

**SUPPORTING STATEMENT**

**PRIOR NOTIFICATION**

**PROPOSED AGRICULTURAL BUILDING**

**THE AULD CROFT, LITTLE CLINTERTY,  
KINELLAR, ABERDEEN AB21 0TL**

**Graham Buchan  
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## **1.Introduction:**

- 1.1 This Prior Notice application is made under the provisions of the Town & Country Planning (General Permitted Development) (Scotland) Order 1999, Schedule 1, Part 6, Class 18 which permits:

*“ (1) The carrying out on agricultural land comprised in an agricultural unit of—*

*(a) works for the erection, extension or alteration of a building;*

*(b) the formation, alteration or maintenance of private ways; or*

*(c) any excavation or engineering operations,*

*requisite for the purposes of agriculture within that unit.”*

- 1.2 A determination is sought as to whether the prior approval of the Planning Authority will be required to the siting, design and external appearance of a proposed agricultural building.

## **2.Site Description and Planning History:**

- 2.1 The agricultural smallholding was previously known as Burnside Poultry Unit and is now known as The Auld Croft, Little Clinterty.

Originally, the smallholding extended to 1.1 Ha with 0.60 Ha of the land being unusable for agriculture as it comprised derelict / ruined foundations of previous poultry buildings, areas of hard-core, rubble and a redundant poultry building which extended to 436 square metres.

Planning permission (170395) was granted for the erection of two dwelling – houses to be built on what was the derelict part of the smallholding.

The poultry building and ruins have been removed, the approved housing development site cleared and remediated and construction at Plot 2 commenced.

Planning Permission (201395) was granted to allow a small lounge extension to be added to the already approved house at Plot 2.

- 2.2 The remainder of the agricultural land at The Auld Croft which was not included in the housing development site has been used continuously for agricultural purposes since 2011 until the present time.

The proposed agricultural building would not be located within the “red line” boundary of the approved housing development site but on the agricultural land.

### **3. History of Agricultural Use**

- 3.1 A small flock of breeding sheep has been kept on the smallholding since May 2014 with lambs being produced and sold each year at Thainstone Mart, Inverurie.

Animal Movement records are submitted (**Item 6**) demonstrating the agricultural use of the land over this period.

The smallholding is registered as an agricultural holding with the Rural Payments Agency under Parish Holding Number 66/008/0088. The Sheep Flock number is UK 0530233.

- 3.2 Notwithstanding the approval of the two dwelling houses and related amenity land on the adjacent approved housing site, the area of grazing land available shall remain largely unchanged at 0.63 Ha. and the land will be able to carry the same number of sheep as has been kept prior to implementation of the planning permission.

Feed Concentrates and hay and straw bales are purchased in bulk each year and presently there exists no indoor storage for these as there are no other agricultural buildings on the smallholding.

### **4. Uses and Description of the Proposed Agricultural Building/Access**

- 4.1 The building would be used to house sheep during the lambing season and during periods of bad weather, for housing sick animals and for the storage of hay, straw, and agricultural equipment.

Individual sheep pens would be set up in part of the building to accommodate the ewes during lambing, and larger “mixing” pens for when the sheep are ready to return to the main flock.

- 4.2 As there is no machinery on the smallholding capable of handling large and heavy round bales of straw and hay, small traditional bales are purchased in bulk once per year. The bales will be stacked up to the ridge of the building, thereby leaving as much

floor space as possible for housing the sheep and for the storage of a small tractor, cart, livestock trailer and hand -tools.

- 4.3 The proposed building would measure 12.5m x 7.9m (Floor Area = 98.7 square metres) with an eaves height of 2.6m and ridge height of 6.6m.

As there is no requirement for large machinery on the smallholding the proposed building is relatively modest in scale and mass.

- 4.4 The external walls would be constructed in concrete blockwork on a concrete foundation and externally finished with a mixture of “ K-Rend” white render, larch cladding to the upper gable walls with doors matt goosewing grey in colour.

The pitched roof would be of timber truss and purlin design with an external roof finish of goosewing grey “Plastisol” coated box steel sheeting.

Conservation type top fitted openable roof -lights finished in black would be inserted on the south facing and north facing elevations to allow for the use of natural light and for livestock ventilation.

The choice of traditional roof -lights reflect their use in nearby vernacular farm buildings.

