

# Planning Development Management Committee

23 April 2025

## 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 Decided

Type of appeal	Planning Permission	Application Reference	240614/DPP
Address	Land at Newton of Pitfodels		
Description	Installation Of A Grid Battery Energy Storage Facility (Up To 40Mw)		
History	Refused by the Planning Development Management Committee on 19 September 2024		
DPEADecision	Appeal allowed. Planning permission granted conditionally.  The proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission		
DPEA weblink	<a href="#">Scottish Government - DPEA - Case Details</a>		

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 Planning Development Management Committee of 25 June 2024
DPEA Decision	<p>Appeal allowed and consent granted</p> <p>This is an allocated site and the principle of development is well established. The increase in the number of units on the site would be supported by NPF4 policies 1, 3, 13, 14, 15, 16 and 18 and also policies D1, D2, H1, H2, H3, H4, H5, and I1 of the LDP 2023. There are no material considerations which would lead to the conclusion that planning permission should not be granted</p> <p>The reporter also decided that the Council has acted in an unreasonable manner resulting in a liability for expenses</p> <p>More specifically, the reporter found that the site is allocated. The application was seeking to increase the number of units on the site. The lack of capacity in the schools was the only reason for refusal. Had the council properly assessed the application against the development plan including its supplementary guidance, there would have been no reason to refuse the application. With that in mind the reporter was satisfied that the council's unreasonable behaviour caused the matter to come before the Scottish Ministers and the relevant tests set out in circular 6/1990 were met. The reporter found that the council liable to the appellant in respect of the expenses of the appeal.</p>
DPEA weblink	<a href="#">Scottish Government - DPEA - Case Details</a>

### **Appeals Lodged**

Type of appeal	Enforcement Notice	Application Reference	ENF240138
Address	27 Cromwell Road		
Description	Development Works To The Front Curtilage Being Unauthorised As These Are Not In Accordance With The Approved Planning Permission For The Formation Of A Driveway And Alterations To Boundary Wall (230946/DPP)		
History	<p>Enforcement Notice served by planning authority on 27 February 2025.</p> <p>Appeal lodged with DPEA on 23 March 2025.</p> <p>Allocated to a Reporter</p>		

### **Appeals still Pending**

Type of appeal	Listed Building Consent	Application Reference	241415/LBC
Address	36 Albyn Place		
Description	Reconstruction Of Existing Garages To Form Triple Garage Building		
History	Appeal is against non-determination of the application within the statutory time period of 2 months.		
DPEA weblink	<a href="#">Scottish Government - DPEA - Case Details</a>		