

# Public Document Pack



To: Councillor Jennifer Stewart, Convener; and Councillors Duncan and Sandy Stuart.

Town House,  
ABERDEEN 14 March 2018

## **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Committee Room 2 - Town House** on **THURSDAY, 22 MARCH 2018 at 3.00 pm.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **B U S I N E S S**

- 1 Procedure Notice (Pages 5 - 6)

**COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING**

**MEMBERS PLEASE NOTE THAT THE FOLLOWING LINK WILL TAKE YOU TO THE LOCAL DEVELOPMENT PLAN.**

[Local Development Plan](#)

**TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS**

**PLANNING ADVISER - KRISTIAN SMITH**

2 Bellfield Farm, Skene Road, Aberdeen - Removal of Conditions 07 (That Occupation of the Dwellinghouse Shall be Limited to a Person Solely or Mainly Employed on a Full Time Basis in Agriculture on the Farm of Bellfield) and 08 (That the Dwellinghouse Shall be Used in Conjunction with Applicant's Business in Farming, at no Time be Sold or Otherwise Disposed of as Separate Unit) of 88/0652 Erection of House - P170958/s42

3 Delegated Report and Decision Notice (Pages 7 - 16)

Members, please note that the relevant plans can be viewed online:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OUEXF3BZ01U00>

4 Planning Policies Referred to in Documents Submitted

Members, the following planning policies are referred to:-

**National Planning Policy and Guidance**

(Scottish Planning Policy 2014 (SPP))

**Aberdeen Local Development Plan (2017)**

(Policy NE2: Green Belt)

**Other Material Considerations**

Occupancy Restrictions & Rural Housing: Letter issued by the Chief Planner in November 2011

The policies can be viewed at the following link:-

[http://www.aberdeencity.gov.uk/planning\\_environment/planning/local\\_development\\_plan/pla\\_local\\_development\\_plan.asp](http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_local_development_plan.asp)

5 Notice of Review with Supporting Information and Initial Application Submitted by Applicant / Agent (Pages 17 - 40)

6 Determination - Reasons for Decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

7 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Mark Masson on [mmasson@aberdeencity.gov.uk](mailto:mmasson@aberdeencity.gov.uk) / tel 01224 522989

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## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

### PROCEDURE NOTE

#### GENERAL


1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.  
Any representations:
  - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
  - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
6. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
  - (a) written submissions;
  - (b) the holding of one or more hearing sessions;
  - (c) an inspection of the site.

7. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
8. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

#### DETERMINATION OF REVIEW

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-
 

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
  - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
  - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
  - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
  - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
  - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
13. The LRB will give clear reasons for its decision in recognition that these will require to be intimated and publicised in full accordance with the regulations.

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Planning and Sustainable Development Service</h2>
<p>Report of Handling</p>	

<b>Site Address:</b>	Bellfield Farm, Skene Road, Aberdeen, AB15 8PX
<b>Application Description:</b>	Removal of conditions 07 (That occupation of the dwellinghouse shall be limited to a person solely or mainly employed on a full time basis in agriculture on the farm of Bellfield) and 08 (That the dwellinghouse shall be used in conjunction with applicant's business in farming, at no time be sold or otherwise disposed of as separate unit) of 88/0652 Erection of House
<b>Application Reference:</b>	170958/S42
<b>Application Type</b>	Section 42 (Variation to Conditions)
<b>Application Date:</b>	10 August 2017
<b>Applicant:</b>	Mr Graham Mann
<b>Ward:</b>	Lower Deeside
<b>Community Council</b>	Cults, Bieldside And Milltimber
<b>Case Officer:</b>	Jane Forbes

## **RECOMMENDATION**

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Refuse

## **APPLICATION BACKGROUND**

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### **Site Description**

The application site is located within the Green Belt. It lies at a distance of approximately 80 metres to the south of the A944 Aberdeen to Alford Road, and is accessed along a tree lined, single width road which leaves the A944 some 380 metres west of the Skene Road/Lang Stracht roundabout. The site comprises a 1½ storey dwellinghouse which lies 30 metres to the south of Bellfield farmhouse, and 60 metres east of the farm steading. Bellfield Farm is a mixed arable/livestock farm of some 85 hectares.

### **Relevant Planning History**

Ref: 88/0652 – Conditional planning consent was granted in July 1988 for the erection of a dwellinghouse within a site of some 0.16ha located directly to the east and south-east of the agricultural buildings and farmhouse associated with Bellfield Farm, and accessed off the farm road. Conditions applied included limiting the occupation of the dwelling to a person solely or mainly employed in agriculture on Bellfield Farm, and prohibiting the sale of the dwellinghouse separately from Bellfield Farm.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

This application is submitted under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997, and seeks removal of Condition 7 and Condition 8 of planning permission 88/0652.

