

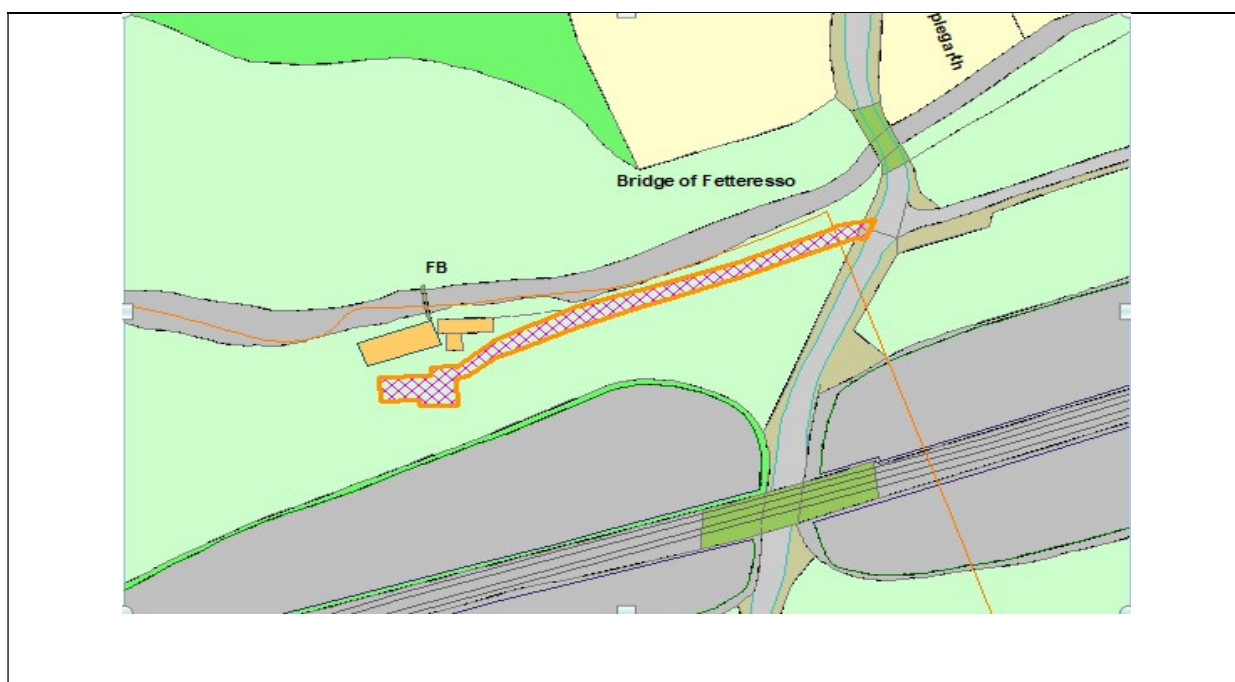
Kincardine & Mearns Area Committee Report 30 April 2024

Reference No: [APP/2024/0218](#)

Full Planning Permission For Erection of Potato Store and Chicken Coop (Retrospective) at Land to the South West of Carronlea, Kirkton of Fetteresso, Stonehaven, Aberdeenshire, AB39 3UP

Applicant: Mr Alan & Mrs Paula Donald, 6 Burns Terrace,
Stonehaven, AB39 2NA
Agent: MacGillivray Architects Limited, 7 Ink Bottle Way,
Stonehaven, AB39 2PD

Grid Ref: E:385228 N:785528
Ward No. and Name: W18 - Stonehaven And Lower Deeside
Application Type: Full Planning Permission
Representations: 0
Consultations: 3
Relevant Proposals Map: Aberdeenshire Local Development Plan 2023
Designations: Kirkton Of Fetteresso Conservation 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 Dawn Black: 'It states in the application that the outbuilding was erected to replace an existing shed that was run down. The application warrants further discussion at committee as statutory consultees at Built Heritage and Natural Environment have no objections, contrary to planning recommendation to refuse.'

Cllr Wendy Agnew: 'Further discussion required concerning Policy 9 and Policy 7 of NPF4 and Policy R2 and Policy HE2 of the ALDP 2023.'

- 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 is seeking retrospective full planning permission to erect a potato store and chicken coop on land to the southwest of Carronlea, Kirktown of Fetteresso, Stonehaven.
- 2.2 The application site is located within the boundaries of Fetteresso Conservation Area, approximately 100m to the southwest of the closest residential property, on the opposite side of the Carron Water. The site is accessed from the public road via a private gated access track running east to west along the south bank of the Carron Water.
- 2.3 The building is a single pitch timber structure measuring 10.2m wide x 5.7m deep x 3.5m high at the apex. The building includes a total of 8 windows split between the south (4), north (3) and east (1) elevations. The finishing materials include vertical timber cladding, profile metal cladding and brown upvc windows and doors.
- 2.4 The application was submitted following a complaint relating to the unauthorised erection of a building.

