

6. **LRB 553** – Notice of Review Against Refusal of Application under Section 42 for Erection of 2 Holiday Chalets, Store and Oil Tank Without Compliance with Conditions 4 and 5 (Occupancy) of Planning Permission Reference S030271P at Birch Lodge and Willow Cottage, Inchmarlo, Banchory, Aberdeenshire, AB31 4BT – Reference: APP/2021/2829.
 - (i) Notice of Review, Review Statement and Supporting Documents as submitted by the Applicant.

Aberdeenshire Council

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the Local Review Body within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application) *(Removal of Condition)*
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

*The proposed development surrounding the lodge
The removal of Inchmarlo Villas conditions*

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

We feel our application warrants a review due to the changing nature of the surrounding land;

As per planning application APP_2021_0247, drawing reference (00)003 Rev A, two executive homes are planned directly to the north and four directly to the east of Birch and Willow site.

As per planning application APP_2021_0247, drawing reference (10)001 Rev L, twelve modern holiday lodges and the hotel are planned directly to the west of Birch and Willow site.

As per planning application APP_2021_0247, drawing reference (10)001 Rev L, a widened road and turning circle are proposed directly in front of Birch and Willow site. Thus increasing traffic and making the site less family friendly with increased risks to children caused by the traffic.

These 'Executive' homes, 12 lodges, hotel and new road system significantly detract from what was the isolated farm location of Birch and Willow holiday cottages. Not only will this now be a different environment for guests to stay in but there will also be years of construction noise and disruption during the building phase. The 12 lodges will more than compensate for the loss of our two.

We would like to reiterate the need for short term rental properties in the area. (3-6 month terms are in high demand while people await new properties).

Our son spends a lot of time abroad due to work & family commitments. However, having grown up at Inchmarlo, he would like to have a base here, but would be unable to run the lodges in their present form. He would like to keep one as a base & rent out the other. We would welcome that idea, especially with our advancing years.

The nearby holiday villas at Inchmarlo Golf Resort were granted change of use as were the lodges at Kinord, Dinnet, all built later than Birch & Willow, which are now 18 years old.

We ask you to reconsider the application and would welcome an opportunity to discuss further in person.

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you will not have a further opportunity to add to your statement of review at a later date unless specifically requested to do so by the Local Review Body. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

As you will note from the guidance accompanying this form, you must not raise any matter which was not before the planning authority at the time the decision you are appealing against was made unless, you can demonstrate that the matter could not have been raised at that time or, that it not being raised was due to exceptional circumstances.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it could not have been raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It will also be published on the Council's website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the Local Review Body to review the application as set out on this form and in the supporting documents.

Signed

Date

10-5-2023

The completed form and documents should be sent to:

Head of Legal and Governance,
 Business Services,
 Aberdeenshire Council,
 Woodhill House,
 Westburn Road,
 Aberdeen,
 AB16 5GB

Email: localreviewbodysubmissions@aberdeenshire.gov.uk

Telephone: 01224 665117