Condition 7 states “That occupation of the dwellinghouse shall be limited to a person solely or mainly employed on a full time basis in agriculture as defined in Section 275 of the Town and County Planning Scotland Acts 1972 on the farm of Bellfield, Kingswells, Aberdeen or a dependant of such a person residing with him or her, or a widow or widower of such a person – in order that the dwellinghouse shall at all times be occupied by a person solely or mainly employed on a full time basis in agriculture associated with the farm at Bellfield, Kingswells

Condition 08 states “That the dwellinghouse shall be used in conjunction with the applicant’s business in farming Bellfield Farm, Kingswells only and shall at no time be sold or otherwise disposed of as a separate unit - in order that the dwellinghouse shall at all times be associated with the property known as Bellfield Farm, Kingswells

### **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council’s website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OUEXF3BZ01U00>

The following documents have been submitted in support of the application –

- Planning Statement for Justification of Removal of Conditions submitted by the agent on behalf of the applicant – lodged on 9 August 2017 along with the planning application.
- Labour Needs Assessment report, dated 5 July 2017, submitted by the agent on behalf of the applicant – lodged on 9 August 2017 along with the planning application.

### **CONSULTATIONS**

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None

### **REPRESENTATIONS**

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None

### **MATERIAL CONSIDERATIONS**

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#### **Legislative Requirements**

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the planning authority in determining the application only to consider the question of the condition(s) subject to which the previous planning permission should be granted. The planning authority has the option to approve the permission subject to new or amended conditions or to approve planning permission unconditionally. Alternatively the planning authority can refuse the application, which would result in the conditions on the original application remaining.

#### **National Planning Policy and Guidance**

Scottish Planning Policy 2014 (SPP)



## **Aberdeen Local Development Plan (2017)**

Policy NE2: Green Belt

### **Other Material Considerations**

Occupancy Restrictions & Rural Housing: Letter issued by the Chief Planner in November 2011

## **EVALUATION**

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### **Background**

Planning permission was granted on 5 July 1988 for the erection of a dwellinghouse at Bellfield Farm, with conditions applied which included tying any future occupation of the dwelling to agricultural workers and restricting any independent sale of the property from Bellfield Farm. This was in accordance with relevant policy at that time which restricted residential development taking place within the green belt unless applicants could demonstrate that such development was required to provide residential accommodation for essential agricultural workers, and for such accommodation to be located adjacent to the place of employment. It was accepted by the planning authority that an additional house was required to support the agricultural business, and conditions were applied to the planning permission on that basis.

### **Supporting Documents**

The agent submitted a planning statement on behalf of the applicant, Mr Graeme Mann, and in support of the application, for the removal of conditions 7 and 8. This supporting document stated that: "At the time of the 1988 application, the applicant's father carried out a full time and fairly large scale dairy cow operation with some 70 cows being milked twice daily. The applicant lived at home and was employed full time in this operation. However, a couple of years later the dairy farm was stopped and the applicant left the farm in 1990". Since this time the applicant's father has continued with the farming enterprise, based on a mixed arable/livestock operation. The farm was reduced in size in 1988, from 280 acres to 210.5 acres, when land was sold off to Stewart Milne at Countesswells for housing.

The Planning Statement and Labour Needs Assessment submitted in support of the application outline that over the past 29 years, since permission was granted for the dwellinghouse, the farm had reduced in size and the farming operation had changed from a very labour intensive dairying operation to one which focussed on the finishing of beef cattle, and this scale of farming operation can be adequately sustained by one residential unit.

The supporting information states that since the original application was granted consent there had been a considerable shift in both national and local policy relating to green belt development and there were no specific policies which would require the retention of the conditions which are now under consideration.

The supporting information submitted also made reference to a letter issued on 4 November 2011 by the Chief Planner to all Heads of Planning, which it states "was an important letter with regards to occupancy conditions and rural housing". The Planning Statement advises that "while this letter recognised that there had been a requirement to limit the occupancy of new houses in the countryside, a number of issues had since arisen with this approach, the main issues being difficulty in getting a mortgage, difficulties in selling the property and being forced to move". The Planning Statement outlines that the overarching consideration in assessing the acceptability or

otherwise of removing conditions which restrict occupancy is that the Scottish Planning Policy promotes a positive approach to rural housing and does not promote the use of occupancy conditions; and that the Chief Planner had advised in his correspondence of November 2011 that “occupancy restrictions are rarely appropriate and so should generally be avoided”.

### **Consideration of the Supporting Documents**

Conditional consent was granted for a residential dwellinghouse at Bellfield Farm in 1988 on the basis that this would allow the applicant, Mr Graeme Mann, to reside on the dairy farm where he was employed full time. In 1988 a total of 69.5 acres of the farm land was sold for housing development. In 1990, the dairy farming operation ceased and the applicant, Mr Graeme Mann, was no longer employed in the farm business. Since then the applicant’s father, Mr Robert Mann, has continued a beef cattle/arable operation at Bellfield Farm. The Planning Statement specifically outlines that the purpose of seeking the removal of conditions 7 and 8 is to ensure that the applicant “is free from ties and leaves him with a flexible asset whilst remaining there”.

