



Formartine Area Committee Report - 23 August 2022

Reference No: APP/2022/0875

Full Planning Permission for Erection of Boarding Cattery Unit and Partial Change of Use from Residential (Class 9) to Animal Boarding (Sui Generis) at Woodlee, Quilquox, Ythanbank, Ellon, Aberdeenshire, AB41 7TQ

Applicant:

Mr James Shulver

Agent:

No Agent

Grid Ref:

E:390346 N:838566

Ward No. and Name:

W07 - Turriff And District

Application Type:

Full Planning Permission

Representations:

1

Consultations:

2

Relevant Proposals Map:

Aberdeenshire Local Development Plan

Designations:

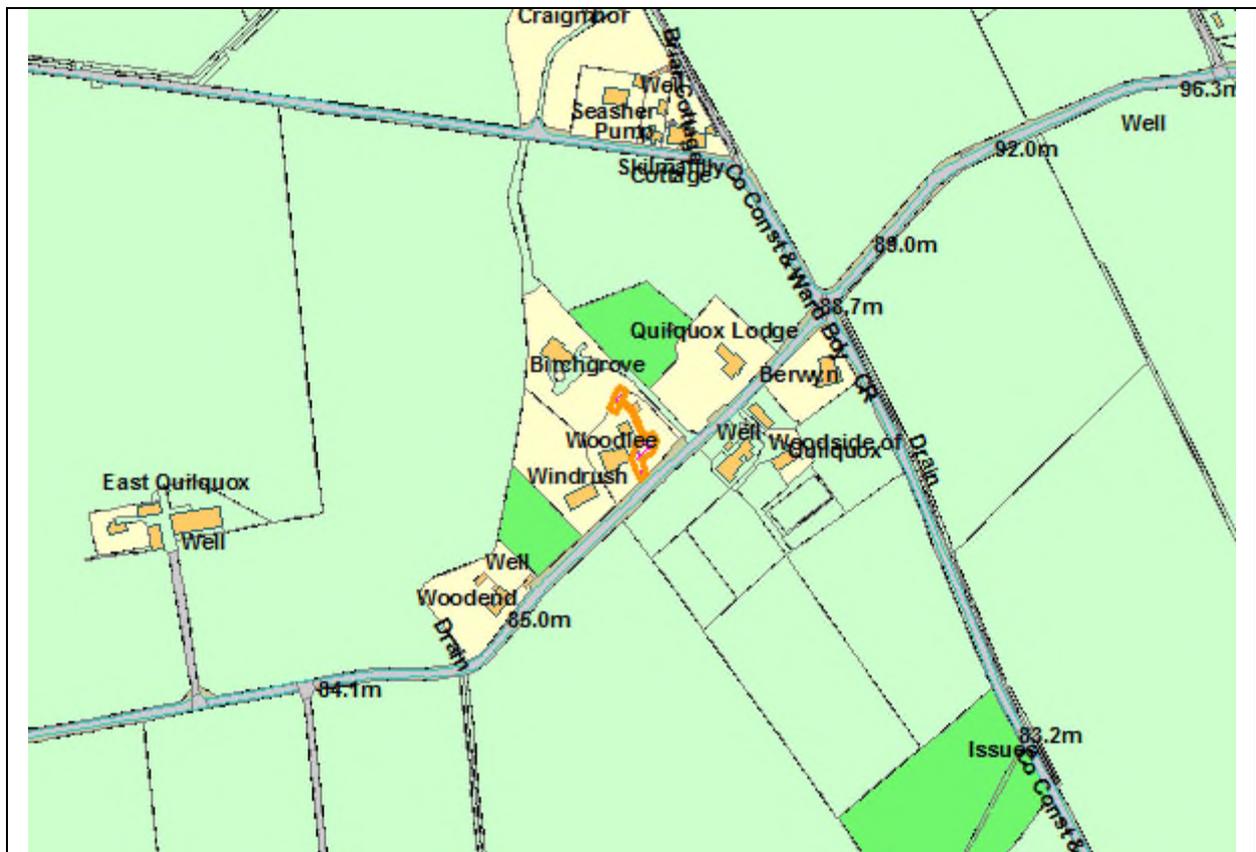
AHMA

Complies with Development Plans:

No

Main Recommendation:

