



APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE

for

ERECTION OF A DWELLINGHOUSE

on

**LAND AT CRAIGENHIGH
TORPHINS
ABERDEENSHIRE
AB31 4PN**

(‘CRAIGENHIGH SOUTH’)

on behalf of

CAIRNTON ESTATE LIMITED



1 Introduction

1.1 Cairnton Estate Limited is seeking planning permission in principle for the erection of a new dwellinghouse on brownfield land at Craigenhigh, Torphins (referred to as 'Craigenhigh South'). This statement, which should be read alongside the plans and other supporting documents submitted with the application, sets out the background to the proposed development and addresses the policy context against which the application requires to be determined, in light of which it is clear that this:

- is supported in principle by relevant Development Plan policies relating to development of this nature, in this location, namely Policies 17 (Rural homes), 15 (Local living and 20 minute neighbourhoods) (as applied in accordance with the Scottish Government's Draft Guidance on Local Living and 20 Minute Neighbourhoods), 29 (Rural development), 9 (Brownfield, vacant and derelict land and empty buildings), 1 (Tackling the climate and nature crises), 3 (Biodiversity) and 16 (Quality homes) of the Fourth National Planning Framework (NPF4), and Policy R2 Development Proposals Elsewhere in the Countryside of the Aberdeenshire Local Development Plan 2023 (ALDP); and
- is also capable of complying with all other relevant Development Plan policies, including Policies 4 (Natural places), 5 (Soils), 6 (Forestry and woodland), 22 (Flood risk and water management), 7 (Historic assets and places), 13 (Sustainable transport), 2 (Climate mitigation and adaptation), 14 (Design, quality and place), and 19 (Heat and cooling) of NPF4, and Policies E1 Natural Heritage, E3 Forestry and Woodland, HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings), P4 Hazardous and Potentially Polluting Developments and Contaminated Land, C4 Flooding, P1 Layout, Siting and Design, E2 Landscape, C1 Using Resources in Development, and RD2 Developers' Obligations of the ALDP.

1.2 As the proposed development complies with both NPF4 and the ALDP, and no material considerations indicate otherwise, the application should be approved.

2 Background

2.1 As shown on the plans submitted with the application, the application site is located a short distance to the north of Torphins, immediately to the south-east of an existing dwelling house, and is accessed off an existing track which also serves that.



- 2.2 Currently, the application site comprises the ruins of a former house, with substantial remains of the stone walls and concrete flooring clearly showing the footprint of that (measuring approximately 12m x 6m).
- 2.3 In addition, there used to be a large cow shed immediately to the east/south-east of the former house, but this was demolished in 2021.
- 2.4 Combined, the former house and cow shed comprised part of a larger farmstead which extended onto adjoining land to the north, where there also used to be a large Dutch barn and another house ('Craighigh North', proposals for the redevelopment of which are the subject of a separate application).
- 2.5 Photos of the site as at April 2021 (immediately prior to the cow shed being demolished) are provided at Appendix One, while photos of the ruins that remain on site today are provided at Appendix Two. In addition, building warrant documentation for the demolition of the cow shed (and also the Dutch barn at Craighigh North) is provided at Appendix Three, as this also includes photos and plans of the cow shed as it was before the demolition took place.
- 2.6 Notably, the photos at Appendix One show that large parts of the former house were still substantially intact up until 2021 at least, including the full height of much of the walls and gable ends. Likewise, the photos which are included in Appendix Three illustrate the extent of previous development on the site (the former house included).
- 2.7 It is also important to look at what remains on the site around the ruins of the former house, in terms of which the photos at Appendix Two show there to be areas of hardcore/gravel, stockpiled soil, and some scrubby grass in places. There is though no significant grass cover, nor any other vegetation of note on the site.
- 2.8 Combined, the above features of the site give this a degraded aspect, with this not currently having any productive use, or any prospect of doing so in its current state.
- 2.9 This was though not always the case, with historic OS maps (copies of which are provided in the Environmental and Geotechnical Desk Study submitted with the application) showing the site to have been part of a farmstead since at least the late 1860s, with various configurations of buildings on the site since then. Indeed, Aberdeenshire Council's Historic Environment Record confirms the changing nature of development on and around the site over the years, describing this as:



“Farmstead, still in use, depicted on historic OS maps. The 1st edition shows a long range, two rectangular buildings and an L-plan building with attached enclosure, and a pond to the north. By the time of the 2nd edition map the range and rectangular buildings had been removed and a new U-plan steading added. The house had been extended to a T-plan. There have since been further alterations and additions, and the pond has been infilled.”

