feature private garden ground to the north east and private drainage arrangements consisting of private sewage treatment plants and soakaways which would be located to the south west of the wider site. Access would be provided via the existing access to Pineview with improvements at the public road junction

2.5 The documents submitted as part of the planning application were:

- Design Statement, David Murray Associates, 12 February 2021.
- Preliminary Roost Assessment, Countrywise, 24 April 2019.
- Drainage Assessment, Macleod Jordan, 16 September 2019.

2.6 Relevant planning history:

Under application reference APP/2019/2223, permission for the partial demolition and conversion of the remaining building to two dwellings was refused based on its lack of compliance with Policy R1: Special Rural Areas in respect of the buildings to be converted and secondly on design grounds in respect of Policy P1: Layout siting and design and subsequently appealed to the Local Review Body under LRB 480. The LRB dismissed the Notice of Review and upheld the Appointed Officer's decision.

2.7 The application had not been subject to any third-party representation, however, had been the subject to a number of consultation responses from the Council's internal consultees including Roads Development, Contaminated Land, Environmental Health, Environment Planner and Developer Obligations. Furthermore, Scottish Water had responded to the application. The responses did not raise any concerns that could not be addressed by suitably worded planning conditions.

3.0 Reasoning

3.1 The main determining issue for the Review was whether the proposal was for the conversion of a vernacular building for two dwellings as permitted by Policy R1: Special Rural Areas and whether in exhibiting any vernacular characteristics these were sufficient in terms of justifying the scale and extent of the proposal before them. A secondary consideration for the Review was the additional matter raised in the Applicant's Notice of Review which referred to the potential for the development to be considered as permitted development under The Town and Country Planning (General Permitted Development and Use Classes)(Scotland) Amendment Order 2020.

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:

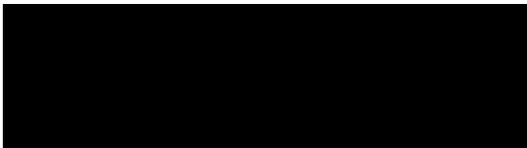
Policy R1: Special rural areas;
Policy P1: Layout, siting and design;
Policy P4: Hazardous and potentially polluting developments and contaminated land;
Policy E1: Natural heritage;
Policy C1: Using resources in buildings;
Policy RD1: Providing suitable services;
Policy RD2: Developers' obligations.

- 3.3 The LRB gave consideration as to whether a site inspection, a hearing or further information would be helpful but agreed it had sufficient information before it to proceed to determine the Notice of Review.
- 3.4 The LRB gave consideration to the case and the matters set out by the Applicant that the evidence provided, including the photographic survey, demonstrating the building was sufficiently vernacular to meet the Policy requirements. The LRB also considered the Appointed Officer's opinion that only one distinct part of the building was of a nature and construction to be considered vernacular and this would not allow for a conversion of the buildings in their entirety as proposed under this application. The Planning Adviser further clarified that the policy allowed for both buildings of which were not vernacular but of architectural merit and vernacular buildings to be converted and there was no requirement for the building to be both vernacular and of architectural merit. The Planning Adviser clarified that the term 'vernacular' was defined within the glossary of the Aberdeenshire Local Development Plan 2017 as a building of traditional design, construction, use of materials and building techniques. Such buildings are often agricultural in nature and over 100 years old.
- 3.5 In response to questions by the LRB regarding the application of permitted development rights, the Planning Adviser clarified that whilst permitted development rights would allow for the conversion of agricultural buildings to dwellings, the regulations were complex and there were a number of situations where these rights would not apply. In this case the buildings forming the site were identified on the Historic Environment Record as a site of archaeological interest and permitted development rights did not apply to such sites. Furthermore, the format of the conversion, which included significant extension of the buildings, would not be permitted. This was of relevance as the site was identified as a farmhouse and steading identified on the Ordnance Survey 1st edition map dated around 1869. This indicated that at least part of the building to be converted had an origin pre-dating 1900.
- 3.6 Following further discussion regarding the construction of the various parts of the buildings to be converted, the LRB was unanimous in its view that only part of the buildings to be converted currently displayed a traditional format of construction or could be conceived as meeting the definition provided in the Aberdeenshire Local Development Plan 2017. The LRB agreed that the proposal for the conversion of the collection of buildings would not adequately comply with Policy R1: Special Rural Areas and therefore the principle of the development could not be supported. The LRB noted the advice provided by the Planning Adviser in respect of the potential consideration of permitted development rights and given the view that the buildings in question would not benefit from these rights did not give the matter further weight in their deliberation.
- 3.7 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 Planning Permission in Principle, for the reasons

contained in the Decision Notice 5 May dated 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 proposal fails to comply in principle with Policy R1: Special rural areas as it does not involve the sensitive conversion and extension of a vernacular building, as the buildings are not considered to be vernacular or of architectural merit, and it is not the replacement of a non-vernacular building for the same use, nor does it meet any other criteria under this policy.



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.