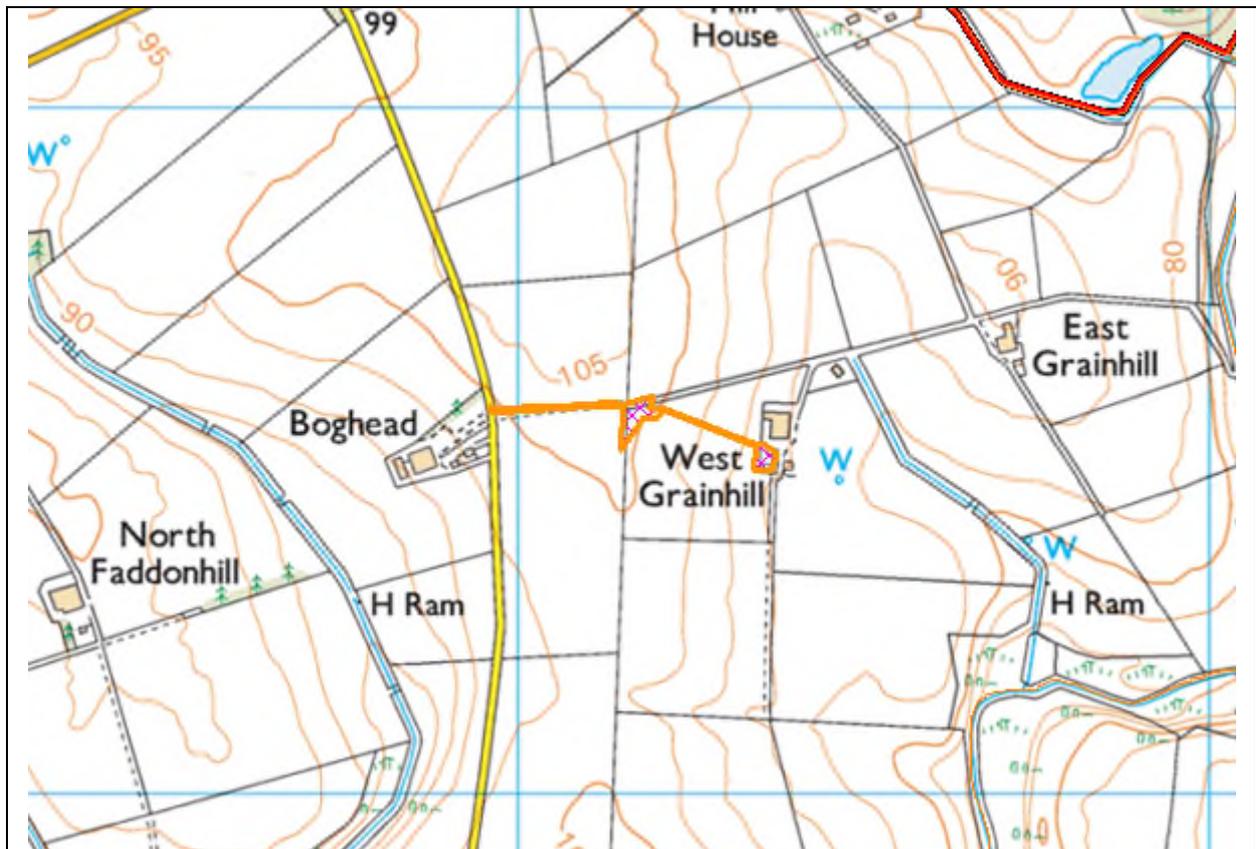


## Formartine Area Committee Report – 23 August 2022

Reference No: APP/2022/0460

### Planning Permission in Principle for Erection of Dwellinghouse at Grainhill, New Deer, Turriff

<b>Applicant:</b>	<b>Mr E Hosie</b>
<b>Agent:</b>	<b>Baxter Design Company</b>
Grid Ref:	E:384166 N:843526
Ward No. and Name:	W07 - Turriff and District
Application Type:	Planning Permission in Principle
Representations:	0
Consultations:	4
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	RHMA
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.3.1h of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but 50% or a majority of responding Local Ward Members in the Ward in which the development is proposed have requested that the application be referred to the Area Committee.

- Cllr A Stirling – For further consideration of the application in relation to Policy R2.
- Cllr G Lang – To further discuss the proposal in terms of Policy R2 in order to establish whether the dwellinghouse is to be occupied by the land owners or relatives.

1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report 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 for the erection of a dwellinghouse at Grainhill, New Deer Turriff.