The external walls and door colours would match the render and wood cladding finishes of the already two approved dwelling – houses at Plot 1 and Plot 2 which will be located on the adjacent land.

Two steel roller doors would be inserted on the south elevation to allow entry for the storage of a mini - tractor, cart, livestock trailer and for the movement of hay and straw bales.

A two part stable – door would be inserted onto the east and the west elevation.

The combination of a traditional stable door and openable roof -lights will provide adequate ventilation when sheep are housed.

A concrete floor would be laid internally.

- 4.5 The existing farm track would be extended to a new area of hard – stand standing to be formed to the west and to the south of the proposed building and constructed of

reclaimed rubble, topped with blinding with a final surface of granite chuckies to match the existing farm track.

## **5. Water Supply/Drainage**

5.1 The smallholding is connected to the mains water system and a cold water supply would be provided inside the building to supply automatic drinking bowls for the sheep.

There would be no need for toilets/sanitary provision within the proposed building given the close proximity of the new dwelling-house at Plot 2 (presently under construction)

No animal waste slurry would be produced with all animal bedding being comprised of straw which will be composted and used as fertiliser on the smallholding.

Rainwater would be diverted to a rock filled soakaway as is common for such farm buildings.

## **6. Trees**

6.1 No existing trees are to be removed.

An existing tree belt planted in 2015, 86 metres in length, comprising a double row of native trees is located on the south side of the farm track and has reached a height of between 6 and 9 metres thereby providing an effective screen for views towards the proposed building from the north.

This tree belt will grow height of at least 12 metres.

In spring, summer and autumn when the trees are in leaf, the proposed building would be entirely screened from views from the north and the east and in winter it's outline broken up by the structure of the existing tree belt.

The building would be well screened from long views from the east or west as it would be largely obscured by the already approved dwelling – houses at Plots 1 and 2.

Views of the proposed building from Clinterty Road would also be obscured due to the existing tree belt planted along the 86 metres on the south side of the farm track.

6.2 A recent Landscape/Planting Report prepared in 2020 by Astell Associates relative to Planning Permission 170395 (**Item 7**) records existing trees on the agricultural land and on the adjacent site approved for housing.

This Report, although not prepared specifically for this present application nevertheless accurately records the trees currently on the smallholding, those on the adjacent approved housing development site and those in the vicinity of the proposed site but out-with the applicant's control.

The Report also contains the Planting Scheme approved Planning Scheme relative to Consent 170395 and shows how the proposed building will be screened.

## **7. Choice of Site for Proposed Building**

7.1 The proposed site for the agricultural building would be close to the dwelling-house at Plot 2 (approved under Planning Permission 170395) which will become the residence of the applicant.

This would be convenient during lambing season as often, there is a need to attend to ewes during the night and to give assistance should there be difficult births or animals that are sick and in need of treatment.

In terms of security, having the building close to the applicant's residence and would deter intruders.

As already mentioned above, construction has begun on the dwelling – house at Plot 2 and the expected completion date is January 2022.

7.2 In terms of setting, it is thought most appropriate to site the proposed building clustered together near to the applicant's residence at Plot 2 rather than have an isolated building on the landscape, an arrangement which reflects the groupings of nearby properties.

This traditional "cluster" setting of existing neighbouring buildings is exemplified at:

- (a) Little Clinterty Farm
- (b) Roadside Cottage and Roadside Steadings
- (c) Broombank Cottage together with Viewfield and The Gables

## 8. Potential Impact on Surrounding and Neighbouring Properties

### 8.1 Plots 1 and 2 - Planning Permission 170395

An evaluation received from the Planning Service Pre-Application - Enquiry Ref 210634/PREAPP included the follow response:

*“In terms of the siting and design, an assessment will be undertaken at the prior notification stage, I have carried out an initial review of the proposal and can confirm that there are some concerns regarding the siting of both Site 1 and Site 2 and the development’s close proximity to existing and approved residential sites. I would suggest that other options are looked into to ensure the proposed siting takes cognisance of all existing and proposed houses.”*

### 8.2 The presence of two 11kv overhead power lines crossing the smallholding is a major constraint in the choice of site for the proposed building.

These two power lines together create two “no build” corridors and exclude large parts of the smallholding as potential sites for the proposed building as shown by the potential site options shown on **Items 5 & 8**.

Only two sites located in the central part of the smallholding towards the southmost boundary and one site at the south-east corner of the smallholding near Broombank Cottage is sufficiently distant from the powerlines to be suitable as an alternative site for the building.

