

Planning Development Management Committee – 20 June 2024

Planning Appeals Update

This report informs Planning Development Management Committee (PDMC) members about planning appeals and notifications in relation to Aberdeen City Council decisions that the Scottish Government’s Division for Planning and Environmental Appeals (DPEA) has received or decided since the last PDMC meeting. It also lists appeals that are still pending.

Appeals Determined

Type of appeal	Planning Permission	Application Reference	231018/DPP
Address	693 George Street		
Description	Change Of Use from Class 1A (Shops, Financial Professional and Other Services) to Hot-Food Takeaway (Sui Generis) and Installation of Kitchen Extract Vent to Rear Elevation (Part-Retrospective)		
History	<p>Refused by PDMC of 14 March 2024 against officer recommendation.</p> <p>Grounds of refusal were road safety risk and detriment to amenity contrary to APGs on “Harmony of uses” and “Noise”.</p>		
DPEA Decision	<p>Appeal allowed. Planning permission granted.</p> <p>Use is acceptable in principle within a predominantly residential area in that suitable mitigation measures can be put in place to address potential noise and odour impacts without adverse effects on residential amenity. The use would not adversely affect road safety given the range of measures in place to safeguard pedestrians and road users navigating the junction.</p>		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

Type of Appeal	Certificate of Lawfulness	Application Reference	231216/CLE
Address	First Floor Left, 23 Hollybank Place		
Description	Existing Use of Flat as Short Term Let Accommodation (Sui Generis) with Maximum Occupancy of 2 People		
History	Refused by officers under delegated powers		
DPEA Decision	On the balance of probability, the use as a short-term let entails a materially different pattern of use than that associated with its occupation by permanent residents. This amounts to a material change of use which requires planning permission. As planning permission has not been granted, the use is not established and is not lawful.		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

Appeals Pending

Type of appeal	Enforcement Notice	Application Reference	N/A
Address	Land to rear of 6 Craigden.		
Description	Change of Use from Public Open Space to Private Gated Communal Garden and the Erection of Associated Enclosure Fence with Gate without the benefit of planning permission.		
History	Refusal of change of use application (221307/DPP) upheld by the Local Review Body last year. The Enforcement Notice subject to this appeal was subsequently served.		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		