

7. **LRB 559** – Notice of Review Against Refusal of Full Planning Permission for Conversion and Alterations of Garage/Store to form Dwellinghouse at Garage/Store to East of Nether Ashentilly Cottage, Maryculter, Aberdeenshire, AB12 5GQ – Reference: APP/2022/0523.
 - (i) Notice of Review, Review Statement and Supporting Documents as submitted by the Agent (including the Decision Notice and Report of Handling.



Viewmount Arduthie Road Stonehaven AB39 2DQ Tel: 01467 534333 Email: planningonline@aberdeenshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100585709-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Suller & Clark		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Karine	Building Name:	Scoutbog Steading
Last Name: *	Suller	Building Number:	
Telephone Number: *	07742613598	Address 1 (Street): *	Oldmeldrum
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Oldmeldrum
Fax Number:		Country: *	UK
		Postcode: *	AB51 0BH
Email Address: *	karine@sullerandclark.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Nether Ashentilly Cottage"/>
First Name: *	<input type="text" value="Mal"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Bhatti"/>	Address 1 (Street): * <input type="text" value="Maryculter"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="AB125GQ"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="karine@sullerandclark.com"/>	

Site Address Details

Planning Authority:	<input type="text" value="Aberdeenshire Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Nether Ashentilly Cottage, Maryculter"/>
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Northing	<input type="text" value="797361"/>	Easting	<input type="text" value="382569"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Planning Permission for Conversion and Alterations of Garage/Store to form Dwellinghouse At Garage/Store to East of Nether Ashentilly Cottage, Maryculter

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Appeal Statement

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Appeal Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

APP/2022/0523

What date was the application submitted to the planning authority? *

14/03/2022

What date was the decision issued by the planning authority? *

04/07/2022

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. You may not have a further opportunity to add to your statement of review at a later date. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Karine Suller

Declaration Date: 18/07/2022

Proposal Details

Proposal Name	100585709
Proposal Description	Appeal -Planning Permission for Conversion and Alterations of Garage/Store to form Dwellinghouse
Address	
Local Authority	Aberdeenshire Council
Application Online Reference	100585709-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Appeal Statement	Attached	A4
Decision Notice	Attached	A4
Report of Handling	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0



**Town and Country Planning (Scotland) Act 1997
as amended**

**Appeal against refusal of
Planning Permission for Conversion and Alterations of
Garage/Store to form Dwellinghouse
At
Garage/Store to East of Nether Ashentilly Cottage, Maryculter**

**Ref: APP/2022/0523
by Aberdeenshire Council ("the Authority")**

Mr M Bhatti ("the Appellant")

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Background

An application for Planning Permission was submitted and validated on 14 March 2022. The application was refused under the Member delegation scheme on 4 July 2022. The planning application sought Planning Permission for the Conversion and Alterations of Garage/Store to form Dwellinghouse at Garage/Store to East of Nether Ashentilly Cottage, Maryculter.

The Appellant wishes to Appeal against the refusal of this permission, which reads

(1) “The proposed development was assessed against the Scottish Planning Policy principles of sustainable development. However, adverse impacts significantly and demonstrably outweigh the benefits of the proposal in this instance. The Planning Authority considers that the conversion of an existing garage to a dwellinghouse fails to meet any of the stated criteria for the development of new housing in the countryside and is therefore contrary to Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Plan 2017. The proposed site would not represent a brownfield development opportunity as the existing garage is ancillary to the adjacent dwellinghouse and would not be considered redundant for this use.

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.”

Grounds of Appeal

The Appeal will focus on two aspects:

1. The fact that the building is genuinely redundant
2. As an existing building, it is well integrated into the landscape.

1.The fact that the building is genuinely redundant.

In the Report of Handling, in considering the principle of this development, the Planning Officer notes

“buildings erected within domestic curtilages can never be considered redundant as they can always be used for purposes relating to the dwellinghouse. Brownfield land is defined within the glossary section of the ALDP 2017 and states that buildings, which are or could be used for storage purposes, are rarely ever considered to be a brownfield opportunity.”

This broad assumption takes no account of the particular circumstances attached to this application, these being that the complex of buildings known as Nether Ashentilly comprises a number of buildings, these being a dwellinghouse, business building and 2 garages. See aerial photo below. They all sit within a large domestic curtilage which was approved in 2009 (Planning Reference APP/2008/4305). Both garage buildings are of considerable size and therefore the remaining garage is more than sufficient to provide additional storage plus garaging facilities for the domestic dwellinghouse.



With this in mind, the Appellant would challenge the assumption that the building can “*never be considered redundant*”, as in this instance, the building is genuinely redundant and surplus to requirements, as more than sufficient accommodation exists elsewhere on the site, in the form of the *second* garage, to provide any domestic storage/garaging etc.

