

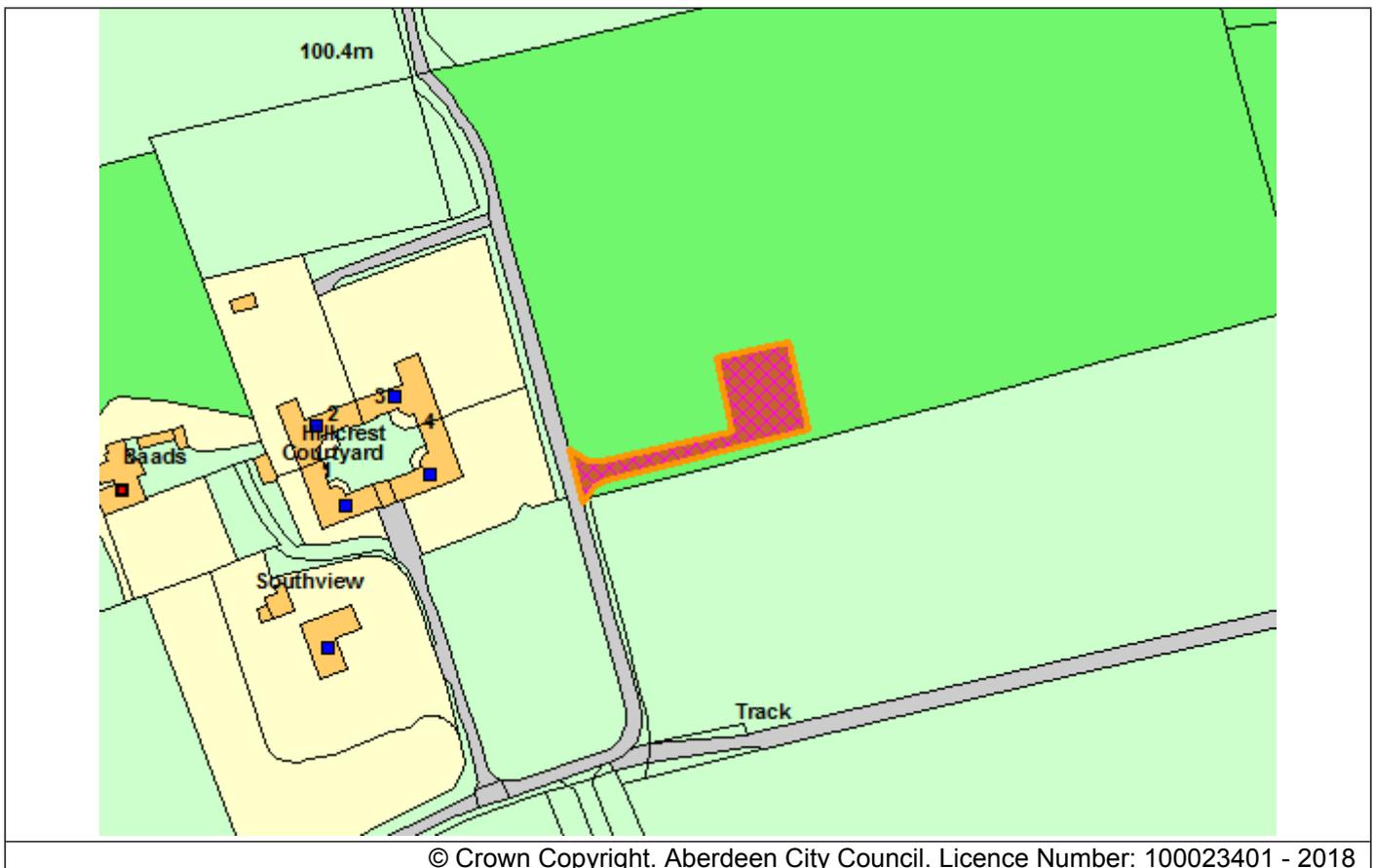


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 30 April 2020

Site Address:	Baads Farm, Anguston Road, Aberdeen, AB14 0PP
Application Description:	Change of use of land for the erection of a chalet/mobile home
Application Ref:	200040/DPP
Application Type	Detailed Planning Permission
Application Date:	20 January 2020
Applicant:	Mrs Alison Stewart
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	Jane Forbes



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site is located in the countryside some 3.5km to the north west of Peterculter, to the east of Baads and a group of houses known as Hillcrest Courtyard. The site extends to an area of some 734m² and forms part of a wider area of uncultivated and unused agricultural land extending to 2.3 hectares, located to the east of Hillcrest Courtyard. The application site extends along the southern boundary of the wider area of agricultural land, where there is a gradual rise in ground level from south to north, with the northern boundary of the wider site forming the crest of the hill. To the south of the application site are fields, whilst to the west and across an access track are six houses. Access to the site is initially via a 350 metre long tarred, single track, private road which serves the neighbouring houses, followed by an unsurfaced track for a further 80 metres.