### 8.3 One of the alternative option sites at the south – east corner of the smallholding would be located quite close to the boundary of Broombank Cottage and is considered to be less desirable for that reason.

If the site near to Broombank Cottage were to be excluded, the choice of either of the two alternative options sites in the central area would result in the proposed building sitting in a very open, highly visible and isolated position on the landscape.



Furthermore, to site the building on any of the three alternative options sites towards the southmost boundary would require a farm track to be constructed over what is existing and valuable grazing land.

Such a track would require to be approximately 60 metres in length in order to connect the building to the existing farm access track.

- 8.4 The concern raised by the Planning Service at the Pre-Application Advice stage in regard to the close proximity of the proposed building to the approved dwelling – houses at Plot 1 and Plot 2 is, in the applicant’s opinion unfounded.

Both dwelling - houses approved under Consent 170395 are to be used for the principal residences of the applicant and his immediate family and are to remain in the applicant’s ownership/control, therefore no issues arise in regard to overlooking, privacy or nuisance.

The erection of the dwelling – houses was not intended to be a commercial development for subsequent sale after completion.

The applicant has occupied the smallholding since 1986, first as a tenant and then as owner and intends to retain ownership of both of the approved dwelling – houses after their completion and wishes to retain ownership in his family in the future.

Both the applicant and his family intend to reside in the approved dwelling – houses at Plot 1 and Plot 2 and between them have been actively involved in the care of the smallholding and the sheep husbandry.

The presence of a modest agricultural building would not affect the amenity of the dwelling – houses when erected and occupied as the houses will in fact be integrated with the small – holding.

Given that the ownership of both the small – holding and that of the approved dwelling – houses are in the hands of the applicant and, in view of this inextricable link, it is clear that no “ neighbour” issues arise in these circumstances.

- 8.5 The applicant is of the view that the preferred option would be to erect the building at the relatively well screened site as proposed, clustered near the dwelling – house at Plot 2 where he shall reside and where only a minor extension to the farm track would be

required and where existing water and electricity services are located within five metres.

## 8.2 Broombank Cottage

If located at the applicant's preferred site near to the north boundary of the smallholding, the distance between the proposed agricultural building and Broombank Cottage to the east would be 110 metres.

The front windows of Broombank Cottage face to the south and its rear windows to the north with no overlooking of the proposed building.

Two windows located at Broombank Cottage face due west but do not look onto the proposed building but across the grazing land of the smallholding.

The proposed building would not be visible from the windows of Broombank Cottage.

In 2017 a double row of Western Cedar was planted along the eastern boundary of The Auld Croft where it adjoins Broombank Cottage and those trees have now reached a height of between 2 and 3 metres.

This belt of trees will mature to a height of at least 10 metres and will form a dense visual barrier along the boundary between The Auld Croft and Broombank Cottage such that there will be no "overlooking" any part of The Auld Croft from Broombank Cottage or its garden.

The approved dwelling - house at Plot 1 on the adjacent land, to the east of the proposed building will be situated between Broombank and the building and when completed the new house will be an additional visual barrier as will the new trees which will be planted in the curtilage as part of that development.

Taken together, the distance of 110 metres between the proposed building and Broombank, the already planted tree screen of western cedar, and the erection of the approved dwelling – house at Plot 2 indicates that there would be little or no impact in terms of loss of amenity or privacy to occupants of Broombank Cottage.

## 8.3 Elysium

Elysium is a dwelling house located to the south-east of The Auld Croft and would be 125 metres from the site of the proposed building.

A line of mature trees and hedges exists along the that property's western boundary and therefore there would be no open views onto the proposed building.

#### 8.4 Little Clinterty Farm

A cluster of modern utilitarian and traditional farm buildings at Little Clinterty Farm is located 180 metres to the west of the proposed building.

A modern farm – house at Little Clinterty Farm is located 225 metres to the north - west of the proposed building.

At such great distances, the proposed building would have little or no impact on the occupants of properties at Little Clinterty Farm.

An existing belt of native trees is planted along the western boundary of The Auld Croft and there is an established sporadic hedgerow on the north side of the farm track and together effectively these would help screen any long views of the proposed building from Little Clinterty Farm.