2 As an existing building, it is well integrated into the landscape.

The Report of Handling notes

“In terms of landscape impact, the building was erected a number of years ago and has been somewhat assimilated into the surrounding landscape as a result.....”

This garage/store was approved in 2009, within the substantial domestic curtilage for Nether Ashentilly, (Ref: APP/2009/2051: Erection of Detached Garage/Store at Land East of Nether Ashentilly Cottage, Maryculter). The complex is well integrated into the surrounding landscape and little is required for further integration except the definition of boundaries with new landscaping.

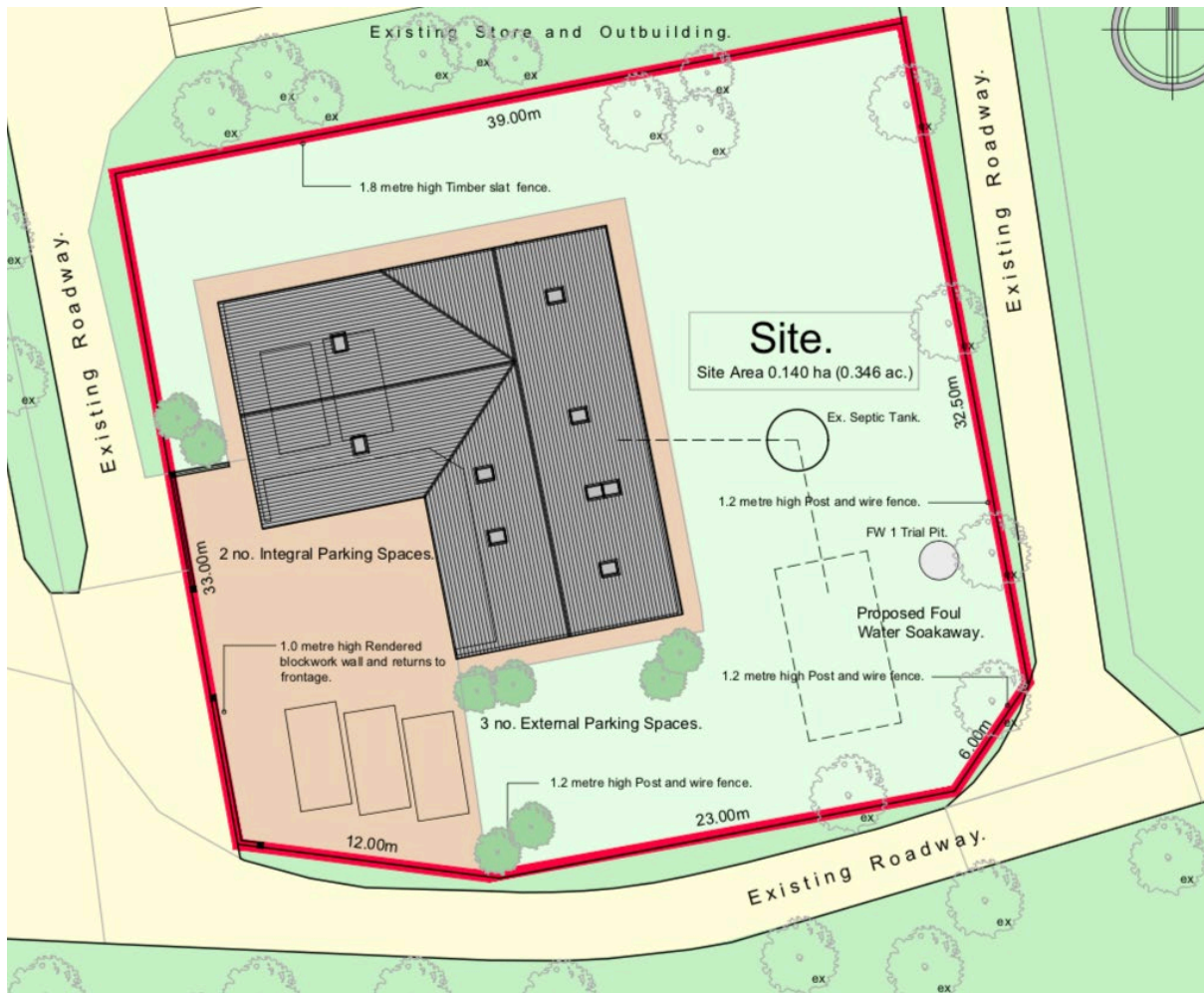
In terms of changes to the building to convert it into a residential unit, the conversion utilises the existing building in its entirety, with a minimal extension to one elevation. The conversion will use the existing building to create a modern family home providing living accommodation and integral 2 car garage on the ground floor together with 4 bedrooms in the roof space. Given these very minor changes, no greater impact within the landscape is anticipated.

