

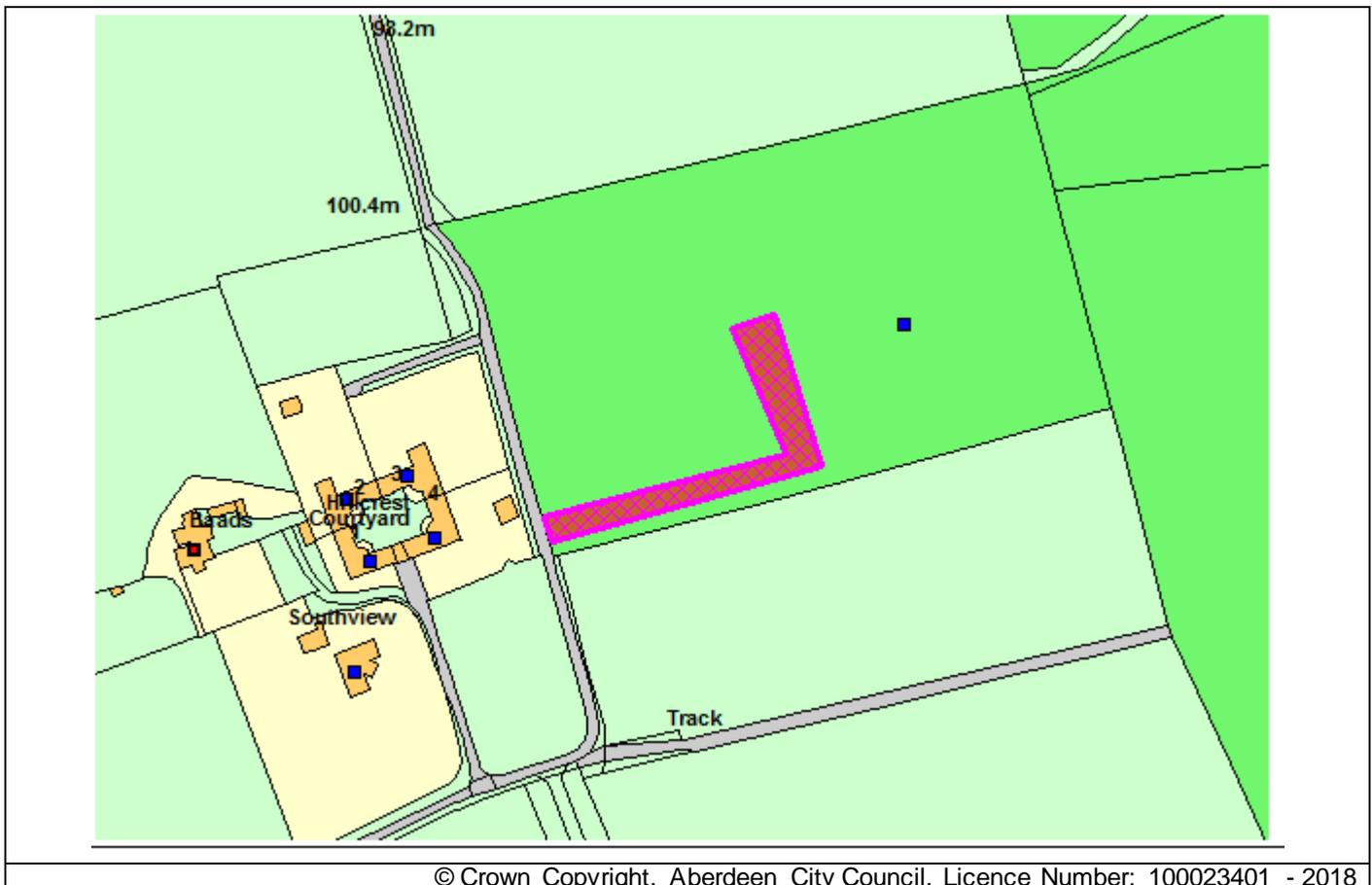


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 30 September 2021

<b>Site Address:</b>	Baads Farm, Anguston Road, Peterculter, Aberdeen AB14 0PP
<b>Application Description:</b>	Change of use of land for siting of 2 caravans for temporary period (retrospective)
<b>Application Ref:</b>	210998/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	14 July 2021
<b>Applicant:</b>	Mr & Mrs G. Stewart
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Culter
<b>Case Officer:</b>	Jane Forbes