Whilst it is considered that the removal of condition 8 of planning permission 88/0652, which would allow the sale or disposal of the dwellinghouse as a separate unit from the farming business would be deemed acceptable, the removal of Condition 7 which restricts the occupancy to a person solely or mainly employed on the farm remains contrary to Scottish Planning Policy (SPP) and Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan, and would also appear to be contrary to the advice provided by the Chief Planner in 2011.

Much reference is made in the Planning Statement submitted by the agent, on behalf of the applicant, to Scottish Planning Policy (SPP) 2014, and specifically to the section which relates to “Promoting Rural Development”. However, it is clear that this section refers to rural areas and is of little relevance to green belt designated land. The application site lies within the green belt, and therefore any reference and link to policy which supports ‘rural development’ or ‘development in rural locations’ as suggested, is irrelevant and perhaps misleading. On this same issue, the Planning Statement refers to paragraph 81 of SPP and specifically to the statement “that the occupancy conditions on housing within rural areas should now be avoided”. Again, it must be noted that this clearly refers to ‘rural areas’ and not to ‘green belt areas’. Rather, under the heading “Promoting Rural Development, and against paragraph 82, SPP does state “In some most pressured areas, the designation of green belts may be appropriate.” This further emphasises the fact that SPP has made a differentiation between rural areas and green belt.

The Chief Planner’s correspondence to all Heads of Planning in November 2011 sought to clarify the Scottish Government’s view on the use of conditions or planning obligations to restrict occupancy of new rural housing. It stated that a number of issues had arisen with the use of occupancy restrictions, some of which had been exacerbated by the economic situation at that time. Some people had found it difficult to obtain a mortgage, others to sell the house, or have the restriction lifted, when they were forced by necessity to move, noting that the use of occupancy restrictions introduced an additional level of complexity (a potential expense) in the process of gaining planning permission for a new house.

The letter stated that the Scottish Government believed that occupancy restrictions were rarely appropriate and so should generally be avoided. However, the letter continued to state that in areas, including Green Belts, where...there was a danger of suburbanisation of the countryside or an unsustainable growth in long distance car-based commuting, there was a sound case for a more restrictive approach. The letter from the Chief Planner therefore acknowledged that a restrictive approach could be considered appropriate where significant pressure for housing development exists. Whilst Policy NE2 (Green Belt) permits a limited range of development types within the green belt, and this includes development for agricultural use, there is without question considerable and ongoing pressure for housing within the green belt surrounding Aberdeen, and it

is invariably individual dwellings which are seen to cause the suburbanisation and increase in car borne commuting which is judged unsustainable.

Although the Planning Statement advises that the applicant is seeking removal of the conditions in order for the house to become a flexible asset, it is worth reiterating that the dwellinghouse was originally granted planning permission specifically as a direct result of the requirements of an agricultural business, and it was only on the basis of the house being essential for the agricultural business, with the occupancy of the property restricted to someone directly employed within that business, that the proposal for a dwellinghouse in this location was deemed acceptable and justifiable in terms of green belt policy. Taking into account that Bellfield Farm remains to date an operational farming business, then the basis for retaining condition 7 continues to remain valid, and the very restrictions on development within the green belt which applied in 1988 remain as relevant under current Green Belt Policy NE2 of the Aberdeen City Local Development Plan.

### **Circular 4/1998 – The Use of Planning Conditions in Planning Permissions**

Circular 4/1998 sets six tests which all planning conditions should meet. Conditions should only be imposed where they are necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects.

Conditions may be appropriate where there are sound planning reasons to justify them, and this would apply in circumstances where a dwelling has been allowed on a site where permission would not normally be granted. In such instance, the granting of an unconditional permission would mean that not only could the dwelling be sold for general residential use, but there would be no restriction on the occupation of the owner, and this could well be contrary to development plan policy for the locality.

Planning conditions which tie the occupation of properties to a business are commonly used by planning authorities where otherwise they could not be supported. In 1988, when the original application for a residential dwelling at Bellfield was determined, condition 7 was deemed relevant to planning, given that it was required to control the use of the land, it was relevant to the development permitted, was enforceable, precise and considered to be reasonable in all other respects. On this basis the condition met the six tests, and based on current national and local planning policy, the condition would still be relevant and applicable today, as it ensures compliance with the Local Development Plan, whilst allowing the current or, quite critically, the future needs of the farm business to be met.

### **Conclusion**

Given the advice of the Chief Planner in 2011, and based on the requirements of both Scottish Planning Policy and Policy NE2 (Green Belt), it is considered that whilst Condition 8 could be removed, condition 7 remains necessary, as it ensures occupancy of the house is tied to someone employed in agriculture at Bellfield Farm. Planning policies within the green belt seek to protect its integrity and in particular seek to avoid the granting of individual planning permissions to prevent its cumulative erosion. In the absence of specific individual requirements of the farm business in the first instance, the dwelling which was granted conditional consent in 1988 would not have complied with green belt planning policy, and this has not changed since consent was granted and therefore removal of condition 7 would not be appropriate.