Relevant Planning History

Planning permission (Ref: P110648) was approved by Planning Committee, against officer recommendation, on the 11th October 2011 for the erection of a residential dwelling, garage and associated stud farm. Conditions applied to the planning permission included restriction on the occupancy of the house to a person employed full time in the stud farm business and the dependants, widow or widower of such a person; ensuring that the stables and associated infrastructure are constructed and available for use prior to the commencement of the construction of the house and garage; restricting the hours of construction; requiring the submission of schemes of all external lighting and drainage/sewage facilities, and of samples of all external finishing materials; and the provision of landscaping and tree planting on site.

Planning permission (Ref: P120873) was approved under delegated powers on the 27th July 2012 for a variation to condition 7 to allow for the disposal of sewage effluent by means of a suitable primary and secondary treatment system as designed by a qualified engineer.

Two applications for planning permission (Ref: P140187 & Ref P141149) were refused under delegated powers in March and September 2014 for the removal of Condition 1 (Control of Occupancy) from Planning Permission Ref: P120873, the latter of these decisions being upheld by the Local Review Body on 15th December 2014.

A subsequent application for planning permission (Ref P150074), again seeking removal of Condition 1 (Control of Occupancy) was submitted in January 2015, however the Planning Authority declined to determine this application, as permitted under Section 39(1)(b) of the Town and Country Planning (Scotland (Act) 1997, on the basis that within the previous two years, two similar applications had already been refused and there had been no significant change in the development plan or in any other material consideration since the third application was submitted in January 2015.

Finally, a further application for planning permission (Ref 181084/S42), once again seeking removal of Condition 1 (Control of Occupancy) of Planning Permission Reference P120873 was submitted in June 2018 and refused under delegated powers on 30 August 2018.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of land to a caravan site for the erection of a 2 bedroom residential chalet/mobile home. The drawings submitted with the application indicate the chalet/mobile home, which the applicant has stated would be located within the site for a period of up to 5 years, has a footprint of 73m² (12.2 metres x 6 metres), and a ridge height of 4.25 metres. No details of the material finish of the chalet/mobile home have been provided, but it has been identified as a 2 bedroom, 'Westfield' style Omar Park Homes type, which is of residential standard and considered suitable for permanent residence. It would be situated within a site of some 734m²,

and accessed off an existing unsurfaced track. The application site forms part of a wider development site for which conditional planning consent was granted in 2011 for a stud farm, residential dwelling and garage, with limited works relating to that consent having been carried out, including fencing and clearing of overgrowth.

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=Q41E0IBZMKF00>

- Planning Policy & Design Statement
- Correspondence from the Agent, on behalf of the Applicant, dated 3rd, 18th and 26th February 2020.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal has attracted six or more objections from the public and an objection from Culter Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No objection on the basis that the proposed development would be a temporary feature with adequate parking, and access provided via a private road with no through access.

ACC - Environmental Health – No objection. Recommend that, due to the public health risks associated with inadequate private water supply sources, associated sampling, treatment and system maintenance costs and the risk of insufficient supply during dry periods, suitable demonstration is given that the mains water supply as proposed by the applicant is established at the property.

Culter Community Council – Object to the application for the following reasons:

1. The proposal and Change of Use is not consistent with Policy NE2 (Green Belt)
 - there is no commitment to - only an indication of a wish to start - an agricultural business, if indeed a stud farm or livery business can be construed as 'agricultural'
 - there is no existing activity with which this proposal could be associated
 - the proposal does not deliver what anyone could describe as the required "highest quality" on siting (a very prominent position is proposed), nor on design and materials (the proposed mobile home appears to be a standard commercial product)
2. It is crucial for the current application to be refused, in order for the Planning Authority to avoid unrestrained development of new residential buildings in the Green Belt.
3. All of the City's Green Belt is within easy (car-based) commuting distance of Aberdeen's businesses, and is therefore "in danger of suburbanisation of the countryside" quoted by the Scottish Government's Chief Planner; this justifies a more-restrictive approach on planning than would be appropriate in the wider countryside.
4. Granting permission for this or any similar application without an agricultural tie on occupation of the proposed dwelling would set a clear precedent making Policy NE2 Green Belt effectively unenforceable from this point on.

5. From any future applicant's perspective, there are already precedents whereby there has been no evidence to show that there is a financially robust agricultural business requiring daily attendance to justify a new residence in the Green Belt.
6. If permission were to be granted in this case, on what grounds could the Planning Authority realistically resist a request for extension of the permission, or conversion into permission for a permanent house, in each case without any restriction on occupation?
7. The present case must either be refused, or granted only on the same basis as P110648, that is, with a binding commitment to start an agricultural business before putting in the mobile home, and with an agricultural tie on occupation having exactly the same effect as Condition 1 attached to the permission for P110648.