3. Representations

- 3.1 No valid letters of representation have been received.

4. Consultations

- 4.1 **Environment and Infrastructure Services (Built Environment)** has commented that although the building is domestic in its appearance, its design, scale and materials are not considered to have a detrimental impact on the character and appearance of the conservation area.
- 4.2 **Environment and Infrastructure Services (Flood Risk and Coast Protection)** does not object to the application.
- 4.3 **Environment and Infrastructure Services (Roads Development)** has no comments to make of the application.

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 7: Historic assets and places

Policy 9: Brownfield, vacant and derelict land and empty buildings

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 HE2 Protecting Historic, Cultural and Conservation Areas

5.3 Other Material Considerations

Kirkton of Fetteresso - Proposed Conservation Area Appraisal (Aberdeenshire Council)

6. Discussion

The key issues relating to the determination of this application are:

- Development principle
- Layout siting and design

Development principle

- 6.1 Although Policy 9 of NPF4 and Policy R2 of the ALDP 2023 support the redevelopment of brownfield site for housing and employment proposals, this does not extend to domestic outbuildings located outwith established domestic curtilages, especially when such property is, like in this instance, located more than 1km from the application site. As such the principle of the development cannot be supported. Although the application refers to the erection of a potato shed and chicken coop, it is evident that the design is very domestic having the distinct appearance of a residential garden building normally found within domestic curtilages. Furthermore, it is understood that potatoes must be stored in a dark, cool and well-ventilated space, which the building does not appear to provide.
- 6.2 Although the applicant has provided a CPH (County Parish Holding) number, which serves as a way for the Scottish Government to precisely identify the location of land and buildings used for keeping livestock (including pets) to help authorities trace livestock to prevent and control diseases, no map has been provided to identify the land associated with the keeping of livestock. The title deeds submitted by the applicant only demonstrates ownership and not that the land is used for the rearing of livestock. When visiting the site, the only livestock that could be seen (a few goats, sheep and chickens) were located immediately adjacent to the 'potato shed.' This information does not demonstrate that the land is part of a viable agricultural holding.

Impact on the conservation area

- 6.3 The shed is located within the boundaries of Kirkton of Fetteresso Conservation Area where the key historical and architectural interest devolves from its distinctive character as a small traditional kirk town defined by the kirk and kirkyard, informal group of traditional houses and its low-lying position in a rolling agricultural and tree covered landscape contained by the Carron Water and the railway line.
- 6.4 Except for Mansfield cottage, all the residential properties are concentrated around the kirk and kirkyard, to the north of the Carron Water. Although in itself, the building would have no adverse impact on the conservation area, the erection of a new and obviously domestic building with the appearance of a residential annex to the south of the Carron Water would contribute to the incremental erosion of its setting and character which is not only created by

the buildings themselves, but also by the interface between the built-up area and the adjoining countryside. This was highlighted as a key issue in the conservation appraisal in which it is stated that *'there is a danger that, over time, the character of the settlement will be changed by gradual additions and alterations more appropriate to a modern settlement, and potentially harmful to the long-term conservation of the village.'* As such, the development fails to meet Policy 7 of NPF 4 and Policy HE2 of the ALDP 2023.

Conclusion

- 6.5 It is evident that the building that has been erected on the site is domestic in nature and not considered to be appropriate for the intended use of storing potatoes or other similar crops in terms of its appearance or function. The building has the appearance of a residential garden building/annexe but is located outwith the boundaries of the applicant's dwelling house in Stonehaven and would contribute to the incremental erosion of the setting and character of the Conservation Area, which is not only created by the buildings themselves, but also by the interface between the built-up area and the adjoining countryside. As such, the development fails to meet Policy 9 and Policy 7 of NPF4 and Policy R2 and Policy HE2 of the ALDP 2023 and the application is therefore 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

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 Development Plan.

The building is considered to be of a domestic nature and appearance and is located within the designated countryside and a significant distance from applicant's dwelling house. As such the application fails to comply with Policy R2: Development Proposals Elsewhere in the Countryside of the Aberdeenshire Local Development Plan 2023.

02. The development will contribute to the incremental erosion of the setting and character of the Kirktown of Fetteresso Conservation Area and as such, the application fails to meet Policy 7: Historic assets and places of National Planning Framework 4 and Policy HE2 Protecting Historic, Cultural and Conservation Areas of the Aberdeenshire Local Development Plan 2023.

Alan Wood

Director of Environment and Infrastructure Services

Author of Report: Aude Chaiban

Report Date: 15 April 2024