



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Ron McGregor
McGregor Garrow Architecture
12 Laverock Road
Newburgh
Ellon
AB41 6FN

on behalf of **Mrs Pamela Horne**

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	241224/DPP
Address of Development	43 Middleton Circle Aberdeen AB22 8LF
Description of Development	Change of use of amenity land to domestic garden ground and erection of fence, gate and steps (retrospective)
Date of Decision	21 January 2025

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 change of use of this land to domestic garden ground and the erection of the fence, gate and steps results in the enclosure and loss of a valued area of open space, part of the Green Space Network and an area of ancient woodland. The site forms part of an important natural woodland buffer between the Middleton area of Bridge of Don and the Grandhome development and is shown as such on the agreed Grandhome Development Framework. The proposal thus conflicts with Policies 6 (Forestry, Woodland and Trees) and 20 (Blue and Green Infrastructure) of NPF4 and NE2 (Green and Blue Infrastructure) of National Planning Framework 4 (NPF4) and Policy NE2 (Green and Blue Infrastructure) of the Aberdeen Local Development Plan 2023.

Whilst it is unclear if the development has resulted in the loss of any specific trees given the retrospective nature of the application, the proposal results in the loss of an area of ancient woodland. The proposal therefore conflicts with Policy 6 (Forestry, Woodland and Trees) of NPF4 and Policy NE5 (Trees and Woodland) of the ALDP.

The resultant irregular boundary layout adversely affects the character and appearance of the area, in conflict with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4, and Policy D1 (Quality Placemaking) of the ALDP and the Householder Development Guide Aberdeen Planning Guidance.

If the proposal were to be granted planning permission, it would result in the permanent loss of an area of ancient woodland, as well as result in the area being afforded domestic Permitted Development Rights whereby development could occur without the need for express planning permission. This would be to the detriment of, rather than an enhancement to, biodiversity. Whilst the development is of a small scale, the removal of an area of Green Space Network would have an adverse impact on biodiversity, no mitigation is proposed and there are furthermore no material considerations in assessing this development proposal whereby it could be considered that the development is placing significant weight in positively addressing the global climate and nature crises. As such, proportionate to the scale of the development, the proposal conflicts with the aims of policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation, and Adaptation), 3 (Biodiversity) and 4 (Natural Places) of NPF4.

Noting the abundance of similar residential properties which bound this band of open space in the wider area and, notwithstanding every application is assessed on its merits, the proposal could give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future which cumulatively could result in the gradual erosion of and fragmentation of open space, the defined Green Space Network and ancient woodland. Such an approach would exacerbate the adverse impacts cumulatively be significantly detrimental to the character and amenity the area, as well as biodiversity.



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

101
201

Location Plan
Multiple Elevations (Proposed)

Signed on behalf of the planning authority



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.