REPRESENTATIONS

6 letters of objection have been received. The matters raised can be summarised as follows:

1. The proposed land use (chalet/caravan) constitutes a change of use of the land and is not consistent with policy NE2 (green belt) of the Aberdeen Local Development Plan and is also not consistent with the previous planning consents (P110648 and P120873), which require that the stud farm becomes operational before the associated dwelling is constructed;
2. The proposed design and material finish of the chalet/caravan is not 'high quality' as required by policy NE2;
3. Approval of the proposal would set a precedent for further housing in the green belt;
4. Ownership of the site changed hands in October 2019 and there is concern the new owner has different ideas for the site;
5. Conditions of occupancy for the chalet need to remain the same as those imposed on the main dwelling i.e the stables and associated infrastructure shall be built and in use prior to building a residence, that any associated dwelling is occupied by someone working full time at the stables;
6. The chosen location of the chalet is in a very prominent position, highly visible from the Anguston Road and with the potential to become an eyesore;
7. The proposed hardstanding damages the agreed Landscape Plan. There is adequate permanent hardstanding proposed for the site which could accommodate the chalet;
8. The proposed temporary septic tank is not in compliance with the approved Drainage Impact Assessment. The permanent Sewage Treatment System should be installed and made operational for the use of the chalet, as per conditions of planning;
9. In the nine years since planning was granted, for an urgent stud farm, there have been block and fences, and at no point have they required security;
10. Believe this latest application to be a flagrant attempt to circumvent planning regulations, and that the request to erect a chalet/mobile home signals plans to apply in the future for permission to erect a house/houses, without the current stipulation that a livery must be built and established as a business before the house is built;
11. The existing approved planning consent is subject to the successful setting up of a viable business on the site ahead of construction of the dwelling. Since this was granted in 2011 there has been no effort made to prepare the land for equestrian use, and the proposal for this temporary dwelling gives no information as to what work is to be undertaken with the land to make it suitable for an equestrian business, (Fences, land remediation, stables etc);
12. The existing planning permission was granted on conditions that a viable stud farming business was to be established. The house (now a proposed mobile home) was supposed to be tied to the business for accommodation of the business applicants and their employees. There is no viable stud farm business operating;
13. There have been unsuccessful attempts in the past to remove the business use from the planning application, it is believed this is just another way of trying to remove the restrictions on the original consent;

14. The proposed duration, five years, which it notes may need to be extended is not a temporary arrangement but a clear attempt to circumvent the previous planning restrictions;
15. It should take no more than 2 years to build the livery and then house, and therefore planning permission should reflect this more reasonable timescale to minimise the impact on the local community;
16. If this is to be approved it should require the stables to be built within six months and the house within a further six. Occupation should be restricted to the applicant;
17. The temporary septic tank does not comply with the approved drainage assessment. The soil type at Baads is not suitable for a soakaway for a septic tank, and therefore an alternative type of sewage treatment system is required. Clause 7 of the conditional planning permission states that a suitable secondary treatment system has to be constructed to provide adequate sewage facilities and to safeguard public health. This is required before any residential use can be built;
18. The private road leading to The Baads is single track, has no passing places, no turning points and has a hazardous blind corner. It is unsuitable for additional traffic especially horse boxes and horse transporters on a commercial scale;
19. Anguston Road is a dangerous road, and any moves which will add to the traffic should not be supported without substantial upgrading work to the road which is in pressing need of sustainable repair and even widening in areas. The level of traffic on the road has compounded problems of potholes, narrow sections of road leading to eroded verges (often into deep ditches) and blind corners;
20. Approval of this application would not support parity of process with recent approval for the erection of a domestic garage subjected to very intense scrutiny because of the green belt location and compliance with detailed and very strict stipulations about the materials and suitable screening in order to preserve the local environment and landscape. It seems preposterous therefore, that consideration could even be given to allowing the erection of a chalet or mobile home with none of the provisions for use of sympathetic building materials or screening;
21. The field where the chalet/mobile home is to be erected is in a dreadful state of neglect. It has been left to seed for over 20 years and has large piles of stones and building waste on it and will require considerable effort and expenditure to restore to any kind of workable area for the accommodation of horses. Clearing this area and erecting the livery first should be the priority to establish whether the livery is actually feasible prior to any accommodation/house being built;
22. The original application from 2011 states that the applicant was intending to relocate their stud farm and living accommodation on site due to problems with extending their lease at that time. Due to the time period of almost nine years that has elapsed since the original application, the planning board should establish if this situation still exists as valid grounds for the application at all;
23. Believe that this application is simply yet another outright attempt to subvert due process and to bypass previous planning decisions by establishing a footprint for a future build for which permission will be sought down the line.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

National Planning Policy and Guidance

Scottish Planning Policy

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable

economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

Aberdeen Local Development Plan (2017) (ALDP)

Policy NE2 (Green Belt)

Policy D1 (Quality Placemaking by Design)

Policy T2 (Managing the Transport Impact of Development)

Policy NE6 (Flooding, Drainage & Water Quality)

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be, and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies of the Proposed ALDP are relevant to this application:

Policy NE1 (Green Belt)

Policy D1 (Quality Placemaking)

Policy T2 (Sustainable Transport)

Policy NE4 (Water Infrastructure)

EVALUATION

Background

Planning permission was granted on the 11th October 2011 for the erection of a dwellinghouse, garage and associated stud farm at Baads Farm. Whilst the site was located within the Green Belt,

where policies are generally restrictive, it was judged that a house was required to support the proposed stud farm business, which was relocating from another site outwith the city boundary. The application was approved against officer recommendation on the basis *“that the application was not contrary to Policy 28 of the Local Plan as the proposed buildings would not be higher than the others in the landscape and the proposed business was an agricultural activity within Policy 28”*.

