



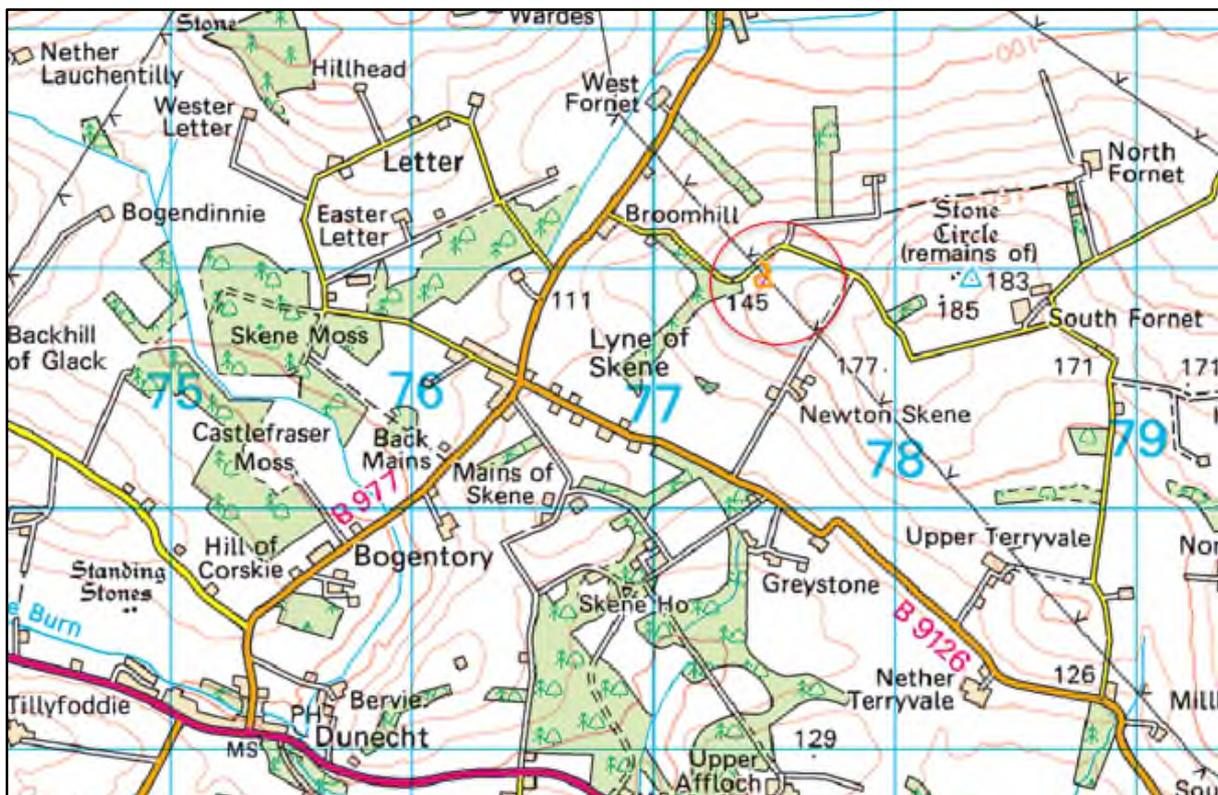
Garioch Area Committee Report – 19 June 2018

Reference No: APP/2018/0259

Description: Planning Permission in Principle for Erection of Dwellinghouse at Site to the East of Newton Smiddy, Dunecht, Westhill