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### **RECOMMENDATION**

Refuse and Enforce

## **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. It extends to an area of some 712.3m<sup>2</sup> and forms part of a wider site of some 2.3 hectares which includes agricultural land, a stable block and a temporary mobile home. The application site lies within the southern half of the wider site, and to the east of an area of land accommodating the aforementioned mobile home. The ground level across the wider site rises from south to north, with its northern boundary forming the crest of a 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 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 11<sup>th</sup> 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; requiring the stud farm and all associated infrastructure to be constructed, completed and brought into use prior to the commencement of the construction of the dwellinghouse and garage, in order to ensure that the dwellinghouse and garage were constructed only in association with and for an operational business; 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 27<sup>th</sup> 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 15<sup>th</sup> 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.

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<sup>th</sup> August 2018.

An application was submitted in January 2020 for detailed planning permission (Ref: 200040/DPP), seeking a change of use of land to a caravan site to allow for the erection of a residential chalet/mobile home on the site for a period of up to 5 years. The application was refused at Planning Development Management Committee on 30 April 2020. The decision was subsequently appealed through the Scottish Government's Planning & Environmental Appeal's Division, and the appeal dismissed by Scottish Ministers in July 2020, with planning permission refused and a separate claim

for an award of expenses declined.

Finally, a further application was submitted in December 2020 for detailed planning permission (Ref: 201480/DPP), once again seeking a change of use of land to a caravan site to allow for the erection of a residential chalet/mobile home on the site for a period of up to 18 months. The application was approved conditionally at Planning Development Management Committee on 22<sup>nd</sup> April 2021.

Conditions applied to the planning permission included a restriction on the occupancy of the mobile home to a person employed full-time in the stud farm (approved under application Ref P110648 & P120873) and the dependants, widow or widower of such a person; limiting the use of the caravan site to one caravan/mobile home/chalet on site at any one time; time limiting the implementation of the change of use to caravan site to no later than 6 months from the date of the decision notice (ie that the change of use be implemented no later than 6 months from 22<sup>nd</sup> April 2021 ie. implemented by 22<sup>nd</sup> October 2021); and for the change of use to caravan site to be permitted for a period of no longer than 18 months from the date that the change of use is implemented.

Formal notification was received from the applicants that the change of use of the land to caravan site was implemented on 20<sup>th</sup> May 2021, with the introduction and occupation of a chalet/mobile home since that date.

The applicants agent advised the planning authority on 14 September 2021 that the stud farm 'Stewart Greenpasture' was a registered business and that there was one stallion on site that travels to mares elsewhere. Taking this into account and following a site visit by officers, the current position is that there is no clear evidence to demonstrate that a stud farm business is operating on site.

Following on from this it is of particular relevance to note that development in relation to planning permission Ref 201480/DPP will only have commenced when in compliance with all conditions applied to that consent. In this respect, and on the basis that the chalet/mobile home on site is not being occupied by someone employed full time in the stud farm, there is a clear breach of condition and therefore development as approved (ie change of use to caravan site) has not been formally implemented.

The 6 month time limit for implementing the approved development (ie the change of use to caravan site) is therefore still running and unless there is an initiation of development on site which fully addresses all conditions applied to planning permission Ref 201480/DPP, the permission granted for the change of use to caravan site on 22 April 2021 will formally expire on 22 October 2021. After 21 October 2021, if the stud farm has not been brought into use and as a direct consequence occupation of the caravan is by someone not employed full time in the stud farm, then the caravan would have to be removed from the site.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the change of use of land to a caravan site for the siting of 2 caravans for a temporary period of 18 months. The application is retrospective, with the application form stating the 2 touring caravans have been on site since 4<sup>th</sup> June 2021 and that the applicants were unaware of the need for planning permission.

### **Supporting Documents**

All drawings and supporting information associated with the application can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QVZJ5DBZLMM00>

- Correspondence from the Agent, on behalf of the Applicants, dated 25<sup>th</sup> August 2021.

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the proposal has attracted eight 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 concerns raised.

**ACC - Environmental Health** – No objection on the basis that sufficient evidence has been provided demonstrating that a mains water connection has been made to Baads Farm thereby ensuring a mains water supply is available for the proposed caravans.