Conditions were applied to the planning permission which included restricting the occupancy of the dwellinghouse to a person employed full time in the stud farm business and the dependants, widow or widower of such a person; phasing the development to ensure that the stables and associated infrastructure are constructed and available for use prior to the commencement of the construction of the house and garage; restricting the hours of construction; requiring the submission of schemes of all external lighting and drainage/sewage facilities, samples of all external finishing materials, the provision of landscaping and tree planting on the site.

An application to remove Condition 1 (control of occupancy) was submitted and subsequently refused in March 2014, as the deletion of the condition would mean that the proposal would be contrary to Policy NE2 (Green Belt) of the ALDP as well as Scottish Planning Policy. The reasoning for this refusal was as follows:

“The proposed deletion of Condition 1 of planning permission P120873, relating to occupancy, is contrary to Scottish Planning Policy and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan, which seek to protect the integrity of Green Belts and, in particular, seek to avoid the granting of individual planning permissions to prevent the cumulative erosion of a green belt. If it were not for the specific individual requirements of the business the house would not have complied with planning policy and ultimately refused. The removal of this condition would undermine the policies which seek to protect the integrity of the Green Belt which seeks to safeguard against unsustainable development and suburbanisation of the area. It was judged necessary to impose Condition 1 to ensure that the development complied with planning policies. It is judged that Condition 1 meets the tests set out in Circular 4/1998. The advice in the letter from the Chief Planner (04.11.2011) has been considered. The proposal to delete Condition 1 is considered unacceptable in planning policy terms.”

A second application to remove Condition 1 was submitted and refused under delegated powers in September 2014, and the decision upheld by the Aberdeen City Local Review Body on 15 December 2014.

The reason given by the LRB for refusing the application and upholding the decision of the appointed officer was:

“The proposed deletion of Condition 1 of planning permission P120873, relating to occupancy, is contrary to Scottish Planning Policy and NE2 (Green Belt) of the Aberdeen Local Development Plan which seek to protect the integrity of Green Belts and, in particular, seek to avoid the granting of individual planning permissions to prevent the cumulative erosion of a green belt. If it were not for the specific individual requirements of the business the house would not have complied with planning policy and ultimately refused. The removal of this condition would undermine the policies which seek to protect the integrity of the Green Belt which seeks to safeguard against unsustainable development and suburbanisation of the area. It was judged necessary to impose condition 1 to ensure that the development complied with planning policies. It is judged that condition 1 meets the tests set out in Circular 4/1998. The advice in the letter from the Chief Planner (04.11.2011) has been considered. The proposal to delete condition 1 is considered unacceptable in planning policy terms and no sufficient justification has been submitted from the previous refusal (P140187) in order to justify the removal of the condition”.

A third application to remove condition 1 was submitted under planning application P150074. The

Planning Authority exercised its power to decline to determine this application under Section 39(1)(b) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, which provides planning authorities with discretionary powers to decline to determine planning applications in circumstances where more than one similar application has been refused without an appeal to the Scottish Ministers within the previous two years and where there has been no significant change to the development plan or in any other material considerations.

Finally, a fourth application to remove condition 1 was submitted under planning application 181084/S42 in June 2018 and refused under delegated powers in August 2018. The reasoning for this refusal was as follows:

“The proposed deletion of Condition 1 of planning permission P120873, relating to occupancy, is contrary to Scottish Planning Policy and Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan, which seek to protect the integrity of Green Belts and, in particular, seek to avoid the granting of individual planning permissions to prevent the cumulative erosion of a green belt. If it were not for the specific individual requirements of the business, the dwellinghouse would not have complied with planning policy and would ultimately have been refused. The removal of Condition 1 would undermine the policies which seek to protect the integrity of the Green Belt, and safeguard against unsustainable development and suburbanisation of the area. It was deemed necessary to apply Condition 1 in order to ensure that the development complied with planning policies. It is judged that Condition 1 meets the tests set out in Circular 4/1998. The advice in the letter from the Chief Planner (dated 4 November 2011) has been considered. The proposal to delete Condition 1 remains unacceptable in planning policy terms and there has been no additional supporting information submitted from either of the previous refusals (Ref: P140187 & P141149) which would justify its removal.”

