



Buchan Area Committee Report 15 March 2022

Reference No: APP/2021/2349

Planning Permission in Principle for Erection of Dwellinghouse at Site to North West of The Meadows, Doghillock, Maud, AB42 4QT

Applicant: Ms Z Wright, Per Agent
Agent: Baxter Design Company, 1 The Square, Mintlaw, Peterhead, AB42 5EH

Grid Ref: E:390381 N:853019
Ward No. and Name: W04 - Central Buchan
Application Type: Planning Permission in Principle
Representations: None
Consultations: 4
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. Marion Buchan – To further discuss policy R2.
- Cllr. Norman Smith – To further discuss policy R2/P1.

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 Planning permission in principle is sought the erection of a dwellinghouse on site to the north-west of The Meadows, Doghillock (Appendix 1 – Site Plan).

2.2 The application site forms a small element of a larger field. The part of the field that the application site lies on is relatively flat in terms of levels. Although it is noted that the field it is located within, does slope away, from south-west down to the north-east. There are no houses within a radius of 150 metres of the application site.

2.3 The submitted plans show a proposed residential plot 40 by 50 metres, 2,000 sq.m. in area (0.2 ha), excluding the land requirement for the services (road, private water supply, and private drainage). The access is shown to be along the existing single track road, drainage is to be private and water supply is proposed to be sourced from a well 150 metres from the site, measured as the crow flies, on the opposite side of the A950.

2.4 Pre-application advice was provided in June 2016, which advised that a house on the site would be in conflict with the Local Development Plan, and therefore could not be supported.

2.5 The following planning applications listed relate to the application site:-

APP/2021/0140 Erection of dwellinghouse. Withdrawn by agent, 25 March 2021.

Concerns were raised with the agent by the Planning Service that the principle of development was in conflict with the Development Plan, the scale (size) of the plot, and concerns over the water as it was identified connection would be to the public supply, but Scottish Water had indicated that there was no public supply in the vicinity. The agent withdraw the application.

APP/2021/1993 Erection of dwellinghouse. Withdrawn by agent, 11 October 2021.

A number of consultees raised potential concerns, including Environmental Health objecting due to lack of information on private water supply, and Flood Risk and Coast Protection objecting due to surface water soakaway discharging to the well, to the north of the A952, and no details of the culvert. The agent withdrew the application, and was reminded by the Planning Service to submit the requisite information regarding private water supply (quantity and quality) and the culvert.

- 2.6 The following supporting information was submitted with the application:-

Drainage Report, Ferguson Geotechnical, 24 November 2020.

Justification Statement, Baxter Design Company (undated), received 11 October 2021.

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

- 4.1 **Legal and Governance (Developer Obligations)** advised that New Pitsligo 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 (Environmental Health)** object to the application, noting that water connection is to a private water supply.

It requires full details of the proposed private water supply including the source of the supply, addresses of all users of that supply, details of quantity and mitigation for any shortages, and the quality of the supply.

Noting that a public water supply would provide a guarantee in terms of quantity and quality, which cannot be said of a private supply, ensuring the site's longer term sustainability and protecting the health of residents.

- 4.3 **Infrastructure Services (Flood Risk and Coast Protection)** advised that it had no comments to make on the application.

- 4.4 **Infrastructure Services (Roads Development)** advised that it has no objections subject to conditions to include parking, visibility splays and turning areas.

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 (SDP) 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 C1 Using resources in buildings
- Policy C4 Flooding
- 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 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 in terms of drainage, water, and access.

The Principle of Development

- 6.2 The site is located outwith any defined settlement boundary, therefore it is development in the countryside, and Policy R2 Housing and employment development elsewhere in the countryside is applicable, and the most relevant policy to assess the acceptability or otherwise of the proposed development. The Planning Service supports applications for new dwellinghouses in the countryside and located within the Rural Housing Market Area in exceptional circumstances only. Those circumstances are where it would:-

- be appropriate in the greenbelt; or
- involve the refurbishment or replacement, on the same site, of an existing house or disused building; or
- involve remediation of redundant brownfield land opportunities; or
- the addition of groups of no more than 3 houses within 200m of an identified settlement boundary (in this instance it is a settlement identified in Appendix 4 of the Plan); or
- the retirement succession of a viable farm holding; or
- small scale addition to an existing cluster or group of at least five houses.