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

#### No justification for further breaches of Policies

1. The current application comes with no justification whatsoever to support putting aside the requirements of the very clear Condition 2 on their existing planning permission 201480/DPP.
2. We believe the current application fails not only under Policy NE2 (given that a very specific exemption has already been provided for a single mobile home under 201480/DPP), but also under Policy D1.
3. The Reporter who heard the appeal on the earlier application 200040/DPP noted that a single mobile home for a limited period would be allowable under Policy D1; the Reporter was therefore of the view that more than a single mobile home would not be allowable under Policy D1.

#### Precedent

4. If the Planning Authority is serious about maintaining the integrity of the Green Belt, and avoiding suburbanisation of the local countryside, then this application has to be refused.
5. We do strive to look at every planning application on its own merits. In the present case, though, the applicants' claim that they were "unaware of [the] need for planning permission" – despite them being intelligent, alert people with a long history of making planning applications both on this site (including the very clear Condition 2 on their current planning permission) and elsewhere in the area – and the continuing stream of slightly-modified applications, does suggest an intent to push the boundaries of what is permitted under policy NE2 in the Green Belt.
6. Should this application be accepted, we must expect that it would embolden the applicants to submit further applications.
7. To grant permission in this case will make it nigh-on impossible for the Planning Authority to resist other similar applications in the future.

#### Conclusion

8. This application fails to comply with Policies NE2 and D1 and needs to be refused, both for protection of the Green Belt in this specific case, and in addition to send a clear signal to developers, landowners and to civil society that the planning policies are upheld and enforced.
9. The applicants have permission to establish and run a stud farm on this site; to install a single mobile home to provide 24-hour overseeing of the animals; and to construct a substantial house on the site. There is support in the neighbouring community for the applicants to concentrate on this already permitted scope of activities and make a success of life at Baads.

## **REPRESENTATIONS**

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

1. The proposal is clearly contrary to the requirements of Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan as confirmed by the Scottish Government when they considered and refused a previous appeal. It is not consistent with policies D1 (Quality Placemaking by Design) or D2 (Landscape) of the Aberdeen Local Development Plan (2017).
2. The applicants are bringing the planning process into disrepute after the approval of application 201480/DPP
3. The application fails to make reference to all relevant planning history for the site.
4. Approval was given for a temporary chalet to be on site for 18 months to allow for the approved stud farm to become fully operational as a business, thereby facilitating the dwellinghouse associated directly to the stud farm to be erected on site. The conditions applied to the planning permission for the chalet clearly stated that only one caravan/mobile home/chalet was allowed on site at any one time. The reason provided for approval of the one chalet was this level of presence was justified and deemed necessary to allow the approved stud farm to become fully operational, and in the interests of visual amenity and to protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan. Multiple homes were not supported on the site.
5. The Temporary Chalet/Mobile Home was granted for a person employed full time in the Stud Farm business. It should not need more than 1 household to look after 1 Horse.
6. Permission for these two caravans for 18 months is linked to (ref P110648) to build the residential dwelling and garage.
7. The site plan shows hardcore foundations, which also need to be removed, as this is not included in the approved site plan for the House and Garage. This additional hardcore alters site drainage characteristics and land management.
8. If this application was approved it would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic, temporary residential accommodation on this site and others in the Green Belt. In turn this would lead to the erosion of the character of the site, the Green Belt and adversely affecting the landscape setting of the City.
9. This application adversely affects the residential amenity of the surrounding area.
10. There is no valid justification for the application. The applicant does not detail who the accommodation is for or what the need is. The applicant justifies the submission based on supporting a dwelling approved under P110648. As is consistent with numerous other applications, the fact the planning was for a stud farm business and not a dwelling is ignored.
11. The application ignores that temporary accommodation was approved under 201480/DPP to allow the business to be established and for a dwelling to be built to support the business. The previous approval had clear restrictions which were ignored almost immediately, with at one point a further three caravans added to the site.
12. Concerns raised that if approved, the applicant will seek further permissions to allow for the

extended family to occupy the site.

13. Any form of residential accommodation on the application site in advance of the stud farm being brought into use, undermines the policies which protect the integrity of the Green Belt and safeguard against unsustainable development and suburbanisation of the area.
14. Such development has an adverse effect on the landscape and the character of the area, particularly given the very prominent site of the accommodation and its substantial negative visual impact.
15. The assertion that the applicants were "unaware of (the) need for planning permission" for further caravans as they cite in their application is not credible. It is clear they have considerable experience as evidenced by previous planning applications to Aberdeenshire Council.
16. Supportive of the applicants in their fulfilment of the original conditional planning approval of 2011 and for the disruption to the neighbourhood to be concluded.
17. We have been informed that a stallion is on site and that the stud farm is in operation.
18. Concerned about subversion of the original approval and the subsequent impact on the integrity of the City's Green Belt and the requirements of Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.
19. Aberdeen Council planners should ensure that the conditions of related existing planning approvals are complied with, and that green belt and local development planning policies are applied appropriately with consideration to all local residents and neighbours.

