



## Buchan Area Committee Report 23 April 2024

Reference No: [APP/2023/1776](#)

**Planning Permission in Principle for Erection of Dwellinghouse and Garage at Land to the South of Penrith, A952, Mintlaw, AB42 4HP**

**Applicant:** E & J Scott Per Agent  
**Agent:** Baxter Design Company, 1 The Square, Mintlaw, Peterhead, AB42 5EH

Grid Ref: E:399954 N:851740  
Ward No. and Name: W04 - Central Buchan  
Application Type: Planning Permission in Principle  
Representations: 0  
Consultations: 6  
Relevant Proposals Map: Aberdeenshire Local Development Plan 2023  
Designations: Accessible 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. Anne Simpson - To discuss further with regard to Policy R2 of LDP 2023 / Policy 17 of NPF4.

Cllr. Hannah Powell - To discuss with reference to policy R2, succession home.

- 1.2 The Monitoring Officer within Business Services has been consulted in the preparation of this report and had no comments to make and is 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 and change of use of agricultural land in the countryside, on land to the south of Penrith, A952, Mintlaw (Appendix 1).

- 2.2 The application site lies in the countryside approximately 2 km (as the crow flies) from the main farm hub at Mains of Kindrought, and approximately 0.8 miles (as the crow flies) to the northeast of Fetterangus and covers an area of 0.5 hectares. The site is on a south facing slope and is on a piece of land, forming an area set within the southern portion of an existing field and would be accessed off an unclassified road to the east of the main Mintlaw to Fraserburgh A952. The boundary to the northwest, northeast and southeast of the application site would be with the existing grass field. The boundary to the southwest faces onto both the 'C' class road. The nearest houses to the application site are to the northwest at a distance of approximately 170 metres, with another house to the east at a distance of approximately 210 metres with fields separating the application site from both properties.

- 2.3 The farm hub itself, some 2 km (as the crow flies) and not visible from the application site, contains the existing farmhouse, and 7 sheds all of varying sizes and ages. There are also two semi-detached workers cottages immediately to the east of the main farm hub which according to the Land Register is still within the ownership of the applicant and there is nothing to indicate that they have been separated from the main farm holding.

- 2.4 It is not clear to the Planning Service whether the application is made on the basis of it being succession housing for the son (Mr William Scott) of the owner (Mr Eric Scott) of Mains of Kindrought Farm who intends to retire, or as stated in the submitted sequential assessment that it is to provide a new dwellinghouse for an essential worker on a viable farm holding.

- 2.5 The son (Mr William Scott) currently works Offshore and works on the farm when at home on leave and currently lives approximately 6 miles from Mains of Kindrought Farm. The overall farm of Mains of Kindrought consists of 83.40ha and extends to a distance of approximately 2 km from the farm hub.
- 2.6 It is understood that Mr William Scott will resign from his current full time job, working offshore. At present the farm is being managed on a part-time basis by both Eric and William, with Eric also running a haulage business based on the farm. However with Eric of retiring age it is proposed that William will take on the daily running of the farm on a full-time basis. Although the sequential statement suggests the farmhouse is for an essential worker on a viable land holding.

The farm currently supports two enterprises:

1. Arable enterprise – producing spring barley, grass for grazing and silage
  2. A beef finishing enterprise
- 2.7 As the proposal is for planning permission in principle, the layout, siting and design of the dwellinghouse is not known at this time. However, an indicative layout for a dwellinghouse and garage on the site has been provided in order to demonstrate how it could be accommodated.
- 2.8 Access to the proposed site would be taken off the existing single track field access from the main unclassified access road.
- 2.9 The applicant has proposed to connect to the public water supply and be served by private surface and foul water drainage.
- 2.10 The following is the relevant planning history:-

APP/2005/1702 Outline Planning Permission for Erection of Dwellinghouse and Workshop at Land at Sandhole, Mintlaw. Refused, 23 December 2005.

