

Malcolm Road,
Peterculter,
92 Aberdeenshire,
AB14 0XB.

28 August 2014.

Mr Gavin Clark,
Enterprise, Planning and Infrastructure,
Aberdeen City Council,
Marischal College,
Broad Street,
Aberdeen,
AB10 1AB

Dear Mr Clark,

Planning Application P141149: Baads Farm, Peterculter. Aberdeen. AB14 0PP
Removal of Condition1 (Control of Occupancy) from Planning Permission
Ref: P120873

The members of Culter Community Council (CCC) Planning Sub Group discussed this planning application at their August meeting and have asked me to raise objections as follows:

This application seeks to remove Condition No.1 of Planning Permission Ref: 12/0873, which states:

"(1) that the dwelling house hereby granted planning permission shall not be occupied by any person other than a person employed full-time in the stud farm hereby granted planning permission and the dependants, widow or widower of such a person in accordance with the planning authority's policy of restricting isolated developments in the countryside unless specifically required in connection with an essential rural occupation - in order to preserve the amenity and integrity of the Green Belt and in accordance with Policy 28 of the Aberdeen Local Plan."

Much of the applicant's discussion relies on the advice from the Chief Planner that the use of occupancy conditions is not promoted and where the authority is satisfied that an adequate case has been made, it should not be necessary to use formal mechanisms to restrict occupancy.

The occupant also quotes PAN 73 relating to Rural Diversification and in particular the following paragraph:

"in relation to a business, new housing may be acceptable as a complementary part of a development. It should also be recognised that new housing in rural areas can play an important part in wider economic regeneration and environmental renewal especially in remote areas. The provision of appropriately located, well designed homes, suitable for a range of incomes can help to stem depopulation, keep young people and skills in the area and help to attract new people and entrepreneurs."

We would contend that this PAN does not relate to the Green Belt around Aberdeen, where there is little need for "economic regeneration", the application does not relate to "environmental renewal", it is not a "remote area" and there is no need to "stem depopulation". It is clearly meant to apply to areas such as the Western Highlands and Islands.

The letter from the Chief Planner, which is selectively quoted also states, "where ... there is a danger of suburbanisation of the country side or an unsustainable growth in long distance car based commuting, there is a sound case for a more restrictive approach."

To us this would suggest that PAN 73 and the letter from The Chief Planner are to be read in conjunction with Green Belt Acts and Policies and they do not in any way replace or are to be considered legally superior to those Acts and Policies.

The applicant also states that because of the Occupancy Condition mortgage funding is "simply not available" and that the Condition is "unreasonably restrictive" and that such a condition should be avoided.

In support of this they quote a recent appeal decision ref POA-110-2002. However, this relates to a property in rural Aberdeenshire and the application was for removal of the Condition on a property which was already built. This is a completely different set of circumstances from the current application.

Whilst the applicant may be having difficulty in obtaining mortgage funding it is reasonable to expect that such matters were considered when a business plan was set out for the stud farm.

In summing up, we at Culter Community Council believe that the applicant's submissions for removal of the condition are not entirely relevant to the particular circumstances and that the policies and advice notes which are distilled into Scottish Planning Policy 2010 in relation to maintenance and management of the Green Belt and in Aberdeen's Local Development Plan, (ADLP) 2012 and Green Belt Policy NE2 should prevail.

Yours sincerely,

Brian W Yule,
Planning Liaison,
Culter Community Council.