Excavation work was carried out on site in September 2014 in order to secure ‘initiation of development’, and as such, planning permission for the stud farm, dwelling house and garage is now retained in perpetuity. In support of the original application which was granted consent in October 2011, it had been stated that there was an urgent need for the applicant to relocate the stud farm business which was already in operation, because at that time the lease for land from where the business was operating was not being renewed. The statement submitted in support of the 2018 application outlined above (Ref 18/1084/S42) advised that the site had been on the market since April 2014. From the information submitted in support of this current application it would appear that the site has indeed changed hands since that 2018 application was determined.

Supporting Document

The agent has submitted a Planning Policy & Design Statement on behalf of the applicant, and in support of the application. This supporting document states that: *“the applicant has purchased the application site at Baads Farm for the purposes of developing the equestrian business [stud farm] and building the dwellinghouse as approved under the terms of planning permission.”* The document acknowledges that the dwellinghouse approved under planning permission P110648 (and subsequently P120873) cannot be built until such time as the stud farm is established and states that in order to allow the applicant and family to oversee the development of the stud farm and thereafter the dwellinghouse, for on-site security and to avoid unnecessary travel, temporary residential accommodation is required in the form of a chalet/mobile home, for a period of 5 years.

The supporting document states that *“the proposed change of use of land to accommodate the chalet (caravan) is an appropriate form of development.”* and that *“A temporary permission is sought for a period of 5 years. This will allow ample time for the applicant to establish the stud farm business and build the dwellinghouse approved. Thereafter, the chalet and associated infrastructure will be removed unless a further application to extend the lifetime of the development is submitted.”* The supporting document also states that the chalet (caravan), being located within the curtilage of the

2011 permission *“is in accordance with the terms of Policy NE2 and is not contrary to any other policy in the LDP”*.

Principle of Development

The site lies within an area which is designated as green belt, as supported by Scottish Planning Policy, and is therefore zoned under Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan (ALDP). Policy NE2 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’.

The following exceptions apply to this policy:

1 Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:

- a) The development is within the boundary of the existing activity;
- b) The development is small-scale;
- c) The intensity of activity is not significantly increased; and
- d) Any proposed built construction is ancillary to what exists.

2 Essential infrastructure (such as electronic communications infrastructure, electricity grid connections, transport proposals identified in the LDP or roads planned through the masterplanning of opportunity sites) will only be permitted if it cannot be accommodated anywhere other than the Green Belt.

3 Buildings in the Green Belt which have a historic or architectural interest, or a valuable traditional character, will be permitted to undergo an appropriate change of use which makes a worthwhile contribution to the visual character of the Green Belt.

4 Proposals for extensions of existing buildings, as part of a conversion or rehabilitation scheme, will be permitted in the Green Belt provided:

- a) The original building remains visually dominant;
- b) The design of the extension is sympathetic to the original building in terms of massing, detailing and materials, and
- c) The siting of the extension relates well to the setting of the original building.

5 Replacement on a one-for-one basis of existing permanent houses currently in occupation will normally be permitted provided:

- a) It can be demonstrated to the Council that they have been in continuous occupation for at least 5 of the seven years immediately prior to the date of the application;
- b) The replacement house, except in exceptional circumstances (e.g. to improve a dangerous access), occupies the same site as the building it would replace, does not permit development for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration, or landscape renewal.

Approval of this application would see a change of use of the land to a caravan site. The proposal indicates that one chalet/mobile home would be located on the site, and for a period of up to 5 years. Whilst accepting that the principle of erecting a dwellinghouse within the wider site was supported under planning application Ref P110648 (and subsequently P120873), it is of particular relevance in the assessment of this current application to note that in granting consent in 2011, the Planning Development Management Committee deemed the residential element of the application at that time acceptable on the provision that the stud farm business, which was to be relocating from another location, is constructed, completed and operational prior to the approved dwellinghouse and

associated domestic garage being constructed and occupied, and a condition was applied by the Committee to this effect.

The stated purpose for the the proposed chalet/mobile home, as explained in the Planning Policy & Design Statement submitted by the applicant's agent, and bearing in mind that the approved dwellinghouse cannot be built until the stud farm has be constructed and brought into use, is "*To allow the Applicant and her family to oversee the development of the stud farm...*". Whilst that may be the case, it is important to note and to take in to consideration that if planning permission was to be granted for the change of use of land to a caravan site to allow for a chalet/mobile home to be located within the site, it could be implemented without the stud farm or any part of the 2011 permission, or subsequent 2012 permission, being progressed. This is a stand-alone application, and as such, it would be feasible that only the change of use to caravan site and subsequent residential occupancy of the site could occur. Similarly, the original application for the stud farm, dwellinghouse and garage could be implemented alongside this current permission for the caravan site, with the resulting cumulative impact of both consents being delivered also a relevant consideration. Finally, it would also be possible for those occupying the chalet to have no link to the applicant or the future stud farm and dwellinghouse.

