

Planning Development Management Committee – 19 September 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	Enforcement Notice	Application Reference	221307/DPP
Address	Land to rear of 6 Craighden.		
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 Decision	Appeal dismissed. There has been a breach of planning control and a material change of use of land to a private amenity space and that the requirements of the notice to remove the fencing enclosing the land is supported. Enforcement Notice supported. Update – the fence has been removed and the enforcement notice has been complied with.		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

Type of Appeal	Certificate of Lawfulness	Application Reference	240295/CLE
Address	First Floor Right, 15 Urquhart Street		
Description	Existing Use Of Flat As Short Term Let Accommodation (Sui Generis) With Maximum Occupancy Of 4 People		
History	Refused under delegated powers on 11 March 2024		
DPEA Decision	<p>Refuse to grant certificate.</p> <p>Based on the level of maximum occupation (which would be substantially higher than typically expected), the frequency of changeovers and cleaning, transient nature of visitors, and frequent and increased use of the entrance, stairwell and communal garden would represent a significant intensification of use. On the balance of probability, the use of the appeal property for short-term visitor accommodation entails a materially different pattern of use than that associated with its occupation on a normal domestic basis and amounts to a material change of use which requires planning permission. The use is not established and is not lawful.</p>		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

Appeals Pending

Type of appeal	Planning Permission	Application Reference	231422/DPP
Address	Alba Gate, Stoneywood Park		
Description	Demolition of existing building and re-development of site to include change of use to form a mixed-use of 4 business units (Class 4), 2 ancillary cafe/restaurant units (Class 3) with drive thru takeaway (sui generis), electric vehicle charging hub, car parking, soft landscaping and associated works		
History	Refused by Planning Development Management Committee of 15 May 2024		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		

Type of appeal	Planning Permission	Application Reference	240488/S42
Address	Land South Of North Deeside Road, Milltimber		
Description	Variation Of Condition 3 (Scale Of Development - Residential) of Application Reference 200535/PPP to increase the maximum number of residential units from 80 to 99		
History	Refused by the Planning Development Management Committee of 20 June 2024		
DPEA weblink	Scottish Government - DPEA - Case Details (scotland.gov.uk)		