### **RECOMMENDATION**

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Refuse

## **REASON FOR RECOMMENDATION**

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Whilst the removal of Condition 8 of planning permission 88/0652 would be deemed acceptable in this instance, the proposed removal of Condition 7 which relates to occupancy, is contrary to Scottish Planning Policy (SPP) and Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan, and would be contrary to advice provided by the Chief Planner in 2011. SPP and Policy NE2 seek to protect the integrity of green belts and to prevent their cumulative erosion. In this instance, if it were not for the original requirements of the farming business, the dwellinghouse which is the subject of this application would not have complied with green belt planning policy and would ultimately have been refused. Current policy seeks to safeguard against unsustainable development and suburbanisation of the green belt area and the removal of Condition 7 would undermine such policies. Bellfield Farm remains an operational farming business, therefore Condition 7 remains relevant and continues to meet the tests set out in Circular 4/1998. Taking all of the above into consideration, the proposal to delete Condition 7 is deemed unacceptable in planning policy terms.

## **DECISION NOTICE**

### **The Town and Country Planning (Scotland) Act 1997 - Section 42**

#### **Section 42 (Variation to Conditions)**

Colin Thompson  
Chartered Architect  
Old Chapel Road  
Inverurie  
AB51 4QN

on behalf of **Mr Graham Mann**

With reference to your application validly received on 10.08.2017  
for the following development:-

**Removal of conditions 07 (That occupation of the dwellinghouse shall be limited to a person solely or mainly employed on a full time basis in agriculture on the farm of Bellfield) and 08 (That the dwellinghouse shall be used in conjunction with applicant's business in farming and at no time be sold or otherwise disposed of as separate unit) of 88/0652 Erection of House at Bellfield Farm, Skene Road**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

**Drawing Number**

0216/01-20

**Drawing Type**

Site Layout (Proposed)

The reasons on which the Council has based this decision are as follows:-

PETE LEONARD  
DIRECTOR

Whilst the removal of Condition 8 of planning permission 88/0652 would be deemed acceptable in this instance, the proposed removal of Condition 7 which relates to occupancy, is contrary to Scottish Planning Policy (SPP) and Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan, and would be contrary to advice provided by the Chief Planner in 2011. SPP and Policy NE2 seek to protect the integrity of green belts and to prevent their cumulative erosion. In this instance, if it were not for the original requirements of the farming business, the dwellinghouse which is the subject of this application would not have complied with green belt planning policy and would ultimately have been refused. Current policy seeks to safeguard against unsustainable development and suburbanisation of the green belt area and the removal of Condition 7 would undermine such policy. Bellfield Farm remains an operational farming business, therefore Condition 7 remains relevant and continues to meet the tests set out in Circular 4/1998. Taking all of the above into consideration, the proposal to delete Condition 7 is deemed unacceptable in planning policy terms.

**Date of Signing** 8 December 2017

A handwritten signature in blue ink that reads "Daniel Lewis". The signature is written in a cursive style with a clear first name and a last name.

**Daniel Lewis**  
Development Management Manager

## **IMPORTANT INFORMATION RELATED TO THIS DECISION**

### **DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)**

#### **RIGHT OF APPEAL**

If the applicant is aggrieved by the decision of the planning authority to refuse planning permission, the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at [www.eplanning.scot](http://www.eplanning.scot).

Notices of review submitted by post should be sent to Planning and Sustainable Development (address at the top of this decision notice).

#### **SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION**

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE            100084355-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Suller &amp; Clark"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Karine"/>	Building Name:	<input type="text" value="Scoutbog Steading"/>
Last Name: *	<input type="text" value="Suller"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07742613598"/>	Address 1 (Street): *	<input type="text" value="Oldmeldrum"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Oldmeldrum"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="AB51 0BH"/>
Email Address: *	<input type="text" value="karine@sullerandclark.com"/>		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Lincolnvale"/>
First Name: *	<input type="text" value="Graham"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Mann"/>	Address 1 (Street): *	<input type="text" value="Kingswells"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Kingswells"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB51 8XP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806007"/>	Easting	<input type="text" value="387432"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Appeal against refusal of Consent Removal of conditions 07 (That occupation of the dwelling house shall be limited to a person solely or mainly employed on a full time basis in agriculture on the farm of Bellfield) and 08 (That the dwelling house shall be used in conjunction with applicant's business in farming and at no time be sold or otherwise disposed of as separate unit) of 88/0652  
Erection of House at Bellfield Farm, Skene Road. Ref: 170958/S42

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Appeal Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Layout and Location Plan, Planning Supporting Statement, Labour Needs Assessment ,Report of Handling, Decision Notice, Appeal Statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

170958/S42

What date was the application submitted to the planning authority? \*

10/08/2017

What date was the decision issued by the planning authority? \*

08/12/2017

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## **Declare – Notice of Review**