- 2.11 In support of the application the following has been submitted:-

- Drainage Report, Recommendations and Associated Test Certificates by Ferguson Geotechnical dated 6 March 2023
- Farm Policy & Labour Requirement Calculation by Buchan Farm Consultancy Ltd dated March 2023
- Sequential Assessment by Baxter Design dated October 2023

### **3. Representations**

- 3.1 No valid letters of representation have been received.

## 4. Consultations

### Internal

- 4.1 **Business Services (Developer Obligations)** in this instance, no contributions are required.
- 4.2 **Infrastructure Services (Contaminated Land)** initially sought further information, on receipt confirmed no indication of contamination from the sand pit, which ceased to exist prior to the 1890s. Recommended an informative appended to decision notice relating to adjacent sand pit.
- 4.3 **Infrastructure Services (Roads Development)** do not object subject to conditions, including parking, access, and visibility splays.

### External

- 4.4 **Scottish Gas Network** state that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system.
- 4.5 **Scottish Water** has no objection. They have advised that they cannot currently confirm capacity. There is no public Scottish Water, Wastewater infrastructure within the vicinity of this proposed development therefore would advise applicant to investigate private treatment options.
- 4.6 **SSE** has provided guidance.

## 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 14 Design, quality and places

Policy 16 Quality homes

Policy 17 Rural homes

Policy 22 Flood risk and water management

## 5.2 Aberdeenshire Local Development Plan 2023

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

Policy R2 Development Proposals Elsewhere in the Countryside  
Policy P1 Layout, Siting and Design  
Policy E2 Landscape  
Policy C1 Using Resources in Buildings  
Policy RD1 Providing Suitable Services  
Policy RD2 Developer Obligations

## 5.3 Other Material Considerations

Aberdeenshire Council Planning Advice Note PA2023-11 – Development in the Countryside Policies R1 and R2 including Organic Growth of Settlements

## 6. **Discussion**

- 6.1 The main issues for consideration with regards this application are whether the principle of development is acceptable on the site, the layout and siting, and whether there would be an impact on the surrounding landscape, any impact on the amenity of the neighbours, and whether it can be satisfactorily serviced both in terms of drainage and access.

### Principle of the Development

- 6.2 In considering this development NPF4 Policy 17 (Rural Homes) and Policy R2 (Development proposals elsewhere in the countryside) of the Aberdeenshire Local Development Plan 2023 are applicable.

Policy R2 supports the following types of development within the Accessible Rural Areas:

- Accommodation for primary industry workers (essential workers)
- Redevelopment of rural brownfield sites;
- Organic growth of identified settlements;
- Single homes associated with retirement succession of an agricultural holding; and
- Employment proposals on brownfield sites.

- 6.3 Small-scale development that would be compatible with the location being in the green belt would also be permitted, as specified under Policy R1, which includes accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry, where the presence of a worker is essential to the efficient operation of the enterprise, and there is no suitable alternative residential accommodation available;

- 6.4 The Sequential Assessment submitted in support of the application states that “the proposal is to provide a new dwellinghouse for an essential worker on a viable farm holding on land belonging to Mains of Kindrought Farm”. The applicant has stated on Page 5, “unfortunately there is no opportunity within the farm hub for brownfield development. That all of the agricultural buildings are well maintained and are in use either for cattle or storage of all sundries in connection with the farm business” or the related haulage business.
- 6.5 The Sequential Assessment indicates that the applicant was keen to build the essential workers house at the farm hub as this is, as stated, where the cattle are housed and where the main farmer owner (Mr Eric Scott) lives as well as the majority of the grazing land.
- 6.6 However in assessing the submitted information, there are clearly options for the location of an ‘essential’ workers accommodation.
- 6.7 There are two workers cottages located at the access to the main farm hub. The applicant has advised that these are no longer within their ownership, however this is contrary to the Land Register which implies otherwise. Without evidence that these cottages have been disposed or sold off then there is existing accommodation at the farm hub which could be utilised to provide the accommodation sought. Indeed at the time of the site visit these two housing units were not occupied.
- 6.8 Much emphasis has been placed on the importance of accommodation at the farm hub which is as described where the farm operates from (Appendix 2 and Appendix 3– extracts from supporting statement showing application site and wider farm holding). This would therefore be the most obvious and preferred place to propose an ‘essential’ workers accommodation. However, the proposed location for the house is 2km away as the crow flies, and further by road, and is not within visual site from the farm. Furthermore, the site for the proposed house is at the remote part of the farm, and fails to facilitate the essential worker house sought to support the farm and animal husbandry, which is done at the farm hub on the adjacent fields and within the neighbouring farm buildings.
- 6.9 There is some confusion within the overall application, as there is reference to the proposed dwellinghouse being for an ‘essential worker’, however there is also reference to the farmer (Mr Eric Scott) retiring and handing over the reins to his son (Mr William Scott), which indicates that the proposed house would be for a retirement succession, however, it has been intimated that the proposed new house would be for the son (Mr William Scott). If the son (Mr William Scott) was to be taking over the farm then he would be expected to be moving into the farmhouse located at the farm hub in order to tend to his stock at Mains of Kindrought, Sandhole.
- 6.10 Unfortunately, there appears to be some confusion with the applicant as to whether they wish to have a dwellinghouse for an ‘essential worker’ or

