



## DECISION NOTICE

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

### Detailed Planning Permission

Susan Watson  
Watson Property and Construction Ltd  
Windyedge Croft  
Aberchirder  
Huntly  
Aberdeenshire  
AB54 7QP

on behalf of **Mr & Mrs A Dada**

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.

<b>Application Reference Number</b>	241060/DPP
<b>Address of Development</b>	42 Elmfield Avenue Aberdeen AB24 3PB
<b>Description of Development</b>	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
<b>Date of Decision</b>	21 November 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 –

1. The use of the property as a short term let (STL) would contribute to the loss of residential character in an area where there is an existing level of harm from an overprovision of House of Multiple Occupation (HMO) properties. The STL use would exacerbate the adverse impacts on the residential character of the surrounding area, and the deficiency in community cohesion as a result of the loss of residential accommodation for use by frequently changing transient visitors/occupiers. The proposal would therefore be in conflict with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) and ii) of National Planning Framework 4 (NPF4) which seek to avoid adverse impacts to the character and residential amenity of the area.

2. The presence of four unknown guests within the shared rear garden and property would also adversely impact the privacy and enjoyment of the otherwise private external amenity area for the neighbouring residents in the first floor flat, due to the nature of it, only being shared with one other property. The proposed use is therefore contrary to Policy H1 (Residential Areas) of the ALDP, impacting the amenity and enjoyment of the existing residential amenity.



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

42EA PL01

Location Plan  
Other Floor Plan (Proposed)

Signed on behalf of the planning authority

A handwritten signature in cursive script 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.