Further native tree and hedge planting is required as part of conditions related of Planning Permission 170395 which will entail the establishment of a belt of native trees/hedging along the north boundary of the Auld Croft which, when mature will obscure views of the proposed building from Little Clinterty Farm.( **See Item 7**)

#### 8.5 Roadside Cottage and Roadside Steadings

To the north of The Auld Croft are Roadside Cottage and Roadside Steading, approximately 270 metres from the site of the proposed building however these properties are considered to be too distant from the proposed building to be affected.

The existing tree belt comprising a double row of native trees planted along 86 metres on land adjoining the southern boundary of the farm track has now reached a height of between 6 and 9 metres and will effectively screen the proposed building from views from Roadside Cottage and Roadside Steadings.

#### 8.6 Visual Impact on Neighbouring Properties Located on Clinterty Road

The north/south orientation of the dwelling – houses, Elysium, Chough Cottage and Woodlands located on the west side Clinterty Road means that all their rear windows face due west and therefore would not look onto the proposed building.

Considering the significant distances between those neighbouring properties and the proposed building, it not thought there should be issues in terms of noise or visual nuisance.

All three properties contain established hedge – rows and trees on their western boundaries which screen any views of the Auld Croft.

## **9. Potential Noise Nuisance**

- 9.1 The use of the proposed building for the housing a small flock of sheep and for agricultural storage would not generate noise or nuisance.

The sheep flock would require to be housed only at lambing season, during bad weather or when animals were sick and needed treatment.

Normal activities carried out within the building such as shearing, hoof trimming, and the regular application of wormers/medications etc would not generate any noise other than the sounds of sheep which are to be expected and not out of place in rural agricultural setting.

- 9.2 Storage of bales of hay and straw, a mini -tractor, cart and trailer would not generate a noise nuisance, nor would the storage of agricultural implements.

## **10. Principal of Development**

- 10.1 Town & Country Planning (General Permitted Development) (Scotland) Order 1999, Schedule

*“ Interpretation of Part 6*

*For the purposes of Part 6—*

*“agricultural land” means land which, before development permitted under this Order is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business and excludes any dwellinghouse or garden or any land used for the purposes of fish farming;*

*“agricultural unit” means agricultural land which is occupied as a unit for the purposes of agriculture other than fish farming, but includes—”*

Planning Circular 2/2015: Consolidated Circular on Non-Domestic Permitted Development Rights, Annex E, Para 11 states:

*“Provided all the GPDO requirements are met, the principle of whether the development should be permitted is not for consideration.”*

10.2 The Planning Authority cannot consider the principle of development in determining a Prior Notification, as this has already been established by the GPDO. No neighbour notification procedures apply and any representations received cannot be taken into account by the Planning Authority. The main issue for consideration in determining an application is therefore the appropriateness of the siting, design and external appearance in terms of the character of the site and wider area.

10.2 The applicant is self -employed and is registered as such with HMRC.

The receipts from lamb sales constitute part of his business income and have been included in returns to HMRC therefore the requirement for the use of the land for agriculture for the purposes of a trade or business is met.

The rearing and sale of lambs for meat each year is an agricultural activity.

It is believed that based on the well established agricultural use of the smallholding that the proposed development benefits from permitted development rights as :

- (a) the building would be designed and used for agricultural purposes
- (b) the building would be located on an agricultural land extending to not less than 0.4 Ha
- (c) prior to the proposed development being carried out, the land is in use for agriculture and is so used for the purposes of a trade or business

- (d) the building does not exceed 1000 square metres in area
- (e) the building is not to be located within 3 kilometres of an airport and does not exceed 12 metres in height
- (f) the building is not to be located within 25 metres of a trunk or classified road
- (g) the building is not to be used for housing pigs, poultry, rabbits or animals bred for their skin or fur or for the storage of slurry or sewage sludge;

11. **Conclusion**

The applicant believes that all the GPDO requirements have been met and the Planning Authority may proceed to make a determination as to whether Prior Approval would be required in regard to siting, design and external appearance of the proposed agricultural building.

Supporting Documents Supplied:

Item 1 - Location Plan

Item 2 - Site Plan

Item 3 - Elevations Proposed Agricultural Building

Item 4 - Floor Plan and External Finish Notes

Item 5 - Plan - Power Lines – No Build Zones

Item 6 - Sheep Movement Records

Item 7 - Existing Trees & Planting Plan

Item 8 – Aerial View – Power Lines - Site Options