Grant



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.3.1c of Part 2C Planning Delegations of the Scheme of Governance as the application for development is a departure from the Development Plan and is recommended for approval.
- 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 Full planning permission is sought for the erection of a cattery at a domestic property at Woodlee, Quilquox, Ythanbank. The site is located within the countryside; however, the site has neighbouring residential properties to the north, northeast and southwest. The site is located 4.7 kilometres northeast of Methlick and 4.1 kilometres southwest of Auchnagatt. **Location and site plans are attached to this report as appendices 1 and 2.**
- 2.2 The applicant proposes two cattery units, which would be located on the northwest boundary of the domestic curtilage of "Woodlee." The applicant proposes to use the existing access to the house and will have a dedicated parking area to the south of the domestic garage. A footpath would lead to the cattery unit. Each cattery unit would measure 6.9 metres by 4.3 metres with a roof height of 2.6 metres. Each unit will create five pens measuring 1.6 metres wide by 3 metres long with a 1 metre wide corridor.
- 2.3 The cattery units would have a PVCu framework with insulated PVCu panels on the rear and side elevations. The principal elevation would have safety glass components and a solid insulated roof. **Elevation and Floor plans are attached to this report as appendices 3 and 4.**
- 2.4 The applicant has prepared a brief business summary in support of this application. The document states that the cattery would accept "Drop offs" and collections of pets between 8am and 6pm, by appointment only in order to not over-burden the on-site car parking. The document also states that waste will be collected and disposed of by an appropriately approved company.

3. Representations

- 3.1 A total of 1 valid representation (0 support/1 objection) has been received as defined in the Scheme of Governance. All issues raised have been considered. The letter raises the following material issues:
 - *Defining hours of operation for pick up/drop off*
 - *Concerns about amenity (seeks animal species is limited to cats)*

4. Consultations

- 4.1 **Environment and Infrastructure Services (Environmental Health)** has no objection to this application.
- 4.2 **Environment and Infrastructure Services (Roads Development)** has stated that the existing access is suitable for the additional use and that there is ample parking provision.

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 RD1 Providing suitable services

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 2022 should be. 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 Reporter’s report of Examination of the Proposed LDP 2020 has now been published (24 June 2022). Notwithstanding, there is currently no authority to use the Proposed Local Development plan as a substitute for the Local Development Plan 2017. The weight that can be given to the phrase “settled view of the Council” can only be interpreted in the context of the publication of the Proposed Local Development Plan 2020 (March 2020). Even with the certainty associated with the Reporter’s Report it still remains only a material consideration in determining planning applications. However, consideration will be given on a case by case basis where the weight of the Reporter’s Report should be given overwhelming significant weight when it is most advantageous to the applicant’s proposals. SPP Paragraph 34 is of associated relevance.

The Scheme of Governance reserves determination of planning policy to Full Council for resolution. As such, not until the Proposed Local Development Plan 2020 has been formally adopted by Full Council (as LDP 2022) can this be considered as the Council’s “settled view”.

It should be borne in mind that the LDP has been written to be implemented as a whole and not the selective use of agreeable parts.

On the 18 April 2022 with reference to the legislation the LDP 2017 became technically ‘out of date’. Notwithstanding this, the Aberdeenshire LDP 2017 remains the primary document against which planning applications should be determined until such time as a new LDP for the area is adopted. Currently Scottish Planning Policy (SPP) deals with this circumstance at Paragraphs 32 to 34. The policies of the LDP 2017 are reflective of the policy position within SPP. Both SPP and the National Planning Framework 3 are confirmed as significant influences on the content of the plan, as confirmed within Section 2 – ‘Influences of the Plan’. In summary, when a development plan is more

than five years old the presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits. All of these matters however are already embedded within the policies of the Local Development Plan 2017 and deemed robust in their consideration.

6. Discussion

- 6.1 Paragraph 33 of Scottish Planning Policy (SPP) states that where a development plan is more than five years old, the presumption in favour of development that contributes to sustainable development will be a significant material consideration. This must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.
- 6.2 Full planning permission is sought for the erection of a cattery at Woodlee, Quilquox. The key issues to consider are the principles of the development and impact on the character and amenity of the surrounding area.