## **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 was approved in 2014. An updated version published in December 2020 is currently subject to challenge, therefore SPP 2014 remains in place.

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

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. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their 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 11<sup>th</sup> 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 at that time 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; and for the phasing of development whereby the stud farm and all associated infrastructure would have to be constructed, completed and brought into use prior to the commencement of the construction of the dwellinghouse and garage, thus ensuring that the dwellinghouse and garage are constructed only in association with and for an operational business in accordance with Green Belt policy.

Four separate applications to remove Condition 1 (control of occupancy) were submitted and subsequently refused between March 2014 and June 2018. These applications were refused on the basis that 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 the most recent decision relating to planning application 181084/S42, refused under delegated powers in August 2018 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 information provided in support of Planning Application Ref 200040/DPP, submitted in January 2020 and seeking detailed planning permission for a change of use of land to a caravan site to allow for the erection of a residential chalet/mobile home on the site for a temporary period of up to 5 years, it was noted that the site had changed hands since the 2018 application had been determined, and the agent confirmed at that time on behalf of the applicants that the site had been purchased for the purposes of developing the equestrian business (stud farm) and building the dwellinghouse as approved under the terms of the original planning permission granted in 2011.

Most recently an application was submitted in December 2020 for detailed planning permission (Ref: 201480/DPP) and again seeking a change of use of land to a caravan site to allow for the erection of a residential chalet/mobile home on the site, but for a significantly reduced temporary period of up to 18 months. The application was approved subject to a number of conditions at Planning Development Management Committee on 22<sup>nd</sup> April 2021. The conditions applied included restricting the occupancy of the chalet/mobile home to a person employed full-time in the stud farm (approved under application Ref P110648 & P120873) and the dependants, widow or widower of such a person and, quite pertinently in terms of this current application, a condition was applied which limited the use of the caravan site to one caravan/mobile home/chalet being on site at any one time.

As previously highlighted, we have seen no evidence to demonstrate that a stud farm is operating from the site and there is therefore the likelihood that the aforementioned chalet/mobile home which is on site under the terms of planning permission Ref: 201480/DPP is unauthorised.

### **Supporting Document**

The agent has submitted a letter on behalf of the applicants, and in support of this current retrospective application. This letter states that: "the two caravans in regards to the application are nothing more than to provide sleeping accommodation for his elder children as room within the chalet is limited. One is male and the other female, hence they want for separate sleeping accommodation for each of them. Regarding the point made that there is no physical building activity taking place on the site, whilst this is accurate, we have a live Building Warrant application (ref. 210441) under consideration by your council which we are currently working through technical observations from the officer. Whilst we are aware that the original permission was for one temporary unit, we would appreciate your continued support for temporary accommodation on the site."

### **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.

It is acknowledged that the Planning Development Management Committee granted consent on 22<sup>nd</sup> April 2021 for a change of use of land to caravan site for the erection of one caravan/mobile home/chalet for a period of up to 18 months on land immediately adjacent to the current application site and which forms part of the wider site at Baads Farm. Whilst the proposal was deemed contrary to both Policy NE2 (Green Belt) & Scottish Planning Policy, clear justification was provided in support of the application at that time, ie in January 2020, indicating that residential accommodation on site was required by the applicants for a period of 18 months in order to provide the appropriate levels of safety and welfare provision necessary for the previously approved stud farm to become fully operational as a business. Conditional consent was therefore granted on that basis with conditions clearly limiting the change of use to caravan site to one caravan/mobile home/chalet on site at any one time, and for that single caravan/mobile home/chalet to be occupied by no-one other than a person employed full-time in the stud farm and the dependants, widow or widower of such a person.

It was considered that suitably robust evidence had been provided in support of the aforementioned proposal demonstrating that the business operation of the previously approved stud farm was

imminent, and that the status of the stud farm at that time was such that a 24 hour on-site presence would be required to facilitate the setting up of the stud farm and to provide the appropriate welfare and security arrangements for horses associated with the stud farm to be kept on the site. With this in mind it was considered that there were material considerations which carried sufficient weight and provided clear justification for the planning authority to support the application in that instance, notwithstanding that the proposal was contrary to the requirements of Policy NE2 (Green Belt) of the ALDP.