- 2.10 It should though be noted that, since this description was written, the farmstead has ceased to be in use, and the only built development which remain on the site is the ruins of the former house, as set out above.
- 2.11 It should also be noted that no part of the site is subject to any special designations or protections that would restrict development here.
- 2.12 The above background needs to be taken into account when considering the development proposed in terms of this application, as detailed below.

3 Proposed development

- 3.1 While the application is for planning permission in principle, and the proposed site plan is thus indicative only, this shows ample space for a house to be erected within the curtilage of the previous development on the site.
- 3.2 More specifically, it is envisaged that the house would be a 3-bedroom bungalow with a generous area of private garden ground, off-street car parking, and appropriate drainage infrastructure as shown on the drainage layout drawing. In addition, and although not shown on the indicative site plan, there is ample space for bin storage as required to serve the proposed house (which would be serviced in the same way as the existing house to the north-west is), with the location of the proposed bin stores to be confirmed at the detailed design stage, as would details of proposed landscaping and boundary treatments.
- 3.3 Also, and importantly, the applicant is committed to ensuring that the proposed house would be designed to be as sensitive to the surroundings and as energy efficient as possible, delivering a highly sustainable rural home.

4 Policy context

- 4.1 The Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise, with the Development Plan comprising both NPF4



and the ALDP. It should though be noted that s24(3) of the 1997 Act makes it clear that the most up to date of the Development Plan's constituent parts should be given precedence in cases of any conflict, with that being NPF4 in this case.

- 4.2 The development proposed in terms of this application is thus firstly assessed against the relevant provisions of NPF4 in paragraphs 4.3 - 4.16 below, with consideration then given to any additional requirements of the ALDP which have not already been addressed in the context of this in paragraphs 4.17 - 4.19 after that. Combined, these sections demonstrate that the application complies with the Development Plan as a whole and, as such, the application should be approved.

Fourth National Planning Framework (NPF4)

- 4.3 The starting point in terms of NPF4 is **Policy 17 (Rural homes)**, which supports development proposals for new homes in rural areas where the development:

- *“is suitably scaled, sited and designed to be in keeping with the character of the area”*; and
- *“reuses brownfield land where a return to a natural state has not or will not happen without intervention”*, with brownfield land defined in NPF4 as:

“Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused buildings and developed land within the settlement boundary where further intensification of use is considered acceptable.”

- 4.4 In this case, the photos at Appendices One and Two clearly show that the land has been previously developed, and that a return to a natural state has not happened. Further, it is also clear that a return to a natural state will not happen without intervention in terms of removing the remains of the former house, soil stockpile, and hardcore/gravel which collectively occupy large parts of this at present.

- 4.5 At the same time, with regards to the requirement that proposals be suitably scaled, sited and designed to be in keeping with the character of the area, the indicative site plan shows ample space on the site for the proposed house to be located in a generous sized plot befitting of the rural location, with this also being in keeping with the former house on the site by being a single-storey bungalow of a relatively modest size. Indeed, the proposed house would occupy significantly less of the site than would have been occupied previously by the former house and cow shed combined, delivering both visual and ecological benefits as a result, as set out in more detail below.



4.6 Lastly in terms of Policy 17, paragraph b) requires consideration to be given to how the development will contribute towards local living, and for account to be taken of the transport needs of the development as appropriate for the rural location. In doing that, it is though important to remember that this is “*as appropriate for the rural location*”, with it generally accepted that local living will not look the same in rural areas as it does in urban ones. Indeed, the Scottish Government’s **Draft Guidance on Local Living and 20 Minute Neighbourhoods** highlights that Scotland’s diverse rural geographies require a flexible approach to be taken, and cross refers to the study **Living Well Locally, 20 Minute Communities in the Highlands and Islands**, which recommends that, amongst other things:

- 20 minute neighbourhoods in rural areas should not just be based on walking and cycling distances, but should take into account journeys by all forms of sustainable transport, including community transport; and
- 20 minutes should be treated as a target rather than a requirement, with acceptable distances and times between communities likely to vary, such that 15, 20 or 30 minutes may all be appropriate depending on context.