Principle

- 6.3 As this application is located within the Aberdeen Housing Market Area of the countryside, it is assessed in the first instance against Policy R2 Housing and employment development elsewhere in the countryside. Within the Aberdeen Housing Market Area employment proposals would be restricted to the development of a brownfield site or the replacement of an existing disused house or building, provided it was small-scale. Small-scale employment development is defined as: on a site less than 0.5 hectares and employing five or less full time people. For noting, in the Rural Housing Market Area, new employment proposals are supported provided they are small-scale, but would not be limited to only brownfield or replacement, in order to encourage growth in this area. For the avoidance of doubt, this proposal does not fit into any other criteria listed in Policy R2 or linked policy R1 Special rural areas.
- 6.4 The application site is located within the garden ground of "Woodlee" and is not on brownfield land nor would it be the replacement of an existing building. However, the development is small scale with the business employing only the applicant and one other person and occupying 0.04 hectares. However, as the development does not meet the first two criteria of occupying brownfield land or replacement, the development would not comply with Policy R2.
- 6.5 Had the development been located in the Rural Housing Market Area, small scale employment development would be permitted on greenfield land in accordance with Policy R2. The application is only 138 metres from the boundary that defines the housing market areas. The aim of "Shaping Development in the countryside" (Section 12 of the LDP 2017) is to create a welcoming approach to development in the countryside that meets needs and encourages prosperous communities and businesses. Catteries are often

located within countryside locations, as it offers the least disruption to residential amenity, and they are considered to be appropriate rural businesses. Given the site's close proximity to the rural housing market area, in which the principles of this development would have been acceptable, the Planning Service ask that Members consider this application to be an acceptable departure from Policy R2.

Layout and design

- 6.6 In terms of design, Policy P1 Layout, siting and design states that we will only approve development designs that demonstrate the six qualities of successful places. These include contributing to the location identity, protecting amenity, welcoming though visual appeal, adaptable to future needs, efficient in terms of resources and well connected. The proposed cattery has been designed to be functional, with the walkways and doors facing away from neighbouring properties. The proposed cattery buildings have a simple design and are not significant in size, therefore the existing house, garage, hedging and tree planting within the site will adequately screen the proposed development. The development could be accommodated within the boundaries of the domestic garden without having an adverse impact on the character of the wider area.
- 6.7 In terms of impact on residential amenity, the proposed development is acceptable. Aberdeenshire Council's Environmental Health Team have assessed the proposed development with regard to potential nuisances associated with the development and have no objection to this application. The Planning Service considers this development to comply with Policy P1.
- 6.8 Policy E2 Landscape states that we will refuse development that would have an unacceptable impact on the landscape character of the area. The proposed development is only single storey and due to the topography and built pattern of the surrounding area, the Planning Service is content that there would not be an unacceptable impact.

Services

- 6.9 Access to the site is to be taken via the existing access to "Woodlee" from the public road. Aberdeenshire Council's Roads Development team have assessed this application and have concluded that the existing access is suitable for the additional use and there is ample provision for parking.
- 6.10 The development would not require a new water or waste water connection. Animal waste is to be disposed of separately by an approved waste company to be arranged by the applicant. The Planning Service is satisfied that the proposed development can be suitably serviced in accordance with Policy RD1.

Representations

- 6.11 The Planning Service received 1 letter of objection to this application. The objector raised concerns regarding the operating hours of the business and would like confirmation that the species of animals is limited to cats. The applicant has stated that the hours of operation for collection and drop off are to be within the hours of 8am and 6pm, with clients arriving by appointment only. The applicant's intention is to control the number of clients arriving so that it does not overburden the proposed access and car parking facilities. The Planning Service have no concerns regarding the timescales for drop off and collection, which would be controlled by Environmental Health legislation.
- 6.12 The objector also sought guarantees that the proposed business would be limited to cats in order to protect the amenity of the neighbouring properties. The concerns are controlled by the title of this application, which is for the erection of a cattery, and the proposed design which is specifically for cat pens.

Conclusion

- 6.13 The policies contained in the Local Development Plan 2017 remain compliant with the principles of sustainable development as guided by the SPP and therefore provide an appropriate basis for the determination of this application.
- 6.14 The Planning Service finds the principle of establishing a cattery in this location acceptable. Due to the site's location and the nature of the development, the proposal will not have an adverse impact on the character or amenity of the surrounding area. The proposed development is considered an acceptable departure from policy as the application site is only 138 metres from the edge of the defined Rural Housing Market Area, where small scale employment development in the countryside is considered to be acceptable and this type of business is suited to a countryside location. The Planning Service ask that Members consider this application to be an acceptable, minor departure from Policy R2 Housing and employment development elsewhere in the countryside.
- 6.15 In assessing the proposed development against the wider policies of SPP and the LDP 2017 and any other material considerations, there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

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

- 9.3 The application is a Departure from the valid Local Development Plan. The application has also been advertised. 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 GRANT Full Planning Permission

- 10.2 **That the Committee agree the reason for departing from the Aberdeenshire Local Development Plan.**

The presumption in favour of sustainable development is a significant material consideration, this must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

The proposed development accords with the Scottish Planning Policy principles of sustainable development. This carries significant material weight lending itself to an approval.