Planning History

The planning history is clearly set out in the Report of Handling, showing how the complex has grown over time to incorporate both residential and business elements.

Proposed development

The appeal seeks the redevelopment of one of the two garage buildings at the complex, to create a 4-bed family home. Minimal change is required to the existing L-shaped building. The design is simple and uncluttered, reflecting the simplicity of the building already in place. The curtilage will be improved by definition and landscaping to add interest and to create as setting for this residential use. See Site Layout below:



In considering the application, all technical consultations regarding access drainage and water supply, were deemed satisfactory.

This proposal is highly sustainable in that it reuses a redundant building, making good use of buildings and land.

Development Plan Policy

Scottish Planning Policy 2014

The SPP encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. The SPP introduces a presumption in favour of development that contributes to sustainable development and a factor which guides development decision should include:

“making efficient use of existing capacities of land, buildings and infrastructure”

Aberdeenshire Local Development Plan 2017

The Aberdeenshire Local Development Plan 2017 is the statutory local development plan, having been adopted as of 17 April 2017. The following policies are considered relevant to the determination of this appeal:

Policy R2 Housing and business development elsewhere in the countryside allows for development that would

“involve the refurbishment or replacement, on the same site, of an existing house or disused building; or.....” (S & C underlining)

Response - the building proposed for conversion is redundant, it is no longer required as a domestic garage, as the building to the north is capable of housing all the family's vehicles and any additional storage, related to Nether Ashentilly Cottage. It is of a size that it can easily accommodate 4 vehicles with an upper floor available for storage, more than meeting the domestic needs of the family at Nether Ashentilly Cottage. Therefore, the L-shaped 4 car garage is genuinely redundant and no longer required for garaging or storage, lying vacant and unused.

The proposed conversion will see the refurbishment of this building with a minor alteration/extension. In our view, this accords with the spirit of Policy R2.

Policy P1 Layout, Siting and Design, requires that development must demonstrate the six qualities of successful places, these being:

- distinctive
- safe and pleasant
- welcoming
- adaptable to future needs
- efficient in terms of resources
- well connected.

Response – the proposal seeks to develop within the confines of the long standing domestic curtilage of Nether Ashentilly Cottage. The building already exists, and has been in place since 2009, therefore its impact on the wider landscape is minimal. Very little physical alteration to the building is required, again minimising the impact. The building, in its L-shaped form reads like a domestic building in its form, scale and materials. It provides a safe, pleasant and welcoming approach, being south facing, able to see people approaching the site. It is adaptable to future needs with the incorporation of ground floor bedroom and bathroom facilities, for those with limited mobility, or to meet changing needs. It is highly efficient in terms of resources, using an existing redundant building, with minimal alterations required to the building to convert it from a large domestic garage to a family home.

Policy C1 Using resources in buildings requires that all development must be designed to reduce carbon dioxide emissions beyond the 2007 Building Regulations. Development for human habitation is required to achieve at least a Gold sustainability under Sec. 7 of the Building Standards Technical Handbook.

Response - The applicant is committed to this principle, making best use of solar gain and incorporating high quality construction methods and use of technology to reduce CO2 emissions, including a ground source heat pump and roof mounted solar panels. The details to meet this requirement will be provided through an Energy Statement and Building Warrant stage.

Policy RD1 Providing suitable services, states that new development must provide adequate road, waste management, water and waste water facilities, with connections and treatment as appropriate.

Response - In this instance, access will be taken from an existing track which serves the house and business. These arrangements were deemed satisfactory during the consideration of the previous application.

Water supply will be from the public main with drainage to an individual septic tank discharging to a foul soakaway within the plot. The surface water soakaway will also be into the plot. Full drainage details accompany the application. Waste management details are included in the accompanying Ground Assessment and Foul Water Discharge recommendation.

Policy RD2 Developers Obligations supports development if the developer makes a reasonable contribution in cash or kind to public facilities and infrastructure to reduce the negative effects of the development.

Response - The applicant accepts this principle and agrees to a financial contribution if necessary.

7. Discussion

The Town and Country Planning (Scotland) Act 1997 as amended requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

The current application seeks planning permission for the conversion/alteration of a garage/store, which is genuinely redundant, surplus to requirements as a second large garage exists for the domestic requirements of the family.

The Appellant has argued that the building is genuinely redundant and the blanket assumption that the building can always be reused for another domestic use, is inaccurate in this case. Additionally, as the building has existed on site since 2009, it is well integrated into the landscape, and these facts should be given further consideration.

