

Marr Area Committee Report 16 April 2024

Reference No: [APP/2023/2333](#)

Planning Permission in Principle for Erection of Dwellinghouse for Holiday Let at Site at Colliestown Farm, Torphins, Banchory, AB31 4JN

Applicant:	Mrs Janet Campbell
Agent:	Kevin Campbell
Grid Ref:	E:360165 N:802875
Ward No. and Name:	W15 - Aboyne, Upper Deeside and Donside
Application Type:	Planning Permission in Principle
Representations	0
Consultations	5
Relevant Proposals Map	Aberdeenshire Local Development Plan 2023
Designations:	Remote Rural Area
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 Geva Blackett – I would like Marr Area Committee to discuss and consider how Policy B3 of the ALDP (Aberdeenshire Local Development Plan) relates to this application.

Cllr Sarah Brown – Please refer to committee for further discussion around Policy B3 Tourist Facilities.

- 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 Planning Permission in Principle is sought for the erection of a dwellinghouse for short term holiday letting at Colliestown Farm, Torphins which lies within the Remote Rural Area.
- 2.2 The site is to the west of Colliestown Farmhouse and its associated farm hub, within land owned by the applicant. The site is within an agricultural field known as the 'Thistle field' which is used for hill grazing and is said to be unsuitable for growing crops.
- 2.3 The farm site (circa 28 hectares) is located approximately 1.7km to the southeast of the settlement boundary of Lumphanan and approximately 1.6km to the northwest of the settlement boundary of Torphins (as the crow flies). With the settlement boundary of Kincardine O Neil approximately 3km to the south.
- 2.4 The site is accessed by an existing single-track forestry track which is approximately 74 metres and connects to the classified 'Pitmurchie Road', which is a single-track road of approximately 540 metres that leads to the A980 to the northeast. Pitmurchie Road also connects to the A93 at Kincardine O Neil to the southwest.
- 2.5 The proposed dwellinghouse is shown indicatively on a site plan, as a rectangular building to compose of 4 bedrooms and large open space kitchen/living and dining area. The drawings show the unit intends to be clad with larch cladding. The applicant promotes that the accommodation would cater for those with additional needs.

- 2.6 The applicant proposes to enhance the site with additional landscaping and according to the supporting documents, over 200 native species of trees and hedgerows have already been planted by the applicant for biodiversity within the field.
- 2.7 Pre application advice was given on several proposals although no planning applications were forthcoming apart from this application.
- Two Pre application enquiries (ENQ/2023/0064 & ENQ/2021/2052) for the Erection of Short-term letting accommodation – Concern was raised due to non-compliance with Policy B3 and Policy R2 of the ALDP; the remoteness of the site, distance to settlements and reliance on private car.
 - ENQ/2021/0658 for the Erection of Dwellinghouse - Advice was given for provision of on-site accommodation for the kennels and for a retiring farmer at Collieston Farm. A kennel business is not a primary industry and would not be supported. Accommodation for a farm worker could be pursued with adequate justification. However, there was limited information provided for a retiring farmer and their successor, advice was given on the information required to meet policy and siting closer to the farm hub.
 - ENQ/2021/2051 for the Erection of Stables and Storage - Advice was given to reduce the scale of development which was considered commercial (for breeding horses).
- 2.8 This application is supported by the following documents;

Planning Justification and Statement Case (by Harry McNab, Planning Consultant). - The report provides background on the farm business at Colliestown Farm, which has just over 28ha, comprising of arable, rough pasture and hill grazing. The farm is sited between two villages and south of A980 and the report attempts to justify the proposal to supplement and diversify the farm business.

Addendum to Planning and Business Case, (by Applicant) - The Case outlines the reasons for the proposal, the applicant wishes to diversify the farm, by providing an accessible holiday let for disabled visitors to the countryside. They have carried out research with Visit Aberdeenshire, that confirms there is a limited number of wheelchair accessible accommodation in the vicinity and lists the available accommodation in the wider area. The site has been chosen as it provides views across the countryside, has an existing access track available which is separate from the farm access and links to bus routes. The Deeside Way (Banchory to Aboyne) is to the south at Kincardine O Neil and there is a path at Torphins Woods providing walking cycling routes. It is between villages, which have several services and near bus routes.