2.2 The site is located in the countryside, approximately 3 miles south-west of the settlement boundary of New Deer, as defined by the Aberdeenshire Local Development Plan 2017. It measures approximately 0.41 hectares and forms an area of undeveloped pasture in the far north-west corner of an agricultural field. It sits opposite Boghead farmhouse, to the west. The proposed site for the new dwellinghouse is approximately 390m west of the site of a derelict building (at Grainhill), which it is proposed to replace. Otherwise, Grainhill consists of two agricultural storage buildings to the south-west. The surrounding land is agricultural in character and Grainhill farmhouse lies to the northeast (outwith the ownership of the applicant). **Appendix 1 contains the Location and Site Plan.**

2.3 There are no details of the proposed dwellinghouse, given the application is for planning permission in principle only. A detached house and detached garage are indicatively shown, with proposed site access to the north.

2.4 Private drainage to the site is proposed to comprise septic tank with foul and surface water soakaways. A connection to the public water supply is proposed.

2.5 Supporting information submitted includes:

- Drainage Report by Ferguson Geotechnical, dated 23 February 2022
- Labour Requirement Calculation Report, by SAC Consulting, dated December 2021 (confidential).

The report is based on cropping and livestock data for the most recent farming year 2021. There are 4 separate holdings that are farmed and owned by the business. Only 1 residential property is listed within the business which is occupied by Mr E Hosie.

A considerable area of the whole farm business is used to grow a range of winter and spring sown cereals. There is also a large area of grass for creating habitats for wildlife and aiding soil fertility and organic matter. This part of the business requires approximately 1.5 labour units.

There is also livestock farming within the whole farm business, with cattle and sheep which had a labour requirement of approximately 1.8 labour units.

At Grainhill, there is a mix of both types of farming with only 1.09 labour units.

The report outlines that at present Mr E W Hosie carries out most of the labour on the farm but Mr E Hosie (Jnr) seeks to take a more active role. With only 1 house on the farm, the applicant seeks to build another house in order to provide accommodation for the additional labour on the farm.

### **3. Representations**

3.1 No valid letters of representation have been received.

### **4. Consultations**

4.1 **Business Services (Developer Obligations)** New Deer Primary School and Mintlaw Academy are operating within capacity. The proposal does not engage Developer Obligations and Affordable Housing policies, or associated supplementary planning guidance of the Aberdeenshire Local Development Plan 2017. In this instance, no contributions are required.

4.2 **Environment and Infrastructure Services (Contaminated Land)** initially sent a request to the agent for further information regarding past uses of the site. Upon receipt of additional information, there is no evidence of any past use which may have caused contamination.

4.3 **Environment and Infrastructure Services (Roads Development)** has not objected to the proposal, noting that the existing junction with the public road is suitable to accommodate the development.

4.4 **Scottish Water** has no objection to the proposal. The development will be fed by Turriff Water Treatment Works, but capacity cannot be guaranteed and the applicant is advised to contact Scottish Water directly via Pre-Development Enquiry Form for further assessment to be carried out. There is no waste water infrastructure within the vicinity, therefore private systems of drainage should be considered.

## 5. Relevant Planning Policies

### 5.1 Scottish Planning Policy

The aim of the Scottish Planning Policy (SPP) 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 RD1 Providing suitable services  
Policy RD2 Developers' obligations  
Policy C1 Using resources in buildings  
Policy P4 Hazardous and potentially polluting developments and contaminated land

#### 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 Reporters’ 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.

## 5.5 Other Material Considerations

None

## 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.

6.2 This must be balanced against any adverse impacts of the proposed development which would significantly and demonstrably outweigh the benefits.

6.3 The main issues for consideration in determining this application are whether it is acceptable in principle, the impact on the character and amenity of the site and surrounding area, and the suitability and viability of the site access and services.

### Principle

6.4 Policy R2 Housing and employment development elsewhere in the countryside, supports small-scale development outwith settlements, on the proviso that it meets at least one of a specific set of criteria. Small-scale is defined by the Aberdeenshire Local Development Plan 2017 Glossary as up to 350 square metres for a single house plot. In this instance, the proposed development is presented as a dwellinghouse for the purposes of retirement succession.

Policy R2 allows for the following relevant criteria:

- A single home for the retirement succession of a viable farm holding.
- Accommodation within the immediate vicinity of a place of employment required for a worker of a primary industry which is appropriate to the countryside and where the presence of a worker is essential to the operation of the enterprise and there is no suitable alternative residential accommodation available (linked Policy R1).
- Involve the refurbishment or replacement, on the same site, of an existing house or disused building.