It is also pertinent to note that planning permission is required solely for the change of use of the land to a caravan site, and although a separate caravan site licence would be required to allow for the chalet/mobile home to be located on the site, the erection of the chalet/mobile home in itself would not require planning permission. Whilst information has been submitted specifically relating to the type and style of chalet/mobile home to be located on the site, this level of detail is actually outwith the control of the planning authority. Furthermore, if consent were to be granted for the change of use of the land as proposed, the applicant would be under no obligation to install the specific chalet/mobile home which has been identified as part of the proposal, and could potentially install any style/colour/scale of caravan/mobile home/chalet falling within the definition of a caravan (under Section 29(1) of the Caravan Sites and Control of Development Act 1960; modified by Section 13(1) of the Caravan Sites Acts 1968 and by the Caravan Sites Act 1968 (Amendment of Definition of Caravan) (Scotland) Order 2019).

It was at the time of the original permission being granted, and remains to be the considered opinion of the planning authority, that provision of any form of residential accommodation on the site in advance of the stud farm being constructed and brought into use, would be contrary to the terms of Policy NE2 (Green Belt). There have no substantive changes to green belt policy, either in terms of Scottish Planning Policy or the Aberdeen Local Development Plan, that would warrant or justify now taking a different approach. Indeed, the agent's letter of 18 February 2020 appears to acknowledge this, stating "*The terms of the planning permission granted in 2011 are clearly understood by the Applicant and she has bought the land knowing that the equestrian use has to be established before the dwellinghouse is built and occupied*". Whether it's the dwellinghouse granted in 2011 or the change of use of land to caravan site to accommodate a chalet for which permission is now sought, the same principle applies.

As noted above, the Planning Policy & Design Statement states the purpose of the chalet is to allow the applicant to oversee the development of the stud farm. It states also that it "*will allow the applicant...(to have)...direct/ease of access to the land....avoid unnecessary travel. In effect, on-site security will be created*". Notwithstanding, it has not been explained or justified why a permanent on-site presence is necessary during the construction of the stud farm. It is acknowledged, however, that a case potentially could be made following the construction of the stud farm and business and it having become operational for allowing on-site temporary accommodation whilst the permanent dwellinghouse is being built. However, that is not what is being sought in this application and thus it is not directly relevant to this assessment and determination.

This is a new and totally separate planning application which is being considered. Planning permission is being sought solely for a change of use of land to caravan site to allow for the erection of a chalet/mobile home, and the proposal must therefore be assessed on that basis. As such, and contrary to what is stated in the Planning Policy & Design Statement submitted in support of the application, the proposal is clearly contrary to Policy NE2 (Green Belt) of the ALDP. Whilst some works, for example the erection of fencing, have been carried out and thus the 2011, or 2012 permission, has been commenced, there is no existing business in operation, and therefore the change of use of land to a caravan site to allow for the siting of a chalet/mobile home is not deemed 'essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration, or landscape renewal' as required in terms of the policy criteria. Whilst the aforementioned supporting document states that the proposal is compliant with Policy NE2 (Green Belt) of the ALDP on the basis that it is ancillary to the main use of the original permission, it is also acknowledged within that same document, that there is no stud farm business operating from the site and therefore the proposed change of use of land to caravan site would not be ancillary to any current use. As such, and contrary to what is stated in the Planning Policy & Design Statement, the proposal clearly fails to comply with Policy NE2 (Green Belt) of the ALDP.

Aberdeen City and Shire Strategic Development Plan (2014)

In terms of assessment against the Strategic Development Plan, due to the scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Design, Scale & Siting

In considering the proposal against the requirements of Policy D1 (Quality Placemaking by Design) of the ALDP, which highlights the need for development to respond to the site context and be designed with due consideration to siting, scale and massing; for it to reinforce established patterns of development; and to be well planned, with high quality design, materials and craftsmanship, then a change of use of the land to caravan site to allow for the erection of a chalet style residential home within this rural setting would likely fail to fully accord with these requirements.

The very open aspect of the site and its relative prominence within the surrounding area is such that the introduction of any caravan/chalet/mobile home within this location would be clearly visible from well beyond the curtilage of the site. It must be noted that there are certain limitations in suitably addressing the expectations of Policy D1 in the determination of this application, given that the planning authority would be granting consent solely for the proposed change of use to caravan site. However, it nevertheless remains apparent that the consequence of such consent would be the subsequent introduction of a chalet/caravan/mobile home to the site, and with limited ability to restrict the scale/design/colour/finish of the chalet/caravan/mobile home, the potential adverse visual impact on the wider area remains a material consideration in the determination of the application.

Access/Parking

The site is currently served by a private access road and the Council's Roads Development Management team has raised no objection to the proposal, advising that it is a temporary feature with adequate parking and the proposed access, which would be via a private road, would have no through access.

It is acknowledged that the proposal would not fully address the requirements of Policy T2 (Managing the Transport Impact of Development), largely as a result of the somewhat isolated location of the site which limits the measures which can feasibly be put in place to minimise traffic and maximise opportunities for sustainable and active travel. Notwithstanding this, taking into account the limited site area, partial compliance with the expectations of Policy T2 (Managing the

Transport Impact of Development) would be unlikely to raise any significant concerns.