- 6.3 In terms of the criteria specified in Policy R2, as outlined above, the proposal does not meet any of the listed exceptions. The proposal is not development which would be appropriate within the Greenbelt, it does not involve the remediation of redundant brownfield land opportunities, the site is undeveloped, and there is no retirement succession of a farm holding. There are no buildings on the site which could be replaced.
- 6.4 The settlements of New Pitsligo, Strichen and Maud are all 'identified settlement's' as defined in Appendix 4 of the Aberdeenshire Local Development Plan 2017 suitable for small scale organic growth. However, the application site is outwith the requisite 200 metre radius, being located some 2.8 km, 3.2 km and 4.8 km respectively (measured as the crow flies), and therefore the application is not compliant with this exemption.
- 6.5 Furthermore, the site does not form part of a cluster, as it is isolated from any other dwellinghouse. To constitute a "cluster" there must be a minimum of 5 existing dwellinghouses, and they must form a group of houses which are positioned or sited closely together, usually sharing curtilage boundaries, or in very close proximity to one another. They must form part of a nucleus. In this case the nearest house is The Meadows, to the south-east, which is some 165 metres away from the proposed house plot. To the north-west is Sunnyside, some 195 metres distant and separated by a field, and finally to the north-east is Uppertack which is some 290 metres away, separated by a number of fields and the A950. Clearly there is not a sufficient number of dwellinghouses, and the distance of the three dwellings is far too great to be deemed a cluster of existing houses. As a result, the application does not constitute an addition to the housing group
- 6.6 The principle of development is not supported as it is in conflict with the Aberdeenshire Local Development Plan 2017, in particular Policy R2 Housing and Employment Development Elsewhere in the Countryside.

Sustainability

- 6.7 To otherwise grant planning permission would be a Departure to the Local Development Plan which has the potential to undermine housing allocations, and the national and local planning aims of developing vacant, derelict and brownfield sites ahead of greenfield sites. Furthermore, by supporting houses outwith settlements places additional burdens on providing services, such as school transport, waste collection and emergency services, and the ability to develop sites within settlements and ensure existing towns and villages remain vibrant. There are no over-riding reasons to grant planning permission in this instance as a Departure to the Plan.

Character and Amenity

- 6.8 In terms of the location of the house, it appears remote from any other development. The size of the plot is large and bears no resemblance in terms of size to other similar residential plots within the wider locality. The proposed development is therefore contrary to Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017. The Local Development Plan

supports 'small scale development' within the countryside based on the exceptions listed above. 'Small-scale' in the case of residential plots is defined as 350 square metres within the Plan. The proposed plot is noted to be at 0.2 ha (2,000 sq.m), in excess of 5.5 times the size of the definition of small-scale development, and that measurement is not including the land dedicated to the road, and the drainage and water source pipe. Given the size of the site the proposal is contrary to Planning Policy E2 Landscape, as changing the whole area of land to domestic curtilage would change the appearance of the site from agricultural and rural, to domestic. Given the location of the site at the brow of a hill it can be clearly viewed from the A950, which is located to the north-east of the proposed location of the house.

- 6.9 A large residential curtilage also removes a substantial amount of land from agricultural use. Whilst it is recognised that the land is not prime agricultural, the application nevertheless removes some 2000 sq.m. of existing agricultural land to domestic use. Such development changes the character of the rural open countryside, and undermines the appearance of the land and farming activities. The site is clearly cultivated along with the adjacent land.
- 6.10 The application seeks planning permission in principle and therefore there is no house design submitted as part of this application. However, given its location there are no matters of concern arising as a result of impact upon neighbouring residential amenity due to loss of light or privacy given the significant separation distances to other residential properties within the wider area.

Access and Servicing

- 6.11 Infrastructure Services (Roads Development) has no objection to the proposal subject to conditions, thus the proposed development could be adequately accessed without an adverse impact upon road safety.
- 6.12 The application states that the dwellinghouse would be connected to a private water supply. However, the requisite details of the private water supply have not been submitted. It is noted from the consultation response from Environmental Health that it requires additional details of the private water supply in terms of type, quality and quantity. The agent was requested, in writing, to submit these details in October to accompany the application, but at the time of writing this report no details of quality and quantity of water supply have been submitted in this regard. The Planning Service granted additional time, but it has been more than four months that have since elapsed, and the information still remains outstanding. The agent agreed in a processing agreement that the application would be referred to Committee in March, and has had significant opportunity to submit the requisite information or withdraw the application. The application is contrary to Policy RD1 Providing suitable services as the application fails to demonstrate suitable water supply to the proposed house. It is noted that in recent times within Aberdeenshire, the region has suffered from insufficient private water supplies and it has had to take immediate measures to provide water to residents. It is imperative that all proposals to be served off private water supplies ensure adequacy of

supply, both quantitative and qualitative, to ensure a house can be adequately served and without adverse impacts in existing properties.