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Karine Suller

Declaration Date: 14/02/2018

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**Town and Country Planning (Scotland) Act 1997  
as amended**

**Appeal against refusal of Consent**

**Removal of conditions 07 (That occupation of the dwellinghouse shall be limited to a person solely or mainly employed on a full time basis in agriculture on the farm of Bellfield) and 08 (That the dwellinghouse shall be used in conjunction with applicant's business in farming and at no time be sold or otherwise disposed of as separate unit) of 88/0652 Erection of House**

**at Bellfield Farm, Skene Road**

**(Planning Ref: 170958/S42)**

**By Aberdeen City Council ("the Council")**

**For Mr Graham Mann ("the Appellant")**

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## Background

A Section 42 application was submitted on 10 August 2017 and refused by Aberdeen City Council on 8 December 2017. The planning application sought Removal of conditions 07 (That occupation of the dwellinghouse shall be limited to a person solely or mainly employed on a full time basis in agriculture on the farm of Bellfield) and 08 (That the dwellinghouse shall be used in conjunction with applicant's business in farming and at no time be sold or otherwise disposed of as separate unit) of 88/0652 Erection of House at Bellfield Farm, Skene Road, Aberdeen.

The Appellant wishes to Appeal against the refusal of this permission.

The Decision Notice reads:

*"Whilst the removal of Condition 8 of planning permission 88/0652 would be deemed acceptable in this instance, the proposed removal of Condition 7 which relates to occupancy, is contrary to Scottish Planning Policy (SPP) and Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan, and would be contrary to advice provided by the Chief Planner in 2011. SPP and Policy NE2 seek to protect the integrity of green belts and to prevent their cumulative erosion. In this instance, if it were not for the original requirements of the farming business, the dwellinghouse which is the subject of this application would not have complied with green belt planning policy and would ultimately have been refused. Current policy seeks to safeguard against unsustainable development and suburbanisation of the green belt area and the removal of Condition 7 would undermine such policy. Bellfield Farm remains an operational farming business, therefore Condition 7 remains relevant and continues to meet the tests set out in Circular 4/1998. Taking all of the above into consideration, the proposal to delete Condition 7 is deemed unacceptable in planning policy terms."*

## Grounds of Appeal

It is worth noting that Officers found part of the application acceptable, that part relating to Condition 8 - which requires *"that the dwellinghouse shall be used in conjunction with applicant's business in farming and at no time be sold or otherwise disposed of as separate unit."*

Therefore the Appeal will focus on Condition 7 which *requires "that occupation of the dwellinghouse shall be limited to a person solely or mainly employed on a full time basis in agriculture on the farm of Bellfield."*

The Appeal will focus on two areas:



- the history and changing requirements of the farm enterprise, and
- the tests set out in Circular 4/1998 - The Use of Conditions in Planning Permissions.

1. In relation to the history and changing requirements of the farm enterprise -

The original application (Ref: 88/0652) was granted in July 1988 for a single house to the east and south-east of the farm complex at Bellfield Farm. In 1988 the farm unit comprised 280 acres and comprised a large dairy cow operation with 70 cows being milked twice daily. At that time the Planning Service found the labour requirements of the farm sufficient to warrant the development of a house on the site to support the use, hence the house with occupancy condition and prohibiting the sale separately from Bellfield were imposed. Occupancy conditions were used as a matter of course at that time.

At the time of the current appeal, the farming enterprise has changed dramatically, there has been an overall reduction of the farm holding to 210.5 acres, further the nature of the farm has also changed resulting in an overall labour requirement of 0.69 of a full time equivalent, meaning that the existing farmhouse more than adequately provides accommodation to the farm labour, thereby negating the need for this house to be tied to the farm. Mr Graham Mann only works on a part-time basis on the farm at weekends to support his father Mr Mann senior who is aged 78 years. Mr Graham Mann is seeking the removal of this tie in order to prepare for the future of the farm and remove an unnecessary burden. The family are looking at the long term future of the farm; it is worth noting that a significant area for residential development has been identified to the south of the holding, and some land already sold to furnish this allocation. Further, formal approaches have already been made to the farm for more land (in preparation for the Aberdeen Local Development Plan 2022) which could see a significant decline in the land holding of the farm .

2. In relation to the issue of the tests set out in Circular 4/1998 - The Use of Conditions in Planning Permissions, these require that planning conditions are

- necessary,
- relevant to planning
- relevant to the development permitted
- enforceable
- precise
- reasonable in all other respects.

The Circular notes:

*"The Secretary of State attaches great importance to these criteria being met so that there is an effective basis for the control and regulation of development which does*

*not place unreasonable or unjustified burdens on applicants and their successors in title."*

This statement suggests that all 6 tests have to be met.