whether the applicant wishes to have a single home associated with retirement succession. The Planning Service has sought clarification. Notwithstanding, the location of the proposed dwellinghouse does not comply with planning policy for the following reasons:

1. If the proposal is for a single home associated with retirement succession then this should be in the immediate vicinity to, the main farm hub. The meaning of "Immediate vicinity" is expected to be at or adjacent to the farm hub (within walking distance) and not 1.2 remotely sited. Policy also states that this includes where there is no suitable alternative accommodation available, however there are three residential dwellings attached to the farm.
  2. If the proposal is for an essential worker then the policy, and the planning advice, clearly states that justification is required to demonstrate the need for a permanent presence on site to operate the enterprise associated with that business, and that all alternative options under other policy provisions have been considered, including other dwellings, brownfield sites, and other planning permissions.
- 6.11 Furtherstill, the submitted calculation, in support of the application, states that "due to the limited contact time that Billy [William] Scott has on the farm and the number and type of livestock kept, it is important that he is residing on the farm. The livestock on the farm alone accounts for 1.09 labour units and it is important to have sufficient labour on the farm at all times, all year round." This statement along with the fact that the cattle are kept on the farm hub reiterates the importance of having an 'essential worker' at source and not 2 km away on a piece of ground completely detached from the main farm hub. At 1.09 labour unit requirements, there is no demonstrable need for an essential worker, as there is only one labour unit required. In terms of succession it has not been demonstrated to the Planning Service that the farm holding is financially viable.
- 6.12 There is no justification for a dwellinghouse on the application site. Out of the overall land take of 83.4ha only 8.4ha is located on the eastern side of the A952. Furthermore, some of the supporting information states that it is hoped to erect further agricultural buildings on this area of ground in order to create a secondary farm hub. Effectively it would be creating a new farm and therefore would have to be assessed accordingly and not under the auspices of either a retirement house or as a dwellinghouse for an 'essential worker'. Creating a new or additional farm hub on the eastern side of the A952 would also create brownfield opportunities around the existing farm hub, which should be the preference to erect houses on should they become vacant and/or redundant. There are no buildings on the eastern side of the A952, and the proposed house site is sited towards the base of slope of the field.
- 6.13 According to the information submitted all the buildings located at the farm hub are used for the farm enterprises, and there are no unoccupied or

abandoned farm buildings owned by the business that could be converted. It would appear that there has been no consideration given to locating the single home retirement succession / essential workers dwellinghouse immediately adjacent to the farm hub. According to Scotland's Soils, the land immediately adjacent to the farm hub and the area proposed for the dwellinghouse are classified as 3.2 and these areas are therefore not classified as prime agricultural land, and the Planning Service would in terms of location support a house adjacent to the farm hub subject to there being no other opportunities such as the two farm cottages or brownfield land, and the need in terms of either succession or essential worker being clearly demonstrated.

