



Planning Development Management Committee

Report by Development Management Manager

Committee Date: 2 November 2017

Site Address:	Land at Perwinnes Farm, Scotstown Road, Aberdeen, AB21 7AR
Application Description:	Change of use from agricultural land / buildings to plant hire business, erection of associated temporary buildings, security fence and yardspace (retrospective)
Application Reference:	170946/DPP
Application Type	Detailed Planning Permission
Application Date:	29 August 2017
Applicant:	Buckhurst Plant Hire
Ward:	Bridge Of Don
Community Council	Bridge Of Don
Case Officer:	Robert Forbes



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RECOMMENDATION

Refuse and Enforce

APPLICATION BACKGROUND

Site Description

This site, which is located in open countryside beyond the built up area of Bridge of Don, comprises 0.7 Ha of farmland. It is currently used on an unauthorised basis, partly by a plant hire firm. A temporary office building (of 25 square metres) associated with the use has been formed adjacent to a derelict farm steading located within the centre of the site. There is surrounding yardspace used for storage of numerous vehicles / plant unrelated to the use of the farm. There are a number of residential caravans which have recently been sited at the northern part of the site, to the north of the steading building. These do not appear to be used or stored in connection with the plant hire business. Another central part of the site has recently been temporarily sub-let to a civil engineering contractor and used for their storage purposes unconnected with the authorised use of the farm. There is also evidence of the applicant storing machinery / vehicles in connection with their business on adjacent land to the north-east of the site. The site is accessed from a farm track which joins the public road to the south of the site.

Relevant Planning History

Application Number	Proposal	Decision Date
170386/PNA	Erection of an agricultural shed	02.05.2017 Prior Approval Required
060279	Conversion of steading to house	Approved 2006
040004	Conversion of steading to 3 houses	Approved 2004

The above prior notification (ref. 170386/ PNA) for erection of an agricultural shed relates to land immediately north-west of the site and was submitted by the landowner / farmer. The above steading conversion proposals have not been implemented. Planning enforcement file ENF 170095 was opened in May 2007. Following investigation, a letter was sent to the applicant on 7/6/17 advising of the unauthorised nature of the use of the site as a plant hire business and requesting cessation of such use and restoration of the site to its previous condition.

APPLICATION DESCRIPTION

Description of Proposal

Retrospective consent is sought to authorise the existing use of part of the site as a plant hire business which commenced in May 2017 and for the associated temporary buildings and security fencing. The applicant is a UK wide operator, based in Lancashire, England, which specialises in the hiring of self-drive and operated plant to major utility, building and civil engineering companies.

This application has been submitted in response to the request by Council planning officials that the unauthorised commercial use of the site is discontinued. The authorised use of the land is for agricultural purposes.

Supporting Documents

All drawings listed below can be viewed on the Council's website at:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OUB50UBZMP000>.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the application has attracted more than 5 objections and thus falls outwith the Scheme of Delegation. The recommendation also seeks authority to undertake enforcement action which officers do not have authority to undertake under delegated powers.

CONSULTATIONS

ACC - Flooding And Coastal Protection – No objection

ACC - Roads Development Management Team – Note that the site is not accessible on foot / cycle or by public transport. Express safety concerns regarding the potential increase in traffic movements at the junction with the public road, including the potential for collision. Note the potential for increase in slow moving vehicle traffic on the public road.

ACC - Environmental Health – No objection

Aberdeen International Airport – No objection

REPRESENTATIONS

11 letters of representation have been received (11 letters of objection, 0 letters of support and 0 neutral letters). The matters raised can be summarised as follows:-

Inappropriate land use;
Adverse impact on visual amenity;
Conflict with NE1 green belt policy;
Adverse effect on use of surrounding area for informal recreational purposes;
Inaccurate / inconsistent drawings;
Inadequate site access / road safety concerns;
Detriment to residential amenity / increased pollution (e.g. noise / fumes);
Other unauthorised uses at the site.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

National Planning Policy and Guidance

Scottish Planning Policy (SPP) expresses a presumption in favour of development which contributes to sustainable development.

City & Shire Strategic Development Plan

This encourages development which contributes to sustainable development.

Aberdeen Local Development Plan (2017)

D2: Landscape
NE2: Green Belt
T2: Managing the Transport Impact of Development
T3: Sustainable and Active Travel

Other Material Considerations

The Council's Local Transport Strategy seeks to minimise travel by unsustainable modes.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

Principle of Use

The development conflicts with NE2 policy within the local plan by reason of the commercial nature of the use, which does not require to be located within the countryside and does not fall within any of the categories of development or exceptions to policy set out therein. The development results in detriment to the landscape character of this rural area, by reason of the urbanisation of the site resulting from the proposed commercial use and associated buildings / structures. It would therefore conflict with the objectives of local plan policy D2 (Landscape). It would also conflict with NE2 policy by reason of the conflict with D2 policy and policies T2 and T3 (as explained below).