Drainage Report, Recommendations and Associated Test Certificates, (by Ferguson Geo Technical, dated 30-10-2023). Percolation and infiltration testing was carried out for the site. The ground has poor drainage, and a

private treatment plant would be required for foul water with a partial soakaway discharging to the ditch to north. A partial surface water soakaway will be required prior to discharge to the ditch. Drainage is proposed to be located to northeast of proposed dwellinghouse.

Financial Business Case for proposed holiday accommodation, (by Applicant). - The statement provides an estimate of the ground works and build budget required for the proposal along with annual costs and rental income expected.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

Internal

4.1 **Business Services (Developer Obligations)** have commented that the proposal for a short-term holiday let does not engage Developer Obligations and no contributions are required.

4.2 **Environment and Infrastructure Services (Contaminated Land)** have no objection.

4.3 **Environment and Sustainability Services (Natural Environment)** note no significant natural environment or public access issues are predicted.

4.4 **Environment and Infrastructure Services (Roads Development)** has commented that parking should be provided as per Council standards and visibility splays can be achieved if vegetation is maintained. They have no objection subject to conditions on access layby, parking and turning area, visibility splays and bin storage provision.

4.5 **Scottish Water** have no objection however, this does not confirm that the proposal can currently be serviced. The applicant should complete a Pre-Development Enquiry to Scottish Water.

5. Relevant Planning Policies

5.1 National Planning Framework 4 (NPF4)

Scotland's fourth National Planning Framework (NPF4) is a long-term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (NPF4), meaning that it is in force and

National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The NPF4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023.

Policy 9 Brownfield, vacant and derelict land, and empty buildings
Policy 13 Sustainable Transport
Policy 14 Design, quality, and place
Policy 15 Local living and 20 minute neighbourhoods
Policy 17 Rural homes
Policy 22 Flood risk and water management
Policy 29 Rural development
Policy 30 Tourism

5.2 Aberdeenshire Local Development Plan 2023

On 13 January 2023, the Aberdeenshire Local Development Plan 2023 was adopted.

Policy B3 Tourist facilities
Policy R1 Special rural areas
Policy R2 Development Proposals Elsewhere in the Countryside
Policy P1 Layout, siting, and design
Policy E1 Natural Heritage
Policy E2 Landscape
Policy RD1 Providing suitable services

5.3 Other Material Considerations

Planning advice PA2023-18 Tourist facilities

6. Discussion

- 6.1 The key issues to be assessed in the determination of this application include the acceptability in principle of the erection of a dwellinghouse for short-term letting at this location, tourism considerations, accessibility and sustainability of the site, visual appearance of the proposal, and any impacts on the amenity and character of the local area.

Principle of Development

- 6.2 This proposal is for a Class 9 residential dwellinghouse, whilst intended for holiday let accommodation the scale and design is very much a dwelling when viewed in terms of land use. Tourism policies such as Policy B3 of the ALDP and Policy 30 of NPF4 are applicable, but due to the scale and design there is still an expectation for wider compliance with development in the countryside policies such as Policy R2 of the ALDP and Policies 9 and 17 of NPF4. To

emphasise this, there is a stated requirement within the Planning Advice PA2023-18 Planning Advice - Tourist facilities for tourist accommodation to also comply with Policy R2 Development Proposals Elsewhere in the Countryside.