Applicant: Mr Ray Gardiner
Agent: Alison Purvis

Grid Ref:	E:377456 N:810980
Ward No. and Name:	W13 - Westhill and District
Application Type:	Planning Permission in Principle
Representations:	0
Consultations:	6
Relevant Proposals Map	Countryside AHMA
Designations:	
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.9.1 of Part 2A List of Committee Powers and Section C.3.1i of Part 2C Planning Delegations of the Scheme of Governance as the application is recommended for refusal but at least two Local Ward Members in the Ward in which the development is proposed, have requested that the application be referred to the Area Committee.
- Cllr. David Aitchison - committee should consider whether the application conforms with Policy R2 of Aberdeenshire LDP 2017.
 - Cllr. Ron McKail - refer to the Area Committee for the purpose of discussing whether or not the presence of a worker is necessary for caring for this livestock operation.
 - Cllr. Iris Walker - further discussions at committee would be helpful around the need for on-site accommodation in relation to the businesses at this site.
- 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 This application seeks planning permission in principle for the erection of a dwellinghouse at a site to the East of Newton Smiddy, Dunecht. The site is located approximately 1km to the north east of Lyne of Skene in an area of open countryside. A public road is located directly to the north of the site. Directly to the west of the site is a number of modern farm buildings and a large shed accommodating an engineering / fabrication business.
- 2.2 The farm holding consists of a small collection of agricultural sheds and a land holding of approximately 34.44ha (of which 1.23ha is owned). The farm is based on animal production and while the current stock level (37 cows) is relatively low there is an indication that this could increase in the coming years.
- 2.3 The site is positioned within the centre of a small field, utilising an existing track from the public road. The site is positioned on a north west facing slope with open views across the countryside in this direction. The ground rises to the south of the site and provides a backdrop. A high voltage power line is located on the eastern boundary of the site.
- 2.4 It is made clear in the application and supporting statement that the applicant is applying for the dwellinghouse associated with the need for an essential worker for the farm business at Newton Smiddy. There is no dwelling currently associated with the engineering or farm business. The engineering business and farm enterprise is currently owned and operated by the applicant.
- 2.5 As this is an 'in principle' application no details have been provided on the layout or design of the dwelling, however an indicative plan has been

provided. This gives an indication of the position of the dwelling and the relative plot ratio.

2.6 The proposal would be served by the public water supply and the surface and foul water would be dealt with by a private drainage system. An existing field access would be utilised from the public road.

2.7 The following planning applications are in relation to the farm enterprise;

- APP/2017/2838 - Full Planning Permission - Extension to Agricultural Building – Approved January 2018
- APP/2017/1671 - Prior Notification - Alterations and Extension to Agricultural Store – Planning Permission Required August 2017
- APP/2017/2109 – Full Planning Permission - Alterations and Extension to Agricultural Shed – Approved October 2017
- APP/2016/0598 – Full Planning Permission - Extension to Agricultural Building – Approved April 2016
- APP/2016/1589 – Full Planning Permission - Extension to Agricultural Building – Approved August 2016
- APP/2014/2228 - Prior Notification - Erection of Agricultural Store/Cattle Shed - Prior Approval Not Required July 2014
- APP/2013/4063 - Prior Notification - Erection of Agricultural Store – Planning Permission Required February 2014

2.8 The following applications are in association with the erection of the workshop for the engineering/fabrication business;

- APP/2009/3442 – Planning Permission in Principle – Erection of Workshop – Approved October 2010
- APP/2010/4025 – Matters Specified in Conditions - Conditions 6 Landscaping, 7 Water Supply, 8 Surface Water, 9 Energy Statement, 10 Visibility Splays, 11 Access, 12 Access and Parking, 13 Fencing, 14 Scale of Building & 15 Tree Survey of APP/2009/3442 – Approved April 2011

A planning statement has been prepared by the agent which gives detailed information about the proposal, site, farm business, planning policy justification and other material considerations. A business statement for the agricultural enterprise and a farm labour/viability report was submitted. Various other reports and operational information has been submitted by the agent.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

4.1 **Business Services (Developer Obligations)** has confirmed that Dunecht Primary School and Alford Academy are currently operating within capacity. The proposed development does not engage the Developer Obligations and Affordable Housing policies or associated supplementary planning guidance of the Aberdeenshire Local Development Plan 2017. Therefore, in this instance, no contributions are required.