4.7 Importantly within this context, the application site is less than 15 minutes away from Torphins, which has a wide range of shops, services and facilities which meet the needs of local living, in addition to which there are regular bus services from Trophins to both Aberdeen and Braemar (and settlements along those routes) providing access to an even greater range of services and facilities, as well as employment opportunities. Thus, the proposal also complies with **Policy 15 (Local living and 20 minute neighbourhoods)**.

4.8 Policy 17 also needs to be read in the context of **Policy 29 (Rural development)** of NPF4, one of the intended outcomes of which is a balanced and sustainable rural population, with this being something that the proposed development would clearly contribute to by providing a new family house which will help support local services and facilities.

4.9 Likewise, where the redevelopment of a brownfield site is proposed, Policy 17 also needs to be read alongside **Policy 9 (Brownfield, vacant and derelict land and empty buildings)**, which seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land, and to help reduce the need for greenfield development.

4.10 Specifically, Policy 9 supports the sustainable reuse of all brownfield land and, in determining whether any proposed reuse is sustainable, the Policy states that the



biodiversity value of naturalised land should be taken into account. In this case though, the land clearly has not naturalised, with there being no notable vegetation (as evidenced in the photos at Appendices One and Two), and no indication of the site having any biodiversity value as a result. At the same time, there is no prospect of the site having any sustainable future use in its current state, with the previous house being in ruins and potential contamination having been identified, as set out in the Environmental and Geotechnical Desk Study.

- 4.11 The redevelopment of the site as proposed in terms of this application (including the remediation of any contamination and the delivery of enhancements to biodiversity, as highlighted in the context of Policy 3 (Biodiversity) below), would thus clearly be the sustainable redevelopment of a brownfield site as supported by Policy 9.
- 4.12 It is also recognised that part c) of Policy 9 requires that, where land is known or suspected to be contaminated, development proposals must demonstrate that the land is, or can be made, safe and suitable for the proposed new use. To this end, and taking the site's former farmstead use into account, the Environmental and Geotechnical Desk Study identifies all potential environmental or geotechnical constraints, with it is envisaged that any further investigation that may be required could be conditioned (as has been done in the context of other similar applications elsewhere in Aberdeenshire, and there being no reason why the same approach could not be taken here).
- 4.13 As well as satisfying the requirements of part c) of Policy 9, the benefits of remediating any contamination on the site need to be taken into account when assessing the application against **Policy 1 (Tackling the climate and nature crises)**, which requires significant weight to be given to the global climate and nature crises, and **Policy 3 (Biodiversity)**, which requires development proposals to contribute to the enhancement of biodiversity. Indeed, notable biodiversity enhancements would be delivered by creating a large area of garden ground on what is currently effectively wasteland, with the application therefore complying with both Policy 1 and Policy 3.
- 4.14 Given the nature of the proposed development, consideration has also been given to **Policy 16 (Quality homes)**, which seeks to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, which is exactly what the proposed development seeks to do. And, while the detailed policy wording only supports development proposals for new homes on land not allocated for housing in the LDP in certain circumstances, this includes where the proposal is consistent with policy on rural homes, as this proposal is for the reasons given above.



4.15 Also importantly, consideration has been given to any potential constraints, and relevant policies in respect of those, in terms of which it should be noted that:

- the previously developed nature of the site means that it is not of any ecological value, with no trees on this, nor any evidence that there were trees here before, such that no issues arise in terms of **Policies 4 (Natural places), Policy 5 (Soils), or 6 (Forestry, woodland and trees)**;
- SEPA flood risk maps confirm that the site is not at risk of flooding from any source, and indeed the proposed development would deliver a net benefit by increasing the extent of permeable ground across the site and installation of new surface water drainage infrastructure, such that this should be supported in terms of **Policy 22 (Flood risk and water management)**; and
- while the Council's Historic Environment Record includes an entry for the site, as set out above, neither the ruins of the former house nor any other part of the site are subject to any special designations or protections, and the proposed redevelopment of the site thus complies with **Policy 7 (Historic assets and places)**.