Transport Policy

Due to the remote location of the site, which is divorced from the built up areas of the city and poorly accessible by sustainable transport modes, the proposal would conflict with the objective of local plan policies T2 and T3, related Scottish Planning Policy regarding transport and the Council's Local Transport Strategy;

Sustainable Development

No overriding social or economic justification for approval of the development contrary to the development plan is considered to exist. No evidence has been presented, nor has it been claimed, that there is insufficient allocated land for business and industrial purposes within the Adopted Local Development Plan where such uses would be appropriately located. The development would not contribute to sustainable development objectives set out in SPP and within the City & Shire Strategic Development Plan. Given the fundamental nature of the above policy conflicts, it is considered that the development could not be made acceptable by imposition of conditions regulating or restricting the nature of the use.

Road Safety

Several of the objections cite the inadequate nature of the existing access arrangement (via a farm track), associated potential public safety concerns at the junction with the public road, and due to the intensification of slow vehicle movements on the public road, which it is noted is of a high speed nature. These safety concerns are shared by the Council's roads officers and cannot be addressed by imposition of conditions. Whilst there would be an element of slow moving traffic associated with the authorised use of the site as a farm, the nature of traffic movement associated with the proposed use is likely to be significantly different from the authorised use for agricultural purposes and would be likely to intensify traffic movement at the junction, particularly with drivers unfamiliar with the site. It is considered that approval of the application would result in a public road safety hazard due to the potential increase in traffic movements, at the junction of the site access with the public road, including the potential for collision with slow moving heavy vehicles.

Residential Amenity

Whilst it is accepted that the authorised use of the site as an agricultural steading could result in a degree of conflict with residential amenity (in particular that experienced by the adjacent farmhouse), the commercial nature and intensity of the proposed use has potential to cause increased dis-amenity due to the increased vehicle activity and associated noise / air pollution. The Council's Environmental Health Service has no objection to the proposal on noise or pollution grounds. Therefore refusal on that basis cannot be substantiated.

Impact of Physical Works

The various physical structures which have been erected at the site in association with the plant hire business (e.g. temporary office building, fencing) are considered by reason of their design, form and location to detract from the rural character of the site and visual amenity of the area and therefore conflict with both policy D2 and NE2.

Precedent

No approval for establishment of commercial uses at the site has previously been granted, with the planning history limited to unimplemented approvals for conversion of historic buildings to form housing. Approval of this application would therefore establish an undesirable precedent for introduction of commercial uses unrelated to farming activity to be located in the green belt and which could lead to cumulative erosion of the landscape character and setting of the city.

Unauthorised activities at the site

The applicant has declined to comply with written request to cease the existing unauthorised use and reinstate the site to its previous condition. Given the conflict with green belt policy and other local plan policies identified above and the unauthorised nature of the commercial uses at the site, Committee authority is sought in order to enable service of an enforcement notice to secure cessation of the unauthorised use of the site, and adjacent land, as a plant hire business and removal of its associated structures, including temporary office building, security fencing and lighting. Service of such notice may be required in the event that this planning application is refused and the owner / applicant declines to resolve the breaches of planning control. Authority is also sought to serve separate enforcement notices relating to the use of the site for commercial storage of plant by a civil engineering contractor and to secure removal of other equipment / structures (e.g. including residential caravans) at the site. Investigation has not demonstrated that use of part of the site as commercial kennels is taking place.

Other considerations

The proposal has been advertised as a departure from the development plan due to the conflict with Green belt policy. The scale of representation received, whilst significant, is less than the threshold at which it is considered appropriate to warrant undertaking a public hearing. Furthermore, as the recommendation is one of refusal there is limited public benefit in holding a hearing in such circumstances.

RECOMMENDATION

Refuse and Enforce

REASON FOR RECOMMENDATION

01.The development conflicts with NE2 (Green Belt) policy within the local development plan, by reason of the commercial nature of the use which does not fall within any of the categories of development or exceptions to policy set out therein;

02. The development, due to its location, scale and form results in detriment to the landscape character of the area and would therefore conflict with local plan policy D2 (Landscape) of the local development plan.

03.Due to the remote location of the site, which is divorced from the built up areas of the city and poorly accessible by sustainable transport modes, the proposal would conflict with the objective of local development plan policies T2 and T3, related Scottish Planning Policy regarding transport and the Council's Local Transport Strategy;

04. No overriding social or economic justification for approval of the development contrary to the development plan is considered to exist. No evidence has been presented that there is insufficient allocated land for business and industrial purposes, within the adopted local development plan where such uses would be appropriately located. The development would not contribute to sustainable development objectives set out in SPP and within the City & Shire Strategic Development Plan;

05. Approval of this application would establish an undesirable precedent for introduction of commercial uses unrelated to farming activity to be located in the green belt and which could lead to cumulative erosion of the landscape character and setting of the city.

06. Approval of the application would result in a public road safety hazard due to the potential increase in traffic movements, at the junction of the site access with the public road, including the potential for collision with slow moving heavy vehicles.

Enforcement Action

Authority for service of an enforcement notice is sought to secure cessation of the unauthorised use of the site as a plant hire business and removal of its associated structures, including temporary office building security fencing and lighting. Service of such notice may be required in the event that this planning application is refused and the owner / applicant declines to resolve the breaches of planning control.