

Planning and Environmental Appeals Division Decision Notice
Appeal Reference: PPA-110-2431
Planning Reference: APP/2022/0177
Planning Proposal: Planning Permission in Principle for Erection of 3 Dwellinghouses
Address: Land at Newmachar Golf Club, Newmachar
Summary of Decision: Scottish Ministers dismissed the appeal and refused planning permission in principle.
Policy Issues: The main issue was the principle of housing on the site and the Reporter agreed that the proposed development would be contrary to Policy R2 as it failed to meet any of the necessary criteria for housing in the countryside. The Reporter did test the proposal against enabling development policy at the national and local level and whether it would contribute to sustainable development. It was concluded that development cannot be supported 'at any cost' and that the location was in an unsustainable, greenfield location.
Additional Points: The proposal was found to comply with policies related to landscape and layout, siting and design. However, if granted, would have required some ecological assessment.
Actions: Note Decision Policy implications / lessons: None

Planning and Environmental Appeals Division
Hadrian House, Callendar Business Park, Falkirk, FK1 1XR
E: dpea@gov.scot T: 0300 244 6668



Scottish Government
Riaghaltas na h-Alba
gov.scot

Appeal Decision Notice

Decision by Rosie Leven, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2431
- Site address: land at Newmachar Golf Club, Newmachar, Aberdeen, AB21 7UU
- Appeal by Newmachar Golf Club against the decision by Aberdeenshire Council
- Application for planning permission in principle APP/2022/0177 dated 28 January 2022 refused by notice dated 21 April 2022
- The development proposed: erection of three dwelling houses
- Date of site visit by Reporter: 1 September 2022

Date of appeal decision: 15 September 2022

Decision

I dismiss the appeal and refuse planning permission in principle.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The statutory development plan for the site is the Aberdeen City and Shire Strategic Development Plan 2020 and the Aberdeenshire Local Development Plan 2017. No strategic issues have been raised and I focus my assessment on the provisions of the local development plan.
2. The appeal relates to planning permission in principle for three dwelling houses. The site lies to the east of Newmachar Golf Club, between Swailend and Swailend Nursery. Having regard to the provisions of the development plan the main issue in this appeal is the principle of housing on the site.
3. The council considers that the proposal is contrary to policy R2 of the local development plan in that it does not meet any of the necessary criteria for housing in the countryside. The site lies outside settlement boundaries in the countryside part of the Aberdeen Housing Market Area. In such areas, policy R2: Housing and Employment Development Elsewhere in the Countryside restricts development proposals to small-scale development that would: be appropriate in the green belt under policy R1; refurbish or replace an existing house or disused building; or remediate redundant brownfield land. The addition of groups of up to 3 houses within 200 metres of certain settlement boundaries is also promoted.
4. The area is rural in nature. The golf club and Swailend Nursery sit alongside agricultural fields. Some individual or small groups of houses are scattered around. The proposed site is considerably beyond 200 metres of the nearest settlement of Newmachar, which lies to the north. The site is comprised of rough grassland and shrubs and there are no buildings or structure present on the site. As a new build proposal on greenfield land, it

would not meet any of the criteria of policy R2. Neither would it meet the criteria under policy R1, which are focussed on conversion or extension of existing buildings, developments where there is an established operational need or recreational uses compatible with the natural setting. The appellant understands the conflict with policy R2. In light of the above, I consider that the principle of housing on the site would be contrary to policy R2 of the local development plan.

5. I have looked at the other aspects of the proposals. The appellant's drainage and flood risk assessments suggest no evidence of any insurmountable issues in relation to water and drainage or flooding, subject to conditions which would require upgrades to water pipes. No issues have been raised in relation to road access and suitable visibility splays would be achieved, although given the site's location, the connectivity and active travel elements of policy P1: Layout, Siting and Design would not be met. Contributions have been agreed for healthcare and waste infrastructure. I am satisfied that, subject to conditions, the proposals would be in line with policies C4: Flooding, RD1: Providing Suitable Services and RD2: Developers' Obligations.

6. In terms of natural heritage, the site is comprised of rough grassland and there are no trees of note. There is woodland to the south of the site and groups of trees and shrubs on the golf course to the west and north-west, where there are a number of ponds. A ditch runs between proposed plots 2 and 3. The appellant does not include any ecological assessment. Whether any protected species are likely to exist on the site is not discussed in the committee report, although a biological report from the council's North East Scotland Biological Records Centre suggests evidence of a UK Biodiversity Action Plan priority species on the site. Reference is also made to the neighbouring local nature conservation site at the Hawkshill golf course, important for diversity of plants and invertebrates including rare moths. If I had been minded to allow the appeal, I would have requested further information to enable me to fully consider these matters and establish whether the proposal would be in line with policy E1: Natural Heritage.