Drainage/Water Supply

The Planning Policy & Design Statement submitted on behalf of the applicant states that drainage will be provided “in the form of a septic tank”, and subsequent correspondence submitted by the agent, again on behalf of the applicant, advises that a mains water supply will serve the proposed development. ACC Environmental Health officers have raised no objection to the proposal but advise that suitable demonstration is given that the mains water supply as proposed by the applicant is established at the property. Servicing arrangements would appear adequate for the proposed change of use of the land to caravan site for the erection of a chalet/mobile home, and as such the expectations of Policy NE6 (Flooding, Drainage & Water Quality) would be suitably addressed.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is therefore deemed unacceptable in terms of both Plans for the reasons previously given.

Matters raised by the Community Council

The majority of the concerns raised by the local Community Council have been addressed in the foregoing evaluation. The remainder of the concerns are addressed as follows:

1. *If permission were to be granted in this case, on what grounds could the Planning Authority realistically resist a request for extension of the permission, or conversion into permission for a permanent house, in each case without any restriction on occupation?* Notwithstanding that each application is assessed on its own merits, previous consent granted for the same or a similar development proposal on the same application site would be a material consideration in the determination of any future application.

Correspondence was submitted by the Agent on behalf of the Applicant, refuting a number of the concerns raised by the Community Council. The issues raised have been largely addressed in the foregoing evaluation, however the letter also maintains that the objection submitted by the Community Council has breached the Council’s Code of Conduct for Community Council’s on a number of points, including that the Community Council’s response “Does not embrace social inclusion for a family who have the right to build a business and dwellinghouse” and it “Appears to display discrimination towards the Stewart family instead of challenging it”. The Agent requested within the correspondence that the Community Council comments be withdrawn and that a modified response be submitted by the Community Council Planning Liaison Officer demonstrating “a better understanding of the planning process, the Equalities Act 2010 and the Code of Conduct”.

Taking the above into account, it should be noted that the planning authority is of the opinion that a number of the issues and concerns raised by the community council are relevant and legitimate planning matters, which the community council, as a statutory consultee, is entitled to raise. The planning authority does not believe that the Community Council is either guilty of discrimination or of failing to uphold the terms of the Equalities Act.

Matters raised in representations

The majority of the material concerns raised by objectors in representations have been addressed in the foregoing evaluation. The remainder of the concerns are addressed as follows:

4. *Ownership of the site changed hands in October 2019 and there is concern the new owner has different ideas for the site;* This is not a material consideration in the determination of this application which seeks a change of use of land for the erection of a chalet/mobile home.
7. *The proposed hardstanding damages the agreed Landscape Plan. There is adequate permanent hardstanding proposed for the site which could accommodate the chalet;* The

proposal relates to a change of use of land for the erection of a chalet/mobile home. The landscape plan which is referred to relates to a separate planning consent. However, it is acknowledged that it may not be possible to fully implement the landscaping scheme whilst the land is used as a caravan site, but could be fully complied with thereafter.

8. *The proposed temporary septic tank is not in compliance with the approved Drainage Impact Assessment. The permanent Sewage Treatment System should be installed and made operational for the use of the chalet, as per conditions of planning;* The proposal, if approved, would need to be designed to meet the appropriate requirements.
9. *In the nine years since planning was granted, for an urgent stud farm, there have been block and fences, and at no point have they required security;* This is not a material planning consideration in the determination of this application.
10. *Believe this latest application to be a flagrant attempt to circumvent planning regulations, and that the request to erect a chalet/mobile home signals plans to apply in the future for permission to erect a house/houses, without the current stipulation that a livery must be built and established as a business before the house is built;* This is not a material planning consideration. The applicant is within her rights to apply for the change of use of land for the erection of a chalet/mobile home at this site. The application is thereafter assessed against relevant planning policy and any other material consideration.
11. *The existing approved planning consent is subject to the successful setting up of a viable business on the site ahead of construction of the dwelling. Since this was granted in 2011 there has been no effort made to prepare the land for equestrian use, and the proposal for this temporary dwelling gives no information as to what work is to be undertaken with the land to make it suitable for an equestrian business, (Fences, land remediation, stables etc);* The proposal seeks a change of use of land for the erection of a chalet/mobile home and as such does not require the submission of the detailed works or site preparation for the delivery of a stud farm.
14. *The proposed duration, five years, which it notes may need to be extended is not a temporary arrangement but a clear attempt to circumvent the previous planning restrictions;* The applicant is within her rights to apply for planning permission for a period of 5 years, and for the acceptability of this period of time to be considered by the planning authority in the assessment of the application.
15. *It should take no more than 2 years to build the livery and then house, and therefore planning permission should reflect this more reasonable timescale to minimise the impact on the local community;* The applicant has applied for a change of use of land for the erection of a temporary chalet/mobile home at this site. The application is assessed against relevant planning policy and any other material consideration relating to such a proposal, and this would include considering any relevant time period for which permission could be granted.
17. *The temporary septic tank does not comply with the approved drainage assessment. The soil type at Baads is not suitable for a soakaway for a septic tank, and therefore an alternative type of sewage treatment system is required. Clause 7 of the conditional planning permission states that a suitable secondary treatment system has to be constructed to provide adequate sewage facilities and to safeguard public health. This is required before any residential use can be built;* The proposal, if approved, would need to be designed to meet the appropriate requirements.
19. *Anguston Road is a dangerous road, and any moves which will add to the traffic should not be supported without substantial upgrading work to the road which is in pressing need of sustainable repair and even widening in areas. The level of traffic on the road has compounded problems of potholes, narrow sections of road leading to eroded verges (often into deep ditches) and blind corners;* The Council's Roads Development Management team has assessed the proposal and raised no concerns with regards any increased level of traffic which would result from the proposed development.
21. *The field where the chalet/mobile home is to be erected is in a dreadful state of neglect. It has been left to seed for over 20 years and has large piles of stones and building waste on it and will require considerable effort and expenditure to restore to any kind of workable area for the accommodation of horses. Clearing this area and erecting the livery first should be the priority to*

