

## **DECISION NOTICE**

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

### **Detailed Planning Permission**

Lippe Architects & Planners Ltd  
4 St. James Place  
Inverurie  
AB51 3UB

on behalf of **Mr & Mrs G. Stewart**

With reference to your application validly received on 2 December 2020 for the following development –

**Change of use of land for erection of temporary chalet/mobile home  
at Baads Farm, Anguston Road**

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

<b>Drawing Number</b>	<b>Drawing Type</b>
5707-LOC	Location Plan
5707-01	Site Layout (Proposed)

#### **REASON FOR DECISION**

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

Planning legislation requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. Scottish Planning Policy (SPP) sets out the purpose of green belt designation and a caravan site would not be compliant with its intended purpose which includes that of directing planned growth to the most appropriate locations and protecting and enhancing the quality, character, landscape setting and identity of towns and cities. In this instance, the proposal, if considered in isolation, does not sit comfortably with the general principles of the Aberdeen City Local Development Plan, given that it does not comply with the requirements of Policy NE2 (Green Belt) & therefore with SPP. However, the acceptability of this proposal must be considered in the context of the development which was granted conditional consent in 2011, for the erection of a residential dwelling, garage and associated stud farm at Baads. The current proposal is seeking a change of use of land within the Baads site for the erection of a temporary chalet/mobile home which would provide the applicants with residential accommodation on site for a period of 18 months to allow for the aforementioned approved stud farm to become fully operational as a business, and which would therefore facilitate the dwellinghouse associated directly to the stud farm to be erected on site.

It is considered that suitably robust evidence has been provided and validated, both demonstrating that the business operation of the approved stud farm is imminent, and that the current status of the stud farm is such that a 24 hour on-site presence would indeed now be required in order to suitably address the animal welfare and security requirements of the stud farm.

Taking the above into account, it is considered that there are material considerations, including current personal circumstances of the applicants, which would carry sufficient weight and provide clear justification for the planning authority to support the application in this instance, notwithstanding that the requirements of Policy NE2 (Green Belt) may not be fully addressed.

It is considered that the proposal would not be contrary to the overall expectations of Policies D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development) and NE6 (Flooding, Drainage and Water Quality) of the Aberdeen City Local Development Plan, given the temporary nature of the proposal and the limited scale of development which would result.

It is considered that the relevant policies in the Proposed Local Development Plan 2020 raise no additional concerns beyond those already addressed under current policy. Matters raised in representations are noted, however these are not of sufficient weight to warrant refusal of the application for the reasons outline above.

## **CONDITIONS**

This permission is granted subject to the following conditions.

(01) That the caravan site hereby granted planning permission, shall not be occupied by any person other than 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 in accordance with the Planning Authority's policy of restricting isolated developments in the countryside unless specifically required in connection with an essential rural occupation.

Reason: to preserve the amenity and integrity of the Green Belt and in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.

(02) That the caravan site hereby granted planning permission shall be limited to one caravan/mobile home/chalet on site at any one time.

Reason: that the justification provided and deemed necessary to allow the stud farm to become fully operational would not support multiple homes on site, and in the interests of visual amenity and to suitably protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.

(03) That the caravan site hereby granted planning permission shall not be occupied unless a detailed scheme for the provision of foul sewerage facilities has been submitted to and approved in writing by the Planning Authority, and that the said scheme has been installed and is fully operational.

Reason: in the interests of public health.

(04) That prior to occupation of the caravan site hereby granted planning permission, details of all external finishing materials to the roof and walls of the caravan/mobile home/chalet unit to be located on site have been submitted to, and approved in writing by the Planning Authority and thereafter the approved material finish is maintained for the duration of the caravan/mobile home/chalet unit being located on site.

Reason: in the interests of visual amenity and to suitably protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.

(05) The following time limits and related conditions on the planning permission hereby granted shall apply:

5.1. The development permitted by this planning permission shall begin no later than six months from the date of this decision notice, and if not begun within those six months this planning permission shall expire.

5.2. The development permitted by this planning permission shall endure for a period of eighteen months from the date that the said development is begun, and for no longer period.

5.3. By the date on which that eighteen month period in condition 5.2 ends, the land on which the development permitted by this planning permission shall be reverted to its previous use (as land for the curtilage of the dwellinghouse or otherwise land clear of any structure permitted by this planning permission and any caravan/mobile home/chalet removed), and without prejudice to the foregoing generality, shall include the following works or operations:

5.3.1. Removal of any caravan/mobile home/chalet and associated structures permitted by this planning permission from the land for which this permission relates.

5.3.2. The completion of any works necessary to restore the land to its previous position before the use of the caravan site was begun.

5.3.3. Restoration of the land's use as curtilage to the dwelling house on the development site.

Reason: in the interests of visual amenity and to suitably protect the landscape character and setting of the Green Belt, in accordance with Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan.