The Appellant submits that Condition No.7 is no longer relevant to the development permitted, as the scale of the farm has reduced and the nature of the farm business has significantly altered with a move from a more labour intensive dairy farm to arable/livestock production. Both of these changes have had a direct impact on the farm labour requirement, as a result the main farm house provides sufficient accommodation for the farm enterprise. Consequently, the property subject of the current application is no longer necessary for effective operation of the farm, and the burden, as it currently exists, is therefore not reasonable and should be released. Further, the house is built and has existed since 1988 so that it does not represent new development in the Greenbelt and any detriment to the Greenbelt in terms of unsustainable development or suburbanisation has already occurred.

#### Planning History

The original planning permission (Ref: 88/0652) for the house was granted in 1988. No planning papers are available on the Aberdeen City website for applications of this date, so that no details are available as to how the application was assessed. At that time the Planning Service granted permission for a one and a half storey house to the south-east of Bellfield farm, imposing the 2 conditions in full below:

*Condition 7 - "That occupation of the dwellinghouse shall be limited to a person solely or mainly employed on a full time basis in agriculture as defined in Section 275 of the Town and County Planning Scotland Acts 1972 on the farm of Bellfield, Kingswells, Aberdeen or a dependant of such a person residing with him or her, or a widow or widower of such a person – in order that the dwellinghouse shall at all times be occupied by a person solely or mainly employed on a full time basis in agriculture associated with the farm at Bellfield, Kingswells."*

*Condition 08 - "That the dwellinghouse shall be used in conjunction with the applicant's business in farming Bellfield Farm, Kingswells only and shall at no time be sold or otherwise disposed of as a separate unit - in order that the dwellinghouse shall at all times be associated with the property known as Bellfield Farm, Kingswells."*

The change in circumstances in the intervening 30 years is set out in the Planning Statement which accompanied the planning application, and can be summarised as:

1988 - farm comprised 280 acres and additional accommodation required for a farm worker, permission granted for a single house.

2018 - farm holding reduced to 210.5 acres, labour requirement of farm calculated as 0.69 of a Full Time Equivalent (FTE) worker, as confirmed by a Labour Needs Assessment.

### Site description

The appeal site measures 0.16 ha and contains a 1 and 1/2 storey dwellinghouse, located as shown below. The remainder of the farm complex lies to the north and north-west of the house. Access to both the house and farm is taken direct from the A944 road to the north.



### Proposed development

The appeal seeks removal of a condition which requires that the house at Bellfield Farm (now named Lincolnvale), and which limits the occupation to someone employed full time on the farm at Bellfield, as the appellant no longer works on the farm and has not done for some considerable time.

### Development Plan Policy

### Scottish Planning Policy 2014

The SPP published June 2014 provides an overview of the key components and overall aims and principles of the planning system in Scotland. In general terms the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality development in sustainable locations. It recognises the importance of the Greenbelt but also recognises that a type and scale of development which might be appropriate, is development that is associated with agriculture.

#### Aberdeen Local Development Plan 2017

The following policy is considered relevant to the determination of this appeal:

#### Policy NE2 - Greenbelt states

*" No development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal."*

Response - the principle of development of this site to support an agricultural use was established 30 years ago. However, since this time the requirements of the Bellfield Farm unit have changed considerably with the farm holding reducing in size and significantly, the nature of farming activity being carried out altering, moving from a more labour intensive dairy herd to a mixed arable/livestock operation. As a direct result of these changes the labour requirements have reduced significantly to 0.69 of a Full Time Equivalent. As a result the existing farm house is sufficient to accommodate the required labour of the farm holding and therefore negates the need for a second house tied to the farm unit. Part of the reason for refusal notes:

*"Current policy seeks to safeguard against unsustainable development and suburbanisation of the green belt area and the removal of Condition 7 would undermine such policy."*

The Appellant contends that this is somewhat perverse as the house has existed in this location for the past 30 years and removal of the occupancy condition would not lead to further suburbanisation or unsustainable development in the Greenbelt, this has already occurred. The Appellant therefore contends that the appeal conforms with Policy NE2 Greenbelt.

#### Further Considerations

The other document which is relevant to the consideration of this Appeal is Circular 4/1998 - The Use of Conditions in Planning Permissions. This sets out the six tests which all planning conditions must meet, these being that the planning condition is:

- necessary,
- relevant to planning
- relevant to the development permitted
- enforceable
- precise
- reasonable in all other respects.

In the Report of Handling the Officer notes

*"In 1988, when the original application for a residential dwelling at Bellfield was determined, condition 7 was deemed relevant to planning, given that it was required to control the use of the land, it was relevant to the development permitted, was enforceable, precise and considered to be reasonable in all other respects."*

Response - the Appellant does not argue that the imposition of Condition 7 was relevant in 1988. However, in the intervening 30 years the farming practices have changed and the size of the farm reduced, so that the needs of the current farm business no longer require this tied house. In terms of meeting the six tests, the continued imposition of Condition 7 is no longer -

necessary - as the current farm practice only requires 0.69 persons to operate and the existing farmhouse is sufficient to service this need,

relevant to planning - whilst the condition was imposed in recognition of the labour requirements of the day and to protect the Greenbelt, the house has existed for 30 years, so that any detriment to the Greenbelt in terms of suburbanisation or unsustainable development, has already occurred,

relevant to the development permitted - whilst the condition was imposed in recognition of the labour requirements of the day, these have changed dramatically, negating the need for housing for an agricultural worker, in this location,

enforceable and precise - at the time,

reasonable in all other respects - taking the arguments noted above together this no longer represents a reasonable planning condition.