In assessing the proposed development there were no adverse impacts which would significantly and demonstrably outweigh the benefits of the proposal.

The principle of establishing a cattery in this location is acceptable. Due to the site's location and the nature of the development, the proposal will not have an adverse impact on the character or amenity of the surrounding area and requires a rural location. The proposed development is considered to be an acceptable departure from Policy R2 Housing and employment development elsewhere in the countryside as the application is only 138 metres from the edge of the defined rural housing market area, where small scale employment development in the countryside is considered to be acceptable and that this type of business is suited to a countryside location.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Laura Dingwall
Report Date: 2 August 2022

APP/2022/0875
Location Plan

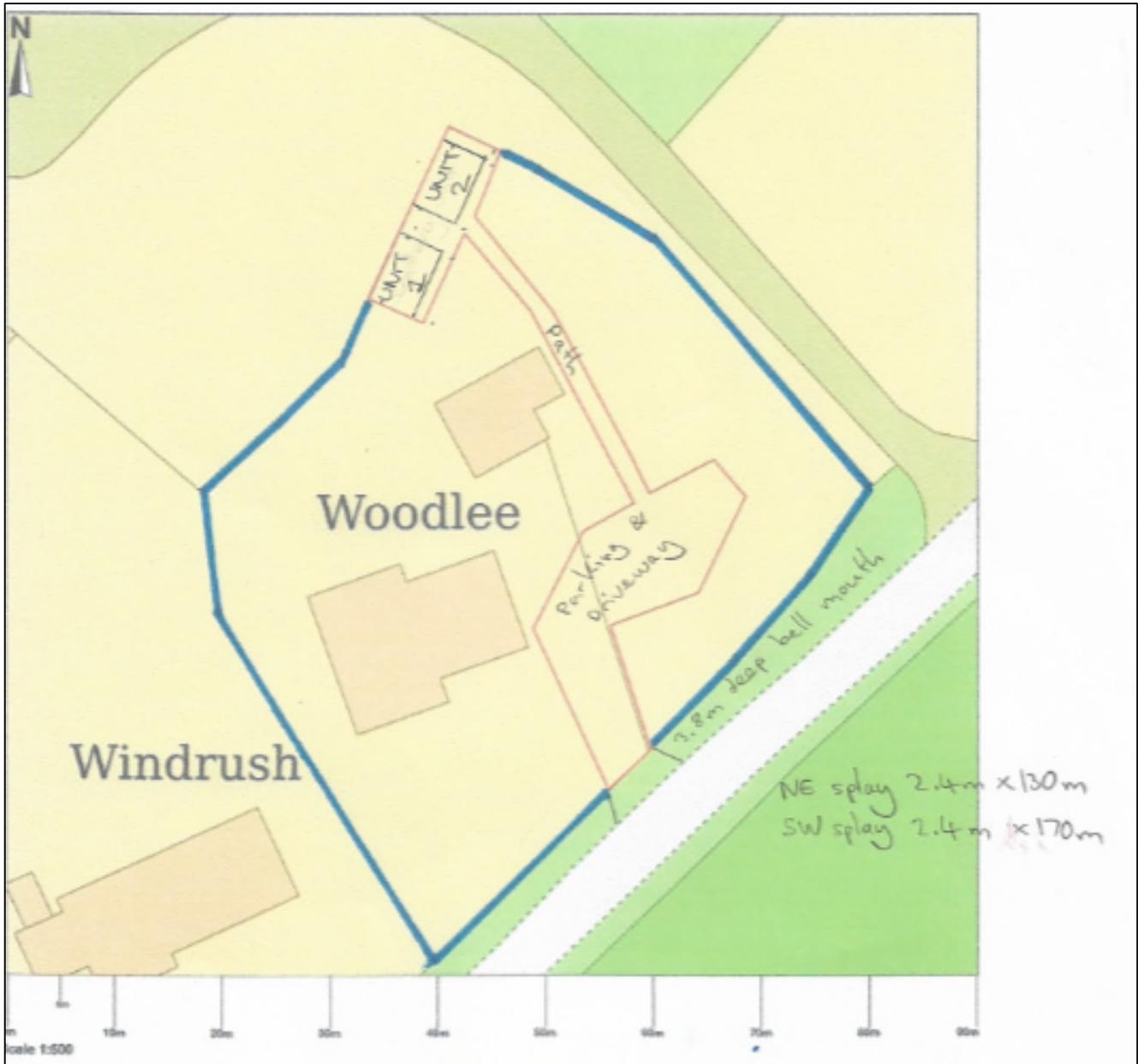
Appendix 1

Woodlee, Quilquox, Ythanbank, Ellon, AB41 7TQ



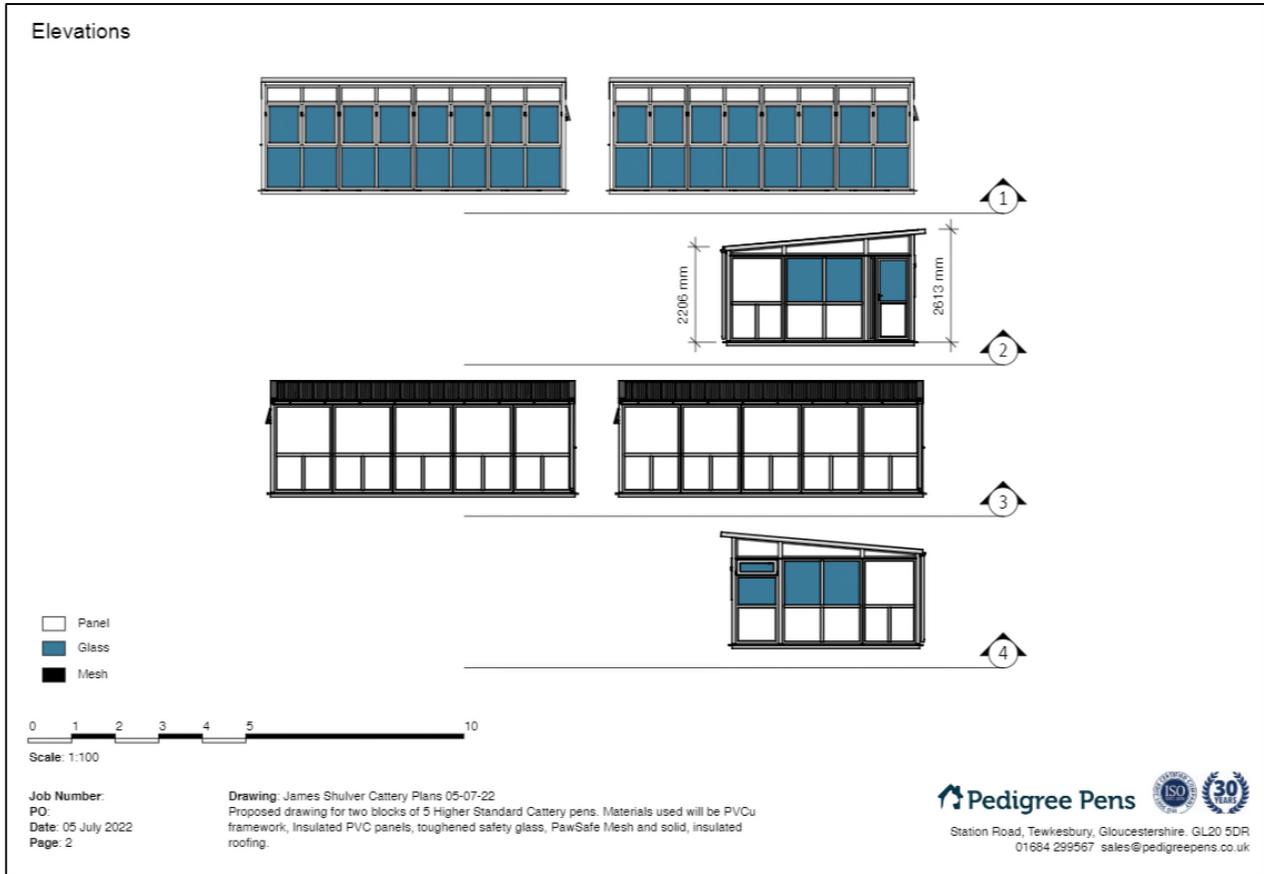
APP/2022/0875
Site Plan

Appendix 2



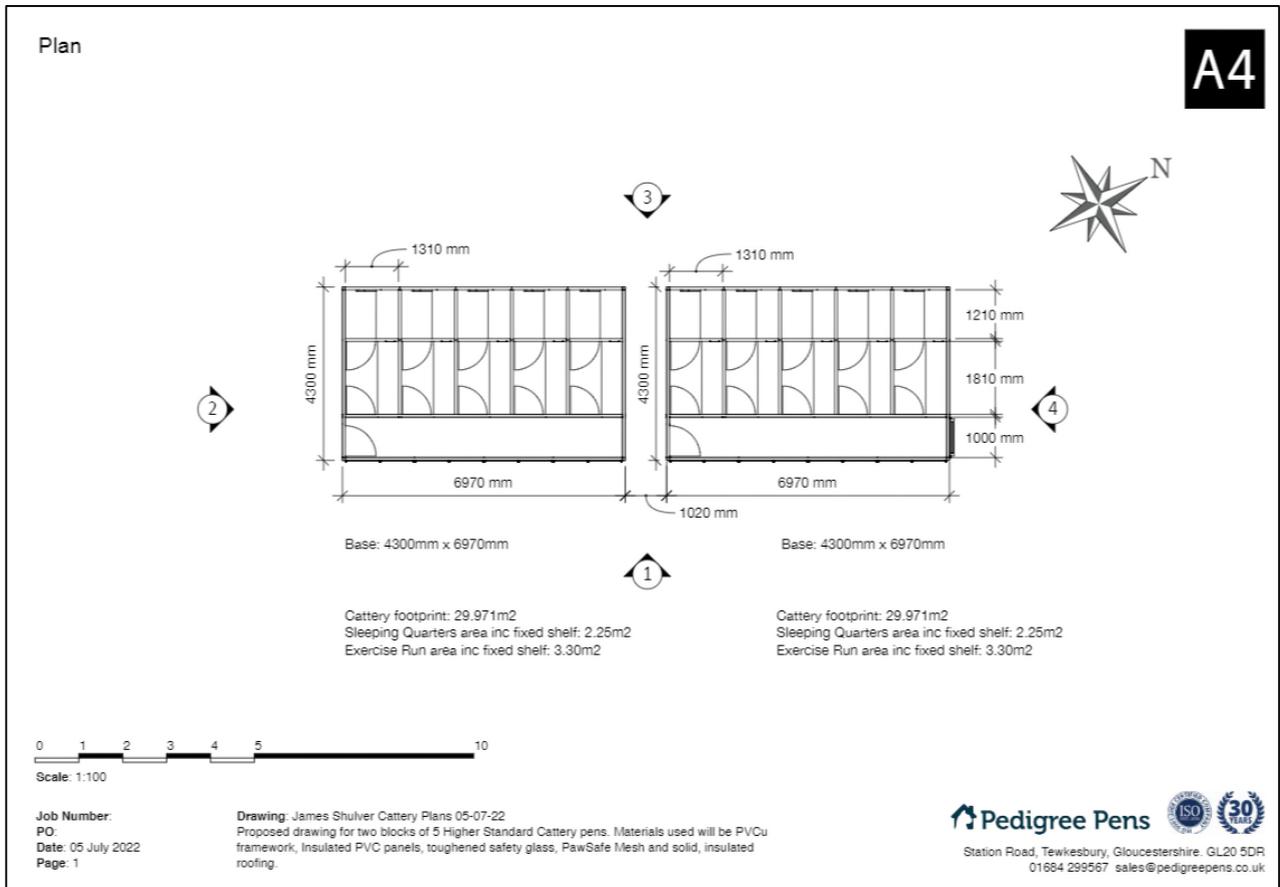
APP/2022/0875
Elevations

Appendix 3



APP/2022/0875
Floor Plan

Appendix 4



[REDACTED]
To: [Planning Online](#)
Subject: APP/2022/0875 comment
Date: 22 May 2022 19:09:45

We have received a notification of Planning Application for the proposed erection of a boarding cattery unit and partial change of use from residential (Class 9) to Animal Boarding (Sui Generis) at Woodlee, Quilquox, Ythanbank, ELLON, AB41 7TQ by Mr James Shulver. Our comment is as follows:-

"We would suggest that some clearly defined operating hours for pick up/drop offs of cats at reasonable times of day is put in place. Presumably, given that 'sui generis' is stated, the animal species will be limited to cats only and this would be our preference. We wish the applicant well with his proposal ."

Kind Rgds

Neil/Claire Blackadder
Quilquox Lodge
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