6.5 Under the criterion for retirement succession of a viable farm holding, the requirements of Policy R2 are as follows:

- a) The farm holding must be demonstrated to be a viable business.
- b) A suitable successor must be a “near relative”, as defined by Part II Section 10A of the Agricultural Holdings (Scotland) Act 1991 and as set out by the Succession (Scotland) Act 1964.
- c) The farmer must be retiring to the new dwellinghouse (the dwellinghouse cannot be for the successor).

- d) The siting of the proposed dwellinghouse should be such that it maintains a presence on the farm unit and allows for the retiring farmer to remain on the farm unit to support the enterprise. Remote siting is generally not supported.
  - e) All viable sites within the farming unit must be considered and exhausted and the reasons for their dismissal should be demonstrated to the Planning Service, prior to the consideration of any site outwith the farming unit.
- 6.6 The application has been supported by an appropriate Labour Requirement Report, which demonstrates that the business is a viable farm holding. The applicant owns 176.33 hectares of business farmland across 4 holdings, with a total of 3.31 labour requirement units (of which, 1.8 are required for livestock management). Grainhill alone, has a requirement for 0.76 labour units. For livestock management, there is therefore a requirement for 2.56 labour units across the entire business, which is above the minimum 1900 hours labour requirement. This is currently being provided by the applicant, with occasional support from his son. In this aspect, the application complies with Policy R2 in that it is a viable farm holding, as per 6.5(a) above.
- 6.7 The application states that the son is to succeed the applicant. In order to accommodate this transition, it is proposed that the applicant's son will move back to the farm and reside in the proposed dwellinghouse at Grainhill while he learns how to manage the day-to-day operations of the wider business. This is in accordance with 6.5(b) above, in that the successor would be a near relative, as defined by Part II Section 10A of the Agricultural Holdings (Scotland) Act 1991 and the Succession (Scotland) Act 1964. However, the proposal conflicts with 6.5(c) above in that the house will not be for the retiring farmer. It also fails to provide a business plan or similar, to demonstrate how and over what timescale the succession would be implemented.
- 6.8 There is no supporting information which shows the location of the wider land owned and managed by the applicant in relation to the proposed site. As such, it is not possible to assess the siting of the proposed dwellinghouse in the context of the wider business.
- 6.9 The application fails to provide a sequential assessment for the proposed site and makes no effort to demonstrate that the dwellinghouse has been proposed in a location where "it maintains a presence on the farm unit and allows for the retiring farmer to remain on the farm unit to support the enterprise". The Labour Requirement Report states there is only one dwellinghouse within the 4 holdings and that this is where the applicant currently resides. There is no supporting information which shows where this is or why a new house is required for the son (such as a sequential assessment). An adequate sequential site assessment is a series of site plans and annotated photographs, which first identifies and discusses all existing property under the control of the applicant (on and off-site) which could feasibly be used for retirement accommodation. Thereafter, the assessment should identify and discuss potential brownfield sites. Only after said options have been considered should the assessment begin to consider undeveloped

pasture within the immediate vicinity of the farm hub, and only if necessary, land further afield thereafter. Where material planning considerations justify, the Planning Authority will entertain proposals which are within walking distance of the main farm hub. In this case, it is not possible to assess whether the proposed site is within walking distance of the main farm hub, as it is not known where the farm hub is. Notwithstanding, it is both geographically and visually unrelated to the buildings at Grainhill. In the absence of a sequential site assessment report, the application fails to comply with this criterion of Policy R2 and cannot be supported in principle.

- 6.10 Under the criterion for accommodation within the immediate vicinity of a place of employment required for a worker of a primary industry (defined by Sections A & B of the Standard Industrial Classification 2007) consideration has been given to this criterion of Policy R2 (and linked Policy R1), given the overlap between the provision of a single house and its relationship to Grainhill. The application is broadly in the spirit of this policy criterion, in that it is in relation to a primary industry. Reasonably, the applicant's son could be considered staff. However, in the absence of strong material supporting evidence there is no scope to support the proposal. The Planning Service is satisfied that the presence of a worker is essential to the operation of the enterprise, based on the Labour Calculation Report. However, the lack of sequential assessment prevents any analysis of the availability and suitability of alternative residential accommodation. As such, the proposal does not comply with this criterion of Policy R2 and cannot be supported in principle.
- 6.11 Finally, considering the criterion for the refurbishment or replacement, on the same site, of an existing house or disused building, the application does not comply, as the site of the new dwellinghouse is not on the same site as the building it is to replace.