In terms of this current application, consent is now being sought for a further change of use of land to a caravan site, to allow for an additional two caravans currently sited on the land to remain, with the proposal indicating that this would be for a period of up to 18 months. Taking into account the specific requirements of Green Belt policy, it is apparent that the proposed use is neither essential for an agricultural purpose, and notwithstanding that it would be for a temporary period, nor does such a use fall within the remit of any of the exceptions listed above. As a result the principle of a change of use to caravan site for the temporary siting of two caravans is deemed contrary to Policy NE2 (Green Belt) of the ALDP.

### **Material considerations**

Correspondence has been submitted in support of the proposal which states that the two additional caravans which have been located on site since early June 2021 are now required due to the limited capacity of the existing temporary chalet which was approved in April 2021, and the applicants wish to provide separate sleeping accommodation for two elder children. Full details of the 2 double bedroom chalet currently located on the Baads site were provided by the applicants, in support of the previous application, and therefore as recently as December 2020 when the application was submitted, the level of sleeping accommodation which the chalet would provide was clearly identified and it would appear therefore, was deemed sufficient. The applicants desire to now provide additional temporary accommodation within separate caravans is not considered to be a material consideration in the determination of this application.

The aforementioned correspondence also states that there is a live building warrant application under consideration by the Council, and the agents are working through technical observations which have been made by the responsible building standards officer on the detail provided. Whilst it is acknowledged that a building warrant application was indeed submitted for a dwellinghouse and associated garage at the Baads site, and validated on 1<sup>st</sup> June 2021, this in itself has little weight in terms of supporting the need for additional temporary accommodation on site. As previously outlined the temporary residential accommodation on site was deemed necessary by the applicants to allow for the approved stud farm to become fully operational as a business. The consent granted for the erection of a residential dwelling, garage and associated stud farm on the site was however subject to the stud farm and all associated infrastructure being constructed, completed and becoming operational prior to the commencement of the construction of the dwellinghouse and garage. This condition was applied with a view to ensuring that the dwellinghouse and garage would only be constructed in association with and for an operational business, thereby according with Green Belt policy.

On the basis that we have seen no evidence of the stud farm functioning as an operational business, then commencing development work on site in relation to the erection of the dwellinghouse and associated garage would be unauthorised. As previously stated the stud farm must be constructed, completed and brought into use prior to commencement of the construction of the dwellinghouse. So notwithstanding that there is in fact no building warrant currently in place for the dwellinghouse, the status of any building warrant application is largely immaterial to the delivery of the dwellinghouse at this point in time in the absence of an operational stud farm business.

In considering the personal circumstances which are outlined within the supporting information submitted by the agent on behalf of the applicants it is particularly relevant to consider the Scottish

Ministers Appeal Decision of 20<sup>th</sup> July 2020 (Planning Appeal Ref: PPA-100-2111) which relates to the appeal against the decision by Aberdeen City Council to refuse planning application Ref 200040/DPP for a change of use of land at Baads Farm for the erection of a chalet/mobile home for a period of up to 5 years, where the appeal was dismissed and planning permission refused. It is noted from the appeal decision that the Reporter has stated that if personal circumstances are to be considered in the determination of the application, the onus is on the appellant to demonstrate the reasons why such circumstances are either special or exceptional and should therefore be taken into account.

With this in mind, it is considered that whilst the supporting information submitted by the agent on behalf of the applicants suggests that their personal circumstances are such that the introduction of two further caravans to the site in addition to the existing chalet/mobile home provides a more convenient and appropriate level of accommodation for their family, no evidence of special or exceptional personal circumstances has been provided that would demonstrate a clear and overriding need for additional on-site temporary accommodation and which would be deemed sufficient to outweigh the requirement to address the terms of Policy NE2 (Green Belt) of the ALDP.

If such a proposal were to be supported, an undesirable precedent would be established for applications of a similar nature which could result in the proliferation of sporadic, temporary residential accommodation within the Green Belt, resulting in the erosion of the character of the Green Belt and adversely affecting the landscape setting of the City.

### **Design, Scale & Siting**

Policy D1 (Quality Placemaking by Design) of the ALDP 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.

