PLANNING ADVICE 01/2016
HOUSING AND BUSINESS DEVELOPMENT IN THE COUNTRYSIDE AND GREENBELT

Relating to Supplementary Guidance Rural Development (RD) 1 and Special Types of Rural Land (STRL) type 2.

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1. INTRODUCTION

Aberdeenshire has committed to adopting the positive approach to rural development, as promoted by the Scottish Government, through the new Local Development Plan’s Policy 3: Rural Development and Supplementary Guidance for Rural Development 1 (SG RD1). The overarching aims of these policies are to welcome development in rural areas, particularly in less accessible locations.

This planning advice has been prepared to clarify how Supplementary Guidance Rural Development 1: Housing and business development in the countryside (SG RD1) should be applied. Advice on the implementation of Special Types of Rural Land STRLtype2: Greenbelt is also provided. It is intended to provide best practice advice which will support SG RD1 in the delivery of homes and businesses that are appropriate to Aberdeenshire’s countryside.

It is expected that this approach will see more development in the countryside, and it is therefore exceptionally important that all development meets consistently high standards in terms of layout, siting and design that complements and enhances Aberdeenshire’s countryside.

2. HOW TO USE THE ADVICE

Aberdeenshire is a very large rural authority, with differing character areas and therefore one policy approach covering the whole area is not appropriate.

Aberdeenshire has three separate areas which reflect the range of accessibility to Aberdeen.

These three areas are identified as:

1- Greenbelt
2- Aberdeen Housing Market Area (AHMA)
3- Rural Housing Market Area (RHMA)
Aberdeenshire policy areas

The core policies for these areas are therefore provided in two pieces of supplementary guidance: SG STRLt2 and SG R1.

There are other rural development policies relating to wind farms (SG RD2) and renewable energy (SG RD3) however these are not covered by this planning advice.

<table>
<thead>
<tr>
<th>POLICY: Area</th>
<th>SG STRL1: Greenbelt</th>
<th>SG RD1: Part A</th>
<th>SG RD1: Part B</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenbelt</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>AHMA</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>RHMA</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

Table 1: Policy Areas

Table 1 provides clarification on how policy is applied to each of these three areas.

SG RD1 is a nested policy where:
- The greenbelt policy applies within all three areas;
- The AHMA element of policy (Part A) within the AHMA; and
- The AHMA (Part A) and RHMA elements of policy SG RD1 (Part B) within the RHMA.

3. GENERAL PRINCIPLES

Development in the countryside has to comply with all other relevant policies, as well as meeting SG RD1.

Layout and Design

“Within all cases, the layout siting and design of the development will be a primary consideration”.

SG RD1

A high quality of design will be expected as a result of policies governing design and landscape. Design must reflect local character and contribute to the sense of place using appropriate and where possible local materials.
The two policies of greatest importance are **SG LSD2: Layout siting and design of new development** and **SG Landscape1: Landscape Character**.

For example, a proposal could not be supported, if it does not:

- Respect its setting through its relationship to the existing landscape [see 2 (a) (ii) of Policy SG LSD2]); or
- contribute to a sense of “place” [see 2(d) (ii) of policy SG LSD2] or
- Comply with the landscape character of the area (see criteria 1 of policy SG Landscape 1 and associated planning advice).

Planning Advice 6/2012 “Design” should be consulted for greater guidance on design matters along with 11/2012 “Landscape Character advice for small scale development”.

Other policies which may apply to rural development in particular areas are:

- **STRLtype1: Development in the coastal zone** and
- **SG Safeguarding7: Areas of search for minerals**.

Proposals which fall within these areas will be subject to additional criteria stipulated in these policies.

**Vernacular Buildings**

“The retention and refurbishment of vernacular buildings and the re-use of brownfield land will always be preferred and the character of these buildings should be retained in all cases”.

**SG RD1**

These buildings contribute to local character and sense of place; they are assets in the landscape and have qualities such as mature landscape features that cannot be easily reproduced in new developments.

It is therefore important that these buildings are not lost unnecessarily or altered to such an extent that their character is lost in circumstances when they could be sympathetically converted, refurbished or extended and remodelled.

SG RD1’s justification stipulates that ‘where this policy is to be used to enable redevelopment of a traditional vernacular building every effort should be made to retain the existing building’.

Innovative and forward looking redevelopment of traditional buildings and materials will be encouraged. New development should look forward, while still respecting the past.

Achieving modern sustainable designs within the conversion of old farmsteadings can be challenging. In the redevelopment of such sites, very close attention will be paid to how new design elements reflect the vernacular architecture through the strict application of part (2) (a) (ii) of policy **SG LSD2** (respect for the buildings setting).

Proposals for the refurbishment or replacement of vernacular buildings should adhere to the specific guidance under Section 5 of this advice.

**Biodiversity**

Buildings in the countryside may be used by bats, barn owls and other wildlife. Applicants should be aware that they may be asked for surveys to identify the use of buildings by bats and birds, and that these may need to be undertaken at a specific time of the year.

For further information please see the Councils guidance on bat surveys [http://www.aberdeenshire.