4.16 Lastly in terms of NPF4:

- transport requirements have been considered in line with the sustainable travel and investment hierarchies as required by **Policy 13 (Sustainable transport)** and, while the small scale and rural nature of the proposal means that not all the features referred to in the Policy are appropriate in this case (noting that the Policy only requires such features to be incorporated into proposed developments where it is appropriate), it should be noted that there is ample space on the site to provide residents with appropriate bike parking/storage to meet their needs; and
- with our client committed to ensuring the proposed house is designed to be both sensitive to the surroundings and as sustainable as possible, the proposed development will also comply with **Policies 2 (Climate mitigation and adaption), 14 (Design, quality and place), and 19 (Heat and cooling)**, with further details to demonstrate that accompanying a future matters specified in conditions application.

4.17 In terms of the ALDP, the countryside location of the site means that the application requires to be assessed against **Policy R2 Development Proposals Elsewhere in the Countryside**, which identifies a number of types of development that will be supported in such places. Of particular relevance in this case, this includes the small-scale redevelopment of rural brownfield sites, with small-scale defined as comprising up to 3 houses (unless otherwise specified in policy).

4.18 Given the clear brownfield nature of the site, and that the proposed development comprises only one house (and still only two if considered in combination with the application for a similar house at Craighenhigh North), it is also supported by Policy R2 in principle. This is particularly so given that:

- landscaping and garden space that would accompany the proposed house will make a positive contribution to the local environment by introducing new habitats and plant species, with clause R2.4 of the Policy stating that appropriate development that brings environmental and visual improvements of this nature to brownfield sites such as this will be welcomed;
- in terms of the location of the proposed new house, clause R2.10 of Policy R2 is clear that new development does not necessarily need to replicate the footprint of existing development, just that it must be within a defined curtilage, which the development proposed in this case is, as set out above; and
- lastly, in terms of Policy R2, it is noted that clause R2.10 sets out the Council's expectation that any materials that can be salvaged from existing development will be incorporated into the new development, and it is envisaged that this would be addressed at the detailed design stage in due course.

4.19 At the same time, it is considered that the proposal would also comply with all other policies of the ALDP, many of which reflect equivalent requirements in NPF4, as follows:

- whereas **Policies E1 Natural Heritage, E3 Forestry and Woodland, HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings), P4 Hazardous and Potentially Polluting Developments and Contaminated Land, and C4 Flooding** impose similar requirements to equivalent policies of NPF4, the proposal complies with these for the same reasons as it complies with those, for the reasons given above;
- our client's commitment to ensuring that the proposed house would be designed to be as sensitive to the surroundings and sustainable as possible, while also being



appropriately serviced, means that this would also comply with **Policies P1 Layout, Siting and Design, E2 Landscape, C1 Using Resources in Development** and **RD1 Providing Suitable Services**; and

- our client would be happy to discuss any development obligations that might be required to support the proposed development in accordance with **Policy RD2 Developers' Obligations**.

5 Conclusion

5.1 For the reasons given in this statement, it is clear that the proposed dwellinghouse:

- is supported in principle by relevant Development Plan policies relating to development of this nature, in this location, namely Policies 17 (Rural homes), 15 (Local living and 20 minute neighbourhoods) (as applied in accordance with the Scottish Government's Draft Guidance on Local Living and 20 Minute Neighbourhoods), 29 (Rural development), 9 (Brownfield, vacant and derelict land and empty buildings), 1 (Tackling the climate and nature crises), 3 (Biodiversity) and 16 (Quality homes) of NPF4, and Policy R2 Development Proposals Elsewhere in the Countryside of the ALDP; and
- is also capable of complying with all other relevant Development Plan policies, including Policies 4 (Natural places), 5 (Soils), 6 (Forestry and woodland), 22 (Flood risk and water management), 7 (Historic assets and places), 13 (Sustainable transport), 2 (Climate mitigation and adaptation), 14 (Design, quality and place), and 19 (Heat and cooling) of NPF4, and Policies E1 Natural Heritage, E3 Forestry and Woodland, HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings), P4 Hazardous and Potentially Polluting Developments and Contaminated Land, C4 Flooding, P1 Layout, Siting and Design, E2 Landscape, C1 Using Resources in Development, and RD2 Developers' Obligations of the ALDP.

5.2 As the proposed development complies with both NPF4 and the ALDP, and no material considerations indicate otherwise, the application should be approved.

Aurora Planning Limited
29 November 2023