Housing in the countryside

- 6.3 In terms of Policy R2 of the ALDP, and its acceptance of proposals that comply with Policy R1, the siting and design of any new development will be a primary consideration as well as compliance with other relevant policies and the reuse of brownfield land will always be preferred over greenfield land. This site is undeveloped, greenfield land and the proposed development would not comply with any of the criteria that offers support for a new house in the countryside listed for the following reasons:
There is no brownfield redevelopment opportunity,
The dwelling is not for an essential worker nor retirement/succession associated with a primary industry, and
There is no cohesive group or identified organic growth opportunity to support a dwelling.
- 6.4 Furthermore, Policy 9 of the NPF4 states that proposals on greenfield sites would not be supported unless the site is allocated for development, or the proposal is explicitly supported by policies in the ALDP, which as outlined above there is no compliance with ALDP policies. Policy 17 of NPF4 has similar aspirations for new homes in rural areas and this proposal is not considered suitable in terms of location or access considerations, as the site is in a remote location accessed by a single-track forestry access and single track road with no footpath.
- 6.5 Policy 29 of NPF4 supports diversification of an existing business, however that part of the policy is not applied in isolation to overcome the lack of sustainable transport or inappropriateness of a dwelling in terms of siting and access in this location, which forms other criteria within Policy 29. Any farm diversification, which is welcomed when appropriate, must also comply with other applicable policies of the Development Plan, and as outlined above there are significant failings in relation to there being no scope to support the principle of a dwelling on this site.
- 6.6 The proposed development fails to meet any of the criteria of Policy R1 and R2 of the ALDP 2023 and Policy 9, 17 and 29 of the NPF4. Therefore, there is no provision which would allow for a dwellinghouse on the site and this proposal cannot be supported.

Tourist facilities

- 6.7 In terms of Policy B3, the proposed site is not considered to be '*well related to settlements*' and is in a remote location. As described in section 2 there is a separation distance between the site and Torphins settlement boundary of approximately 1.6km. The entire length of the access route (forestry track and Pitmurchie Road) is single-track road with no footpath, rendering it unsuitable

for pedestrians and unsafe for cyclists. Policy advocates that these sites should be accessible by public transport with safe and convenient access for non-motorised means of travel, but this proposal is considered to fall short in that regard. There is a bus route on the A980, but no stops near the access track leading towards the site, and there would still be the narrow road to travel along from the junction to the site even if a bus stop was nearby. The nature of the track is not suitable for wheelchair users, which counters part of the applicant's case that this proposal is unique and caters for accessibility needs - there is no good access other than private car, which renders the proposal unsustainable in nature.

- 6.8 Policy B3 also seeks tourist accommodation to deliver net economic and social benefits. The supporting documents suggest the proposal would increase spending in the nearby settlements of Torphins and Lumphanan. There would be a small benefit to the local economy from visitors staying but that does not outweigh the negatives in terms of its unsustainable location and non-compliance with rural housing policies, as outlined above. The supporting information also suggests that there would be no cumulative impacts on other tourist accommodation in the locale.
- 6.9 The proposal is therefore not considered to comply with Policy B3 of the LDP due to the remote nature of the site and the proposed holiday accommodation not being well related to a settlement or sustainably accessible.
- 6.10 The above matters, both relating to a house in the countryside and tourist accommodation, are concerns that were previously raised through pre-application advice in relation to this site, a dwelling at this site does not comply with a number of key policies within the Development Plan. The Planning Service do not consider there to be any compelling case or justification to support the application for a dwellinghouse at this location as a departure from Policy R2 and Policy B3 of the ALDP 2023 and Policy 9, 17 and 30 of NPF4.

Access

- 6.11 Roads Development do not object to the proposal, therefore the technical functionality of the vehicular access, and parking/turning within the site are acceptable. However as outlined above the site is not well connected or sustainably accessible, therefore fails to comply with Policy RD1 of the ALDP.

Layout, siting, and design

- 6.12 No details of the design of the proposed house have been provided at this planning permission in principle stage, apart from an indicative layout plan. Given the size of the application site and distance from any existing residential properties in the vicinity, it is unlikely that the new development would have any adverse impact on the amenity of the neighbouring dwellings. It is highly likely that a suitable design solution can be found. However, due to the proposal's remote location it is not considered '*well connected*' and would not reduce car dependency or cater for different needs through cycling routes,

footpaths, and pavements to encourage onwards sustainable travel. The policy advice is clear that any proposal that is inconsistent with the six qualities of successful places will not be supported. It is therefore concluded that the proposal is not '*well connected*,' and therefore fails to comply with Policy P1 of the ALDP.