**Date of Signing:** 22 April 2021

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive style with a clear, legible font.

**Daniel Lewis**  
Development Management Manager

## **IMPORTANT INFORMATION RELATED TO THIS PERMISSION**

### **DURATION OF THIS PERMISSION**

In accordance with the power granted to it under section 58 of the Town and Country Planning (Scotland) Act 1997, the planning authority direct that section 58(2) shall apply in respect of this planning permission, with the substitution of the period of three years with that of six months.

This planning permission therefore lapses on the expiration of six months, beginning with the date on which the permission is granted, unless the development to which the permission relates is begun before that expiration.

### **COMMENCEMENT AND COMPLETION OF DEVELOPMENT**

A person who has been granted planning permission under the terms of the foregoing notice and intends to start work to implement this planning approval must, once they have decided the date they will start work on the development, inform the Council in writing of that date as soon as is practicable, but in all circumstances prior to work commencing. Failure to do so is a breach of planning control under section 123(1) of the 1997 Planning Act. The Council should be informed of the start date and other required information on the **Notice of Initiation of Development** form attached below.

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

None.

### **RIGHT OF APPEAL**

1. If the applicant is aggrieved by the decision of the planning authority –
  - a) to refuse planning permission for the proposed development;
  - b) to refuse approval, consent or agreement require by a condition imposed on a grant of planning permissions;
  - c) to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice.

Applicants may obtain information on how to submit an appeal by visiting [gov.scot/Topics/Built-Environment/planning/Appeals/howtosubmitanappeal](http://gov.scot/Topics/Built-Environment/planning/Appeals/howtosubmitanappeal) or contacting

Planning and Environmental Appeals Division  
Scottish Government

4 The Courtyard  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR

Telephone: 01324 696 400

E-mail: [DPEA@gov.scot](mailto:DPEA@gov.scot)

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

#### **OTHER ADVISORY NOTES**

# **NOTICE OF INITIATION OF DEVELOPMENT**

**The Town and Country Planning (Scotland) Act 1997**

**The Planning (Development Management Procedure) (Scotland) Regulations 2013**

Notice under sections 27A, 27B and 27C of the above Act and Regulations 37 and 28, regarding the initiation (start) of work for which planning permission has been granted.

Application reference number: **201480/DPP**

Date of issue: 22 April 2021

Address of site to which permission applies: Baads Farm, Anguston Road

**I hereby give notice that it is intended to start the above development on the following date:**

Name, Address and Phone Number of Person Intending to Carry Out Development	
Name, Address and Phone Number of Landowner of Site (if different)	
Name, Address and Phone Number of Site Agent appointed for development	

## **Date of Submission of Notice**

### **IMPORTANT**

It is important that this form is completed and returned to Strategic Place Planning as soon as practicable after deciding on a date on which to initiate the development and in any event before commencing the development, as failure to do so may result in enforcement action being taken.

Please complete and return this form to [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk) or the address at the top of this decision notice.

### **General Data Protection Regulations – How we use your data**

Aberdeen City Council collects, maintains and processes automatically information about you for the purposes of processing and determining planning applications and may be used for consultation purposes where applicable under legislation. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 or otherwise as required by law, including disclosure to other agencies (for example Scottish Fire and Rescue Service, Police Scotland, Scottish Natural Heritage, Historic Environment Scotland) as required for the purposes of determining this application.

For the purposes of processing this information Aberdeen City Council is the Data Controller. The Information Commissioner Office is the UK's regulator of data protection law ([www.ico.org.uk](http://www.ico.org.uk)).

For further information on how we use, store & protect your data please see our website <https://www.aberdeencity.gov.uk/your-data/privacy-notice/your-data-planning-application>



# **NOTICE OF COMPLETION OF DEVELOPMENT**

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

## **The Planning (Development Management Procedure) (Scotland) Regulations 2013**

Notice under section 27B of the above Act, regarding the completion of work for which planning permission has been granted.

Application reference number: 201480/DPP

Date of issue: 22 April 2021

Address of site to which permission applies: Baads Farm, Anguston Road

**I hereby give notice that the development was completed on the following date:**

Name, Address and Phone Number of Person Intending to Carry Out Development	
Name, Address and Phone Number of Landowner of Site (if different)	
Name, Address and Phone Number of Site Agent appointed for development	

## **Date of Submission of Notice**

### **IMPORTANT**

It is important that this form is completed and returned to Strategic Place Planning as soon as possible following completion of works as failure to do so may result in enforcement action being taken.

Please complete and return this form to [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk) or the address at the top of this decision notice.

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For the purposes of processing this information Aberdeen City Council is the Data Controller. The Information Commissioner Office is the UK's regulator of data protection law ([www.ico.org.uk](http://www.ico.org.uk)).

For further information on how we use, store & protect your data please see our website

<https://www.aberdeencity.gov.uk/your-data/privacy-notices/your-data-planning-application>