- 4.2 **Infrastructural Services (Contaminated Land)** has confirmed there is no indication of any past use which might have caused contamination and has no further comment.
- 4.3 **Infrastructural Services (Environmental Health)** requested further details on the quantity and quality of the proposed private water supply. This was found to be satisfactory and a number of conditions are suggested in regard to treatment of the water serving the property.
- 4.4 **Infrastructure Services (Roads Development)** is satisfied with the proposal subject to a number of planning conditions.
- 4.5 **Echt & Skene Community Council** has raised concerns regarding the proposed dwelling breaking the skyline. See Appendix 1 attached.
- 4.6 **Scottish and Southern Energy Ltd** has stated that there is a tower line in the vicinity and no building should be within 15m of this.

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 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. 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.

5.3 Aberdeenshire Local Development Plan 2017

Policy R2 Housing and employment development elsewhere in the countryside.

Policy P1 Layout, siting and design

Policy P4 Hazardous developments and contaminated land

Policy C1 Using resources in buildings

Policy RD1 Providing suitable services

Policy RD2 Developers' obligations

6. Discussion

6.1 Full Planning Permission is sought for the erection of a dwelling in connection with an essential farm worker. The main planning considerations are:

- whether the principle of development is acceptable and in line with the relevant policies of the Aberdeenshire Local Development Plan;
- whether the layout, siting and design is appropriate within the context of the site and surrounding landscape; and
- whether the site can be sufficiently serviced by the required infrastructure.

Principle

6.2 The site is located outwith a settlement therefore it would equate to development in the countryside under Policy R2: Housing and employment development elsewhere in the countryside. Aberdeenshire Council supports new dwellinghouses in the countryside if, amongst other qualifying criteria, it is for accommodation within the immediate vicinity of the place of employment required for a worker in 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.

6.3 The policy states that any new dwelling should be within the immediate vicinity of the place of employment required for a worker in a primary industry which is appropriate to the countryside. It is accepted that in this case the siting of the dwelling is close to the existing farm buildings and that the farm business is appropriate for a countryside location. The planning policy further states that the presence of a worker is essential to the operation of the business. Therefore the crux of the argument is the requirement for an essential worker to be located at the site currently being considered.

6.4 The farm viability report that was submitted as part of this application provides a history of the farm unit, operational requirements and a labour assessment. It is stated that this type of farming enterprise could be considered more labour intensive than a conventional farm enterprise due to the high pedigree herd that has been established. It appears from the submitted information that the long term intention is to increase the size of the holding and create a pedigree Aberdeen Angus herd. The submitted supporting statement and business plan reinforce this objective and it is the stated objective of the applicant to grow the business.

6.5 The applicant has put forward a justification of why there is a need to be located at the site. This includes the high levels of labour that is required for this specific farm enterprise (including breeding treatments), the health and welfare of the animals (including during labour), and the distance between the

applicants existing house and the farm. The applicant claims that the breeding treatment currently used on the farm, including IVF, requires intensive periods of labour. Furthermore the applicant claims that some cattle and calves have been lost over the years due to the fact that he is not living on site and therefore cannot be supervising them on a regular basis. The applicant currently lives approximately 10 miles away and has to travel between his residence and farm on a regular basis.