- 6.13 The drainage for foul water would be private by way of a packaged sewage treatment plant via a partial soakaway prior to discharge to the burn, with certificate provided by Ferguson Geotechnical, which is deemed acceptable in principle.
- 6.14 The application has failed to demonstrate that it can be suitably serviced in terms of water supply, and therefore it is in conflict with Policy RD1 Providing suitable services.

Developer Obligations'

- 6.15 In terms of Developer Obligations', in this instance, the proposed development does not engage Policy H2 of the adopted Local Development Plan or the associated Affordable Housing Supplementary Planning Guidance. The local schools are currently operating within capacity. The proposal is therefore not in conflict with Policy RD2.

Contaminated Land

- 6.16 Policy P4 Hazardous and potentially polluting developments and contaminated land states that development will not be allowed where there is known or suspected to be contamination unless appropriate site investigations have been undertaken to identify any actual or possible risk to public health or the environment (including possible pollution of the water environment), and effective remedial actions are proposed to ensure the site is made suitable for its new use. Contaminated Land team resolved to advise that no further investigation of the site is required. It is noted that it made no objections to the application. On that basis the proposed development is not in conflict with Policy P4.

Using Resources in Buildings

- 6.17 The energy efficiency of the proposed dwellinghouse is not yet known however, there is no reason to suspect that a new build dwellinghouse would be unable to meet the energy efficiency and sustainability requirements of the Council. In order to secure this, a condition could secure details and the level of mitigation. Subject to the addition of such a condition, the application would not be in conflict with Policy C1 Using resources in buildings.

Flood Risk

- 6.18 It is noted that the Flood Risk and Coast Protection team advised that it had no comment to make on the application in respect of the culvert or other matters. On that basis it is deemed that the submitted details are acceptable in respect of the watercourse and potential flooding, and thus the application is not in conflict with Policy C4 Flooding.

In Summary

- 6.19 In summary, having assessed this application against the relevant policies of the Aberdeenshire Local Development Plan 2017 as noted above, the principle of the development proposed is in conflict with Development Plan, in particular Policy R2 Housing and employment development elsewhere in the countryside, as it fails to meet any of the listed criteria which would support development of a house in the countryside.
- 6.20 Due to the size of the plot, and its prominence within the landscape, the application is contrary to policies R2 Housing and employment development elsewhere in the countryside, P1 Layout, siting and design, and E2 Landscape.
- 6.21 The application has failed to demonstrate that it is not in conflict with Policy RD1 Providing suitable services, as it has not demonstrated that it can be suitably serviced in terms of water supply, as there is incomplete detail regarding the quantity and quality of the proposed private water supply.

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 integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 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.
- 8.4 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.

9. Departures, Notifications and Referrals

9.1 Strategic Development Plan Departures

None

9.2 Local Development Plan Departures

Policy R2 Housing and employment development elsewhere in the countryside

Policy P1 Layout, siting and design

Policy E2 Landscape.

Policy RD1 Providing suitable services.

9.3 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.

9.4 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.

9.5 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.

10. **Recommendation**

10.1 **REFUSE Planning Permission in Principle for the following reasons:-**

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 application is in conflict with the Aberdeenshire Local Development Plan 2017, in particular Policy R2 Housing and employment development elsewhere in the countryside, in that the proposed development fails to comply with any of the listed exceptions for development to be supported, including it is not an addition to a cluster of at least five existing dwellinghouses; and it is a greenfield site. The principle of development is therefore not acceptable.

02. The proposed dwellinghouse is to connect to a private water supply, but no details of this have been submitted in respect of quality and quantity of supply. The application is contrary to Policy RD1 Providing suitable services as the application fails to demonstrate satisfactorily a suitable water supply to the proposed development.

03. Due to the size of the plot, which is 0.2 ha (2,000 square metres), the proposed development is contrary to the Aberdeenshire Local Development Plan 2017, in particular Policy P1 Layout, siting and design as the development would be out of keeping within the rural countryside, and Policy E2 Landscape by introducing a large area of domestic curtilage, which conflicts with the rural agricultural use and surrounding area.

Furthermore, it is contrary to Policy R2 Housing and employment development in the countryside which defines small scale development as being appropriate under the exceptions criteria; and the Plan defines 'small scale' as a plot 350 square metres in size and therefore the plot at 2000 square metres in area is grossly large compared with the expectation through the Local Development Plan.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Sally Wood
Report Date: 2 March 2022