- 6.14 Given the above considerations, the application is in conflict with Policy 17 Rural Homes of NPF4 and Policy R2 Development Proposals Elsewhere in the Countryside of the Aberdeenshire Local Development Plan 2023.

#### Landscape Impact

- 6.15 The dwellinghouse would be remote not just from the main farm hub but also from other neighbouring dwellinghouses. The application site is such that a dwellinghouse would not be positioned to fit into the existing landscape, appearing remote from other buildings, and introducing a new building on a slope, visually close to the A952.
- 6.16 There are other suitable locations for the proposed dwellinghouse within the field that are located immediately adjacent to existing the dwellinghouses located to the north west of the application site. However, as previously mentioned the most suitable location would be immediately adjacent to the farm hub at Mains of Kindrought, which not only would be visually of greater benefit, but also would tie into the management of the farm. The proposed site would remove an area of 0.5 ha from agricultural use.
- 6.17 Due to the distance from the neighbouring dwellinghouses there would be no impact on residential amenity.
- 6.18 The dwellinghouse as proposed would have a negative impact on the surrounding landscape due to its position within the field and its detachment from the neighbouring properties. The proposal therefore does not comply with Policy E2 Landscape of the Aberdeenshire Local Development Plan 2023, and as such is also in conflict with P1 Layout, Siting and Design, and Policy 14 Design, quality and places.

#### Carbon Neutrality

- 6.19 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. An Energy Statement would be required to be secured by condition.



### Servicing

- 6.20 The development would connect to the public water supply and an available connection point is located within the vicinity of the site. Private foul and surface water drainage are proposed within the site and are supported by the necessary ground investigations and designs.
- 6.21 The site includes sufficient parking spaces and Roads Development has no objection to the access arrangements subject to conditions. Accordingly, the proposal is, subject to conditions, deemed to comply with Policy RD1 of the Aberdeenshire Local Development Plan 2023 and Policy 22 of NPF4.

### Developer Obligations

- 6.22 It has been agreed that no contributions are required in this instance, therefore the application is not in conflict with Policy RD2 of the Aberdeenshire Local Development Plan 2023.

### Conclusion

- 6.23 This proposal has been assessed in accordance with both the National Planning Framework 4 and the Aberdeenshire Local Development Plan 2023. The overall proposal does not accord with Policy R2 Development Proposals Elsewhere in the Countryside of the 2023 Aberdeenshire Local Development Plan or with Policy 17 Rural Homes of the National Planning Framework 4, as the proposal does not meet the requirements for either a single dwelling for retirement succession or for a dwellinghouse for an essential worker.
- 2.24 The dwellinghouse as proposed would have a negative impact on the surrounding landscape due to its position within the field and its detachment from the neighbouring properties. The proposal therefore does not comply with Policy E2 Landscape, Policy P1 Layout, Siting and Design, and Policy 14 Design, quality and places.
- 2.25 The proposal is therefore being recommended for refusal.

## **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**

Policy R2 Development Proposals Elsewhere in the Countryside  
Policy 17 Rural homes  
Policy P1 Layout, Siting and Design  
Policy 14 Design, quality and places  
Policy E2 Landscape

- 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 Planning Permission in Principle for the following reasons:-**

01. The planning authority considers that the application is for a development that is not in accordance with National Planning Framework 4 and Aberdeenshire Local Development Plan 2023.

Overall the proposal does not accord with Policy R2 Development Proposals Elsewhere in the Countryside of the 2023 Aberdeenshire Local Development Plan or with Policy 17 Rural Homes of the National Planning Framework 4, as the proposal fails to meet the requirements for either a single dwelling for retirement succession or for a dwellinghouse for an essential worker.

02. The dwellinghouse would have a negative impact on the surrounding landscape due to its position within the field and its detachment from any neighbouring features either built or natural, and due to its proximity to the

A952. The proposal therefore fails to comply with Policy E2 Landscape, Policy P1 Layout, Siting and Design, and Policy 14 Design, quality and places.

Alan Wood  
Director of Environment and Infrastructure Services  
Author of Report: Jennifer Chalmers  
Report Date: 20 March 2024