- 6.6 It is clear that this is a very small agricultural enterprise with a relatively small land holding (34.44ha – 1.23ha owned, 33.21 rented) and a small number of animals (currently 37 cattle). While it is acknowledged that there may be a plan to increase the animal numbers in the future, at the current time this enterprise cannot be considered a full-time operation. This is further reinforced by the labour requirements (based on the current enterprise). The labour requirement report claims that the current farming operation requires 1.20 labour units, however it is noted that this includes both cropping and livestock operations. There is clearly not an essential need to reside onsite to undertake the cropping, therefore when this is removed from the task list, then the labour units reduces to 0.76 units. Furthermore there is a concern that the actual amount of land in ownership of the applicant is very low and this raises concerns about the long term viability of the farm enterprise.
- 6.7 While the Planning Service accepts that the farm enterprise may increase in the future, it has not been conclusively proven that there is a need for a dwelling on the farm. At the current time it appears that the agriculture business cannot provide sufficient employment for a worker to be a full time employee, therefore this is not considered to be a viable farm holding for an essential worker as required by the policy. Indeed, the engineering business is likely to occupy a considerable amount of time given the size of the operation and this does not justify a dwellinghouse on a need or security basis.
- 6.8 In conclusion, the proposal for a new dwelling associated with an essential worker at the farming enterprise at Newton Smiddy cannot be supported at the current time as it has not been demonstrated that all of the required criteria can be met. It should also be noted, that the proposed dwellinghouse does not comply with any of the other requirements of the aforementioned policy in respect of a new dwellinghouse in the countryside.

Layout, siting and design

- 6.9 The proposal is for planning permission in principle, therefore no details of the layout and design of the proposed dwellinghouse has been presented. The indicative drawings show a T-shaped property which can be adequately accommodated within the site with no potential for overdevelopment. Full details of the house design would be required under a future planning application for matters specified in condition should PPP be granted.

Technical

- 6.10 It is accepted that the dwelling could be positioned outwith the 15m buffer of the high voltage line as proposed by Scottish and Southern Energy Ltd.
- 6.11 SG LSD11: Carbon Neutrality in New Developments requires new buildings to demonstrate a minimum level in the reduction of carbon dioxide emissions. A

planning condition can be attached to ensure details are agreed before the house is constructed.

- 6.12 SG Developer Contributions2: Access to new development requires development to be well related to existing settlements and be close to existing transport services where available. The site is located in a rural location therefore there are limited opportunities for a range of transport options at this location. The proposal would use an existing access directly off the public road. Roads Development is satisfied with the proposal, subject to a number of planning conditions. This proposal meets the requirements of SG Developer Contributions2: Access to new development.
- 6.13 SG Developer contributions 1: Developer contributions, requires that development must reasonably compensate for undesirable impacts; this should be done through a variety of mechanisms. Dunecht Primary School and Alford Academy are currently operating within capacity. Therefore, in this instance, no contributions are required.
- 6.14 No representations were submitted as part of this application.
- 6.15 In conclusion, the Planning Service considers that it has not been demonstrated that the presence of a worker is essential to the operation of the enterprise at the current time. If a justification could be made, the siting of the proposed dwelling can be accepted, however, the proposed dwelling is contrary to Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.

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 equality impact assessment is not required because the development does not have a differential impact on any persons identified with protected characteristics.
- 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.

9. Sustainability Implications

- 9.1 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.

10. Departures, Notifications and Referrals

10.1 Strategic Development Plan Departures

None

10.2 Local Development Plan Departures

Policy R2 Housing and employment development elsewhere in the countryside:

- 10.3 The application is a Departure from the valid Local Development Plan and has been advertised as such. 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.
- 10.4 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.
- 10.5 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.

11. Recommendation

11.1 REFUSE Planning Permission in Principle for the following reason:-

1. It has not been demonstrated that the presence of a worker is essential to the operation of a viable primary industry at the current time, the proposed dwellinghouse is therefore contrary to Policy R2 Housing and employment development elsewhere in the countryside of the Aberdeenshire Local Development Plan 2017.

Stephen Archer
Director of Infrastructure Services
Author: Matthew Watt (Planner)
Date: 04/06/2018

Echt & Skene Community Council

Planning Department
Aberdeenshire Council
Gordon House
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Inverurie
AB51 3WA

Secretary John Foulkes
Inverord Cottage
Skene
Aberdeenshire
AB32 6SS


27TH February 2018

Planning Application APP/2018/0259

Dear Sir,

With reference to the above planning application Echt and Skene CC, would insist that this dwelling does not break the skyline.

Yours Faithfully,

John Foulkes