- 6.13 Additionally, NPF4 adds additional weight through Policy 15 which promotes connected development that make moving around easy and reduce car dependency, and for development to be sustainable. As outlined several times already, this site is remote, with no walking routes or safe access to public transport links, therefore any persons using the facility would be solely reliant upon the private car. This is contrary to Policy 15 of NPF4, and does not adhere to the 20-minute neighbourhood values set out in Policy 15 of NPF4, and does not contribute towards tackling the climate crises as required by Policy 1 of NPF4.

Drainage

- 6.14 With regards to drainage, a private treatment plant would be required for foul water, and soakaways for both foul and surface water would discharge to the ditch to north. The proposal can therefore be fully serviced, in compliance with this criteria of Policy RD1 of the ALDP, and Policy 22 of NPF4.
- 6.15 Developer Obligations confirmed that no developer contributions are needed in this instance. The proposal complies with Policy RD2 of the ALDP and Policy 18 of NPF4 in this regard.

Conclusion

- 6.16 To summarise, the Planning Service cannot support this application. The proposal does not meet any criteria within the Development Plan that would support a dwelling on this site, and in terms of tourist accommodation the site is not well-related to a settlement or sustainably accessible. The proposal is therefore recommended for refusal as the proposed class 9 dwelling does not comply with any criteria set out within Policy R2 of the ALDP, nor any criteria identified within Policy 9 or 17 within NPF4. The site is not well related to an existing settlement, not accessible via sustainable modes of transport and there are no safe walking/cycling routes to/from the site to nearby amenities which renders the proposal contrary to the requirements of Policies B3, P1 and RD1 of the ALDP, and Policies 13, 14, 15 and 30 of NPF4.

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 Development Plan Departures

ALDP - Policy R2: Development Proposals Elsewhere in the Countryside
ALDP - Policy B3 Tourist facilities
ALDP - Policy P1 Layout, siting and design
ALDP - Policy RD1 Providing suitable services

NPF4 - Policy 9 Brownfield, vacant and derelict land, and empty buildings
NPF4 - Policy 13 Sustainable Transport
NPF4 - Policy 14 Design, quality, and place
NPF4 - Policy 15 Local living and 20 minute neighbourhoods
NPF4 - Policy 17 Rural homes
NPF4 - Policy 30 Tourism

- 9.2 The application is a Departure from the valid 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.
- 9.3 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.
- 9.4 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 reasons: -

01. The planning authority considers that the application is for a development that is not in accordance with the Aberdeenshire Local Development Plan 2023 and National Planning Framework 4. The proposed class 9 residential unit is not considered a brownfield redevelopment, nor as organic growth associated

with an identified settlement, it is not associated with retirement succession of an agricultural holding nor an essential worker in a primary industry, and is not an addition to an existing cluster of houses, and therefore fails to meet the fundamental principle of residential development in the countryside and does not comply with Policy R2 Development Proposals Elsewhere in the Countryside of the Aberdeenshire Local Development Plan 2023 and Policy 9 Brownfield, vacant and derelict land and empty buildings and Policy 17 Rural homes of the National Planning Framework 4.

02. The proposal is not 'well related to existing settlements', through sustainable modes of transport and there are no footpaths or other accessible routes available to the nearest settlements of Torphins and Lumphanan and is inconsistent with the six qualities of successful places, it is neither 'well connected' nor 'welcoming' creating a walkable neighbourhood. The application does not comply with Policy B3 Tourist facilities, P1 Layout, siting and design and Policy RD1 Providing suitable services of the Aberdeenshire Local Development Plan 2023 and is contrary to Policy 13 Sustainable transport, Policy 14 Design, quality, and place, Policy 15 Local living and 20-minute neighbourhoods and Policy 30 Tourism of the National Planning Framework 4.

Alan Wood
Director of Environment and Infrastructure Services
Author of Report: Ann Grant
Report Date: 27 March 2024