### Discussion

The Town & Country Planning (Scotland) Act 1997 as amended requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise.

The appeal seeks removal of 2 planning conditions imposed on a 1988 planning permission at a time when such conditions were used as a matter of course. Condition 7 refers to agricultural occupancy, Condition 8 to the selling-on of the

property separate to the farm. The Council found removal of Condition 8 to be acceptable.

In the intervening 30 years, since the original grant of planning permission, the farm has reduced in size and significantly the farming practices have changed both of which have resulted in a reduced labour requirement; as a result Bellfield Farmhouse more than adequately meets the housing requirements of the farm unit. The farm holding continues to undergo change, with a significant residential allocation to the south of the farm and formal approaches being made (in anticipation of the next local development plan) for further land, which may see a significant decline in the farm holding. This represents a significant change in circumstances in the past 30 years and the potential for further change to the farm. In these circumstances the Appellant wishes to see all burdens removed.

Whilst it is recognised that the development was permitted in the Greenbelt as a result of very particular circumstances in 1988, the argument that safeguarding against unsustainable development and suburbanisation of the green belt, is perverse as the house has existed on this site for 30 years and any detriment to the Greenbelt has already occurred. The Appellant contends that the continued imposition of Condition 7 no longer meets the six tests as set out in Circular 4/1998 and therefore is no longer relevant to this site.

The Appellant submits that the Appeal complies with all policies of the Scottish Government and Aberdeen Council and as a result we would respectfully request that the appeal is upheld.

February 2018.



**Allathan**  
**ASSOCIATES**

49 High Street, Turriff,  
Aberdeenshire,  
AB53 4EJ

## **MESSRS R&M MANN**

### **LABOUR NEEDS ASSESSMENT AT BELLFIELD FARM, KINGSWELLS**

#### **BACKGROUND**

This report is produced in support of a planning application to Aberdeenshire Council's Planning Department seeking the removal of a Section 75 Consent on a property at Bellfield Farm, Kingswells, Aberdeen.

#### **DESCRIPTION OF THE HOLDING**

Messrs R&M Mann, a partnership, run a mixed arable and livestock farming business based at the units of Bellfield Farm at Kingswells. The farms extend to some 85.19 ha of productive land ha (210.5 acres). All the land is classified as Non Less Favoured Area, and lies outwith any Nitrate Vulnerable Zone (NVZ). The Land Capability for agriculture is classed as Grade 3<sub>2</sub> by the Hutton Institute.

#### **STOCKING AND CROPPING**

The table below details the land use during 2017 (based on the 2017 Single Application Form declarations):

<b>Enterprise</b>	<b>No</b>
Spring Barley	31.85
Potatoes	0.05
Temporary grass	18.02
Fallow	10.07
Permanent grass	25.20
<b>Total Area (excl Non agric/Exclusions)</b>	<b>85.19</b>

In addition, up to 50 cattle are finished each year on a diet of silage and barley.

#### **STANDARD LABOUR REQUIREMENTS**

The 2004 Report from the UK Farm Classification Working Party provides a set of standard labour requirements (SLRs) that are used widely by the industry to assess labour requirements. They are quoted both in SAC's Farm Management Handbook, and on the Scottish Government's website. Total SLRs calculated for an individual business in this way represent the approximate labour requirement for stocking and cropping, though

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additional inputs may be needed in respect of diversification projects, farm maintenance, and administrative functions. The Working Party agreed that the definition of the annual hours of a full-time worker should be 1900 hours. The following definitions of size bands were agreed:

Size Band	SLR-based definition(hours)
Very Small - Spare time	< 0.5 FTE (1 – 949)
Very Small - Part time	0.5 to < 1 FTE (950 – 1899)
Small - Full-time	1 to < 2 FTE (1900 – 3799)
Medium - Full-time	2 to < 3 FTE (3800 – 5699)
Large - Full-time	3 to < 5 FTE (5700 – 9499)
Very Large - Full-time	5 or more FTE (>=9500)

Source: Report of the UK Farm Classification Working Party, 2004

### CALCULATION OF LABOUR REQUIREMENTS FOR MESSRS R&M MANN

The table below is an assessment of the Standard Labour Requirements for the cropping and stocking policy of the farming business of Messrs R&M Mann.

Enterprise	No	Unit	SLRs per unit	Total SLRs
Spring Barley	31.85	ha	20	637
Potatoes	0.05	ha	105	5
Temporary grass	18.02	ha	4	72
Fallow	10.07	ha	4	40
Permanent grass	25.20	ha	4	101
<b>Total Area (excl Non agric/Exclusions)</b>	<b>85.19</b>			
Male cattle 1<2 years	50	head	9	450
			<b>TOTAL SLRs</b>	<b>1,305</b>
			1 x Full-Time Equivalent (FTE)	1,900
			<b>Therefore, Total FTE</b>	<b>0.69</b>

An assessment of the Standard Labour Requirements for the current farming system calculates to 1,305 hours or a Standard Labour Requirement of 0.69 of a Full Time Equivalent.

### CONCLUSION

**The calculated labour requirement of 0.69 FTEs suggests a holding that is a "Very Small – part-time" unit and therefore justifies only part-time labour.**

Steven A Mackison  
steve.mackison@allathanassociates.co.uk

5<sup>th</sup> July 2017



170958/542

# APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997  
 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Please refer to the accompanying **Guidance Notes** when completing this application  
**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	0216/01
Forename	Graham	Forename	COLIN
Surname	Mann	Surname	THOMPSON
Company Name		Company Name	COLIN THOMPSON
Building No./Name	Lincolnvale	Building No./Name	CHARTERED ARCHITECT
Address Line 1		Address Line 1	OLD CHAPEL ROAD
Address Line 2		Address Line 2	
Town/City	Kingswells	Town/City	INVERURIE
Postcode		Postcode	AB51 4QN
Telephone		Telephone	01467 672451
Mobile		Mobile	
Fax		Fax	
Email		Email	admin@ctarchitect.co.uk
<b>3. Postal Address or Location of Proposed Development (please include postcode)</b>			
BELLFIELD FARM, KINGSWELLS, ABERDEEN, AB15 8PX			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
<b>4. Type of Application</b>			
What is the application for? Please select one of the following:			
Planning Permission	<input type="checkbox"/>	<b>RECEIVED</b> - 9 AUG 2017	
Planning Permission in Principle	<input type="checkbox"/>		
Further Application*	<input checked="" type="checkbox"/>		
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>		
Application for Mineral Works**	<input type="checkbox"/>		
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:	88/0652	Date:	05 July 1988

**\*\*Please note that if you are applying for planning permission for mineral works your planning authority may have a separate form or require additional information.**

### 5. Description of the Proposal

Please describe the proposal including any change of use:

REMOVAL OF CONDITIONS 07 AND 08 FROM PLANNING PERMISSION REFERENCE 88/0652

Is this a temporary permission?

Yes  No

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes  No

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

### 6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes  No

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting  Telephone call  Letter  Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes  No

Please provide a description of the advice you were given and who you received the advice from:

Name:

LINDA SPEERS

Date:

18/04/2017

Ref No.:

A SECTION 42 APPLICATION IS REQUIRED IN ORDER TO VARY OR REMOVE A PLANNING CONDITION.

### 7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

1539.6

## 8. Existing Use

Please describe the current or most recent use:

Dwelling House

## 9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes  No

*If yes, please show in your drawings the position of any existing, altered or new access and explain the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.*

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes  No

*If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangements for continuing or alternative public access.*

How many vehicle parking spaces (garaging and open parking) currently exist on the application site?

N/A

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

N/A

*Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)*

## 10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes  No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network   
No, proposing to make private drainage arrangements   
Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway   
Discharge to watercourse(s) (including partial soakaway)   
Discharge to coastal waters

*Please show more details on your plans and supporting information*

What private arrangements are you proposing?  
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)   
Other private drainage arrangement (such as a chemical toilets or composting toilets)

*Please show more details on your plans and supporting information.*

Do your proposals make provision for sustainable drainage of surface water? Yes  No

Note:- Please include details of SUDS arrangements on your plans

Are you proposing to connect to the public water supply network? Yes  No

If no, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site)

### 11. Assessment of Flood Risk

Is the site within an area of known risk of flooding? Yes  No

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your planning authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? Yes  No  Don't Know

If yes, briefly describe how the risk of flooding might be increased elsewhere.

### 12. Trees

Are there any trees on or adjacent to the application site? Yes  No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

### 13. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste? (including recycling) Yes  No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

NOT REQUIRED

### 14. Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? Yes  No

If yes how many units do you propose in total?

Please provide full details of the number and types of units on the plan. Additional information may be provided in a supporting statement.

**15. For all types of non housing development – new floorspace proposed**

Does your proposal alter or create non-residential floorspace? Yes  No

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

**16. Schedule 3 Development**

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

**17. Planning Service Employee/Elected Member Interest**

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes  No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes  No

If you have answered yes please provide details:

**DECLARATION**

I, the applicant/agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant /agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes  No  N/A

Signature:  Name:  Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



# LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997  
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

## CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

### CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

**I hereby certify that -**

- (1) No person other than the applicant  was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

On behalf of:

Date:

### CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

**I hereby certify that -**

- (1) I have \_\_\_\_\_ served notice on every person other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice

- (2) None of the land to which the application relates constitutes or forms part of agricultural land
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and I have \_\_\_\_\_ served notice on every person other than myself \_\_\_\_\_ who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