#### Character and amenity

- 6.12 It is accepted that an appropriate design and scale could be produced, in keeping with the character of the nearby dwellinghouses. It is expected that a sensitive fenestration design, and overall height limited to 1.5 storeys, would mitigate any significant overlooking, overbearing or overshadowing issues. However, given the proximity to nearby properties, these would not be notable concerns anyway. It appears that ample undeveloped garden space would remain for residential amenity purposes. Landscaping should include soft planting to all site boundaries, to mitigate any significant visual impacts on the character of the landscape. The indicative post and wire fences are appropriate in character for the rural locale.
- 6.13 The size of the plot would be modest by comparison to neighbouring Boghead to the west and Grainhill farmhouse to the east, and would be in the spirit of Policy R2's 'small-scale' requirement. The siting is approximately equidistant between the two aforementioned properties, which would maintain a distinctly rural development pattern. The proposed pattern and scale of development is

not expected to erode the wider character of the area. The proposal does not conflict with Policy P1 Layout, siting and design, in that it would not have a negative impact on the character or amenity of the site and surrounding area.

- 6.14 In terms of the impact on the landscape character, the proposed development is detached geographically and bares no visual connectivity with the existing site at Grainhill, some 390m away. The proposal would develop an area of agricultural land without any other current discernible landscape characteristics or justification for the proposed site. Notwithstanding, there are other residential plots accessed from the same track and the spacing between the plots would be approximately equidistant. The site would not be of visual prominence from any main public roads, due to proximity from them and rolling land topography. On balance, the proposal does not conflict with Policy E2 Landscape, in that the overall impact of the development on the landscape character would not be significant.

#### Access and services

- 6.15 Access to the site is to be taken from the unclassified road to the north. Parking for 3 cars, a turning area, driveway, and visibility splays are also shown to the north of the site. Roads Development has no objection to the proposals. The Planning Authority is satisfied the proposal does not give rise to any significant road safety concerns and is in accordance with Policy RD1, in this respect.
- 6.16 Services to the site include a connection to the Scottish Water main supply, which Scottish Water has not objected to. Private foul drainage to the site is to include a septic tank with foul and surface water soakaways. The application has been supported by a Drainage Report, which demonstrates that the proposed system is appropriate and viable for the site. The details comply with Policy RD1 Providing suitable services.

#### Other material considerations

- 6.17 Contributions towards developer obligations are not required in this instance. The application does not conflict with Policy RD2.
- 6.18 The energy efficiency of the dwellinghouse is not yet known, however there is no reason to suspect that the dwellinghouse could not be constructed to meet the Council's energy efficiency and sustainability requirements. A condition could be applied to any approval issued, which requires the submission of SAP calculations to the Planning Service for confirmation of their acceptability prior to the construction of the dwellinghouse. Such a condition would be sufficient to address the requirements of Policy C1.

#### Overall

- 6.19 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.

- 6.20 Whilst the application satisfies the requirements of Policy P1, E2, RD1, and RD2; the proposed development is not acceptable in principle under Policy R2 Housing and employment development elsewhere in the countryside. This is because it fails to justify via sequential site assessment, why the proposed site is the best option for the erection of a dwellinghouse for the purposes of retirement succession of a viable farm holding. The application does not comply with any other relevant criteria of Policy R2, including the provision of a house for a worker of a primary industry, owing to lack of supporting information and the replacement of a dwellinghouse on the same site.
- 6.21 The proposed development was assessed against the Scottish Planning Policy principles of sustainable development however the proposal does not accord with those principles. It does not accord with the policies of the Aberdeenshire Local Development Plan 2017 and therefore cannot be considered to contribute to sustainable development.

## **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. It 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 **REFUSE for the following reason:-**

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 proposed development is not acceptable in principle under Policy R2 Housing and employment development elsewhere in the countryside in that it has not been demonstrated via a sequential site assessment, why the proposed site is the best option for the erection of a dwellinghouse for the purposes of retirement succession of a viable farm holding. The application does not comply with any other relevant criteria of Policy R2, including the provision of a house for a worker of a primary industry, owing to lack of supporting information and the replacement of a dwellinghouse on the same site.

### 10.2 **Reason for Decision**

The proposed development was assessed against the Scottish Planning Policy principles of sustainable development however the proposal does not accord with those principles and does not accord with the policies of the Aberdeenshire Local Development Plan 2017 and therefore cannot be considered to contribute to sustainable development.

Alan Wood  
Director of Environment and Infrastructure Services  
Author of Report: Roslyn Purdie  
Report Date: 9 August 2022

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Appendix 1

Location and Site Plans

