



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mr Malcolm Duckworth
5 Westfield Terrace
Aberdeen
AB25 2RU

Aberdeen City Council in exercise of its powers under the above mentioned Act hereby **refuses planning permission** for the development specified below and shown in the plans and drawings listed.

Application Reference Number	231206/DPP
Address of Development	5 Westfield Terrace Aberdeen AB25 2RU
Description of Development	Change of use of lower ground floor to short term let accommodation (sui generis) with maximum occupancy of 4 people
Date of Decision	4 September 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

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

The proposed change of use of the lower ground floor to short term let accommodation would adversely affect the residential amenity afforded to the upper floor residential dwelling on the basis

that it would adversely affect the sense of security and privacy afforded to the occupants of that dwelling. The proposal therefore conflicts with Policies 30 (Tourism and Culture) and 14 (Design, Quality and Place) of National Planning Framework 4 and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023.

Whilst the applicant is currently the owner and resident of the upper storey dwelling and would intend to be the owner and operator of the proposed short term let accommodation at lower ground floor level, the conflicts between uses would arise if the owner were to no longer reside the upper storey dwelling or if the short term let accommodation were to be operated independently of the resident of that dwelling. A competent legal agreement or planning condition to restrict the occupation or ownership of the two uses to overcome this conflict with the Development Plan cannot be identified because such a condition would be unreasonable and could place a significant burden on both the property and subsequently the owner. There is thus no option but to refuse planning permission.



A full evaluation and account of the processing of the application is contained in the report of handling, which is available by entering the application reference number at <https://publicaccess.aberdeencity.gov.uk/>.

PLANS AND DRAWINGS

231206/1	Location Plan
231206/3	Lower Ground Floor Plan (Proposed)
231206/2	Short Term Let Checklist

Signed on behalf of the planning authority

A handwritten signature in blue ink that reads "Daniel Lewis".

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A review request must be made using the 'Notice of Review' form available from <https://www.eplanning.scot/>.

SERVICE OF PURCHASE NOTICE

If permission to develop land is refused 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 that would be 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.