In considering the previous proposal for the siting of a caravan/chalet/mobile home on the wider site it was acknowledged that such a proposal would not have a positive impact on the character and appearance of the area, given the open aspect of the site, and its relative prominence within the surrounding area. It was however recognised that the change of use being sought was for a temporary period of up to 18 months, and with a condition limiting the change of use to a single caravan/chalet/mobile home on site at any one time for the duration of the consent, it was considered that the resulting visual impact would be suitably limited and would not be of such significance that it would merit refusal of the application.

Taking the above into account, and in terms of this current proposal, it is considered that there is a clear cumulative effect from the introduction of two further caravans to the wider site in addition to the existing chalet/mobile home for which consent has been granted, and this does result in an unacceptable and negative visual impact on the character and appearance of the area. As such the proposal fails to address the requirements of Policy D1 (Quality Placemaking by Design), and on the basis that it has a negative impact on the attractiveness of the green belt, raises further concerns in terms of Policy NE2 (Green Belt) which states that 'all proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials.'

### **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, noting that there are no roads concerns concerning the retrospective application for a change of use of land for the siting of 2 caravans for a temporary period.

Whilst the proposal may not fully address the specific requirements of Policy T2 (Managing the Transport Impact of Development), this is largely as a result of the site being somewhat isolated

which in turn limits the measures which can feasibly put in place to minimise traffic and maximise opportunities for sustainable and active travel. With this in mind and taking into account the scale and nature of the proposed use it is considered that any additional traffic generated is likely to be minimal and it is, therefore, accepted that the proposal would raise no significant concerns in terms of the expectations of Policy T2 (Managing the Transport Impact of Development).

### **Drainage/Water Supply**

ACC Environmental Health officers raised no objection to the proposal and are satisfied with the evidence provided which demonstrates that a mains water connection has been made to Baads Farm thereby ensuring a mains water supply is available for the caravans. The expectations of Policy NE6 (Flooding, Drainage & Water Quality) are 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 concerns raised by the local Community Council have been addressed in the foregoing evaluation.

### **Matters raised in representations**

The majority of the material concerns raised by objectors in representations have been addressed in the foregoing evaluation with the exception of the following:

- 7. The site plan shows hardcore foundations, which also need to be removed, as this is not included in the approved site plan for the House and Garage. This additional hardcore alters site drainage characteristics and land management.* The agreed Landscape Plan approved under application Ref P110648 & P120873 remains valid and would therefore be implemented at the appropriate time, in association with the delivery of the approved dwellinghouse and garage. Any hardstanding which has been formed outwith what has previously been approved would therefore not be retained.

### **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, which is retrospective in nature, seeks permission for a change of use of the land to caravan site for two caravans for residential purposes for a period of up to 18 months. With existing consent having been granted in April 2021 for a change of use to caravan site for the erection of a single caravan/chalet/mobile home on the wider Baads site for a period of up to 18 months, and a condition specifically applied to that consent limiting the permission to no more than one caravan/chalet/mobile home at any one time in order to suitably protect the landscape character

and setting of the green belt, then it is apparent that a proposal which sees the introduction of a further two caravans to the site is to the detriment of the landscape character and clearly contrary to green belt policy. There are no material considerations which would warrant support of the application in this instance. In the event that the unauthorised caravans relative to this application are not removed voluntarily by the applicant, then under powers delegated to officers it would be the intention to serve an enforcement notice with appropriate enforcement action taken to have the caravans removed.

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 minimise the impact on the landscape character and setting of the green belt) and the duration of permission are recommended.

## **RECOMMENDATION**

Refuse and Enforce

## **REASON FOR RECOMMENDATION**

1. The proposed development, which is retrospective in nature, comprises a change of use of land to caravan site for two caravans for a period of up to 18 months. No justification has been provided to demonstrate that there are special or exceptional circumstances which would support the need for additional residential accommodation on the Baads Farm site. This is therefore 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.

It is the considered opinion of the planning authority that provision of additional residential accommodation on the application site 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 proposal would be clearly contrary to the expectations of Scottish Planning Policy (SPP) and to the requirements of Policy NE2 (Green Belt) and Policy D1 (Quality Placemaking by Design) of the Aberdeen City Local Development Plan. The proposal would address the expectations of Policy NE6 (Flooding, Drainage & Water Quality), and largely comply with those of 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 further adversely affect the landscape setting of the City.