7. Looking at landscape impacts, the site is fairly flat with open views to the east and south-east, and views westwards to the golf course. The proposed houses would be clearly visible on approach from the south east, but I agree with the council that conditions could control the height of the proposed houses to ensure there were no significant adverse landscape impacts. The proposals would therefore be consistent with policy E2: Landscape. I am also satisfied that a high quality design could be achieved in terms of house style, layout, materials and energy efficiency, consistent with the relevant aspects of policies P1: Layout, Siting and Design, and C1: Using Resources in Buildings.

8. In light of the above, the principle of the development would not be in line with policy R2. Subject to conditions, the detailed proposals would be consistent with other policies, for example around design, infrastructure, services and landscape. However, as policy R2 is key to the acceptability of the proposals on the site, the proposals would not overall be in line with the development plan.

9. As the proposal would be contrary to the development plan, I have assessed whether there are any other material considerations which would justify overturning the development plan position.

10. The examination report into the proposed Aberdeenshire local development plan 2020 was published in June 2022. I find no material difference in the policy position in the proposed plan in relation to the proposed development in the countryside. I therefore

consider that the principle of housing in this location would still be incompatible with the emerging plan.

11. I am aware of the site history and the previous application for a similar proposal (APP/2020/1204) that was refused on 2 February 2021. The current proposal is not materially different to the earlier proposal. The principle of the development would therefore continue to conflict with the development plan, although additional justification has been provided by the appellant, as discussed further below.

12. The appellant has mentioned examples of enabling development at other golf clubs. However, I do not have sufficient evidence to assess the wider context of those proposals and I must consider the proposal in front of me on its own merits.

13. One objection has been submitted to the proposal, on the grounds that many other businesses have suffered due to COVID-19 or wider economic issues and the golf club should not merit any special treatment. The site is considered to be an unsuitable location, inappropriate for housing. I have also had regard to the many representations in favour of the proposal, which are seen as a way of supporting the long-term financial stability of the club. Representations highlight the important role of the club in supporting golf tourism, the health and well-being of the wider community and in supporting other local businesses such as hotels.

14. I have had regard to the various national and regional economic, sport, health and tourism strategies submitted, including the Aberdeen City and Shire Tourism Destination Strategy. I note the support from VisitAberdeenshire. I recognise that golf is an important element of the local and regional economy and has wider benefits for example around health and well-being. The Tourism Development Framework for Scotland (2016) includes a specific action for planning authorities to consider the upgrade of infrastructure at existing golf courses where it meets the wider tourism market, supported by appropriate enabling development as required. However, enabling development is not unqualified. In my opinion, whether it can be considered appropriate must take into account the national and local planning policies relevant to the specific location, as I have done in my decision.

15. The National Planning Framework 3 (NPF3) supports a sustainable economically active rural area. Scottish Planning Policy (SPP) encourages rural development that supports prosperous and sustainable communities and businesses, while protecting and enhancing environmental quality. SPP also supports the right development in the right place, not development at any cost.

16. SPP includes a presumption in favour of development that contributes to sustainable development. Paragraph 29 sets out a series of principles to help guide whether a proposal would contribute to sustainable development, including: giving due weight to net economic benefit and responding to economic issues; supporting good design and the six qualities of successful places; making efficient use of land; supporting delivery of accessible housing; and improving health and well-being by offering opportunities for social interaction and physical activity. The proposals would provide additional housing and could deliver a high quality design with the necessary infrastructure. However, there is no evidence that the housing would be tied to the golf club, rather it would be private housing. The suggested tourism, health and economic benefits would therefore be indirect. The proposed development would also be on a greenfield site, outwith a settlement. Its location would not therefore make good use of land and would encourage private car use, so would not provide accessible housing. Therefore, the proposals overall would not be considered to be sustainable and would not find support from the SPP presumption.

17. Paragraph 33 of SPP states that when a development plan becomes out of date, the SPP presumption will become a significant material consideration. The adopted Aberdeenshire local development plan 2017 is now out of date. Nevertheless, the development plan remains the starting point for decision-making and I have set out above my assessment against the plan. I have some sympathy for the situation the club finds itself in, with the evidence suggesting that the proposal would help to resolve the club's current financial situation. However, the proposed housing would be permanent, in an unsustainable location which is unsupported for housing in the local development plan. As a result, the benefits do not significantly or demonstrably justify overturning the development plan position on housing in the countryside.

18. The appellant highlights the advice in Planning Advice Note 73: Rural Diversification (PAN 73), suggesting that one size does not fit all and the need for a flexible approach to rural development. I note that under PAN 73, housing is not generally considered to be rural diversification. It may be considered as part cross-funding for a business proposal or development, but all such proposals should still be located in sustainable locations. As noted above, I do not consider that the location outside the settlement would be sustainable.

Conclusion

19. I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.


Reporter