establish whether the livery is actually feasible prior to any accommodation/house being built;
The applicant has applied for a change of use of land for the erection of a chalet/mobile home at this site and the application is thereafter assessed against relevant planning policy and any other material consideration relating to such a proposal. The state of neglect of land within or outwith the application site is not a material consideration.

Other remaining matters to consider

The Planning Policy & Design Statement submitted by the agent on behalf of the applicant, and in support of the application, refers to the proposed development as falling within the definition of a caravan in the Caravan Sites and Control of Development Act 1960, as supplemented by the Caravan Sites Act 1968, and therefore that the application “should be assessed as a change of use of the land on which the caravans would be sited”. The Statement also refers to the recent Caravan Sites Act 1968 (Amendment of Definition of Caravan) (Scotland) Order 2019 and concludes that the proposed chalet/mobile home falls within the definition of a caravan and as such would not be classed as operational development.

Conclusion

Both national and local planning policies seek to protect the integrity of the Green Belt and the granting of individual planning permissions which lead to the cumulative erosion of the green belt are therefore deemed contrary to such policy. If it had not been for the specific individual requirements of an existing stud farm business which was granted consent at Baads Farm in 2011, the associated dwellinghouse would not have complied with planning policy and consent would not have been granted at that time.

The same condition which was applied in 2011 and subsequently under planning application Ref P120873 continues to be valid and relevant today, under current Green Belt policy, namely that the stud farm that was granted planning permission and all associated infrastructure had to be constructed, completed and brought into use prior to construction starting on the dwellinghouse and garage. The condition was applied to ensure that the dwellinghouse and garage were only constructed in association with an operational business, in accordance with Green Belt policy.

This current application seeks permission for a change of use of the land to caravan site for the erection of a chalet/mobile home for residential purposes for a period of up to 5 years. The Planning Policy & Design Statement submitted in support of the application states that the chalet/mobile home and infrastructure would be removed after the 5 year period, unless a further application to extend the lifetime of the development is submitted. There is therefore clearly a risk that an extension could be sought to retain the chalet/mobile home beyond the 5 year period if the stud farm business is not operational within that time and thus could become a more permanent place of residence.

There has been no reasonable justification provided which would support the introduction of a residential use at this location. Furthermore, there is no guarantee of the previous permission being implemented, nor any means of ensuring that the caravan site is only occupied if the previously approved stud farm is constructed and brought into use. Taking all of this into account it is apparent that such a proposal is contrary to Green Belt Policy.

In the event that members are minded to grant the change of use, conditions limiting the number of caravans/chalets/mobile homes on site (in order to protect the landscape character and setting of the green belt) and the duration of permission are recommended, with 3 years deemed sufficient to allow for the previously approved stud farm to be built and become operational and for the construction of the dwellinghouse.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The proposed development comprises a change of use of land to caravan site for the erection of a residential chalet/mobile home for a period of up to 5 years. This is a stand-alone application, which if approved, would allow for the change of use to caravan site and subsequent residential occupancy of that site to occur without any obligation for the construction of the previously approved stud farm being progressed.

It is the considered opinion of the planning authority that provision of any form of residential accommodation on the application site in advance of the aforementioned stud farm being constructed and brought into use would undermine the policies which seek to protect the integrity of the Green Belt, and safeguard against unsustainable development and suburbanisation of the area. Such development would have an adverse effect on the character of the area and the landscape setting within which the site lies.

The proposed development would be clearly contrary to the expectations of Scottish Planning Policy (SPP) and to the requirements of Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan, and would only partially address the expectations of Policy D1 (Quality Placemaking by Design) and Policy T2 (Managing the Transport Impact of Development).

2. That the proposal, if approved, would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic, temporary residential accommodation in the Green Belt, and in turn lead to the erosion of the character of the Green Belt and adversely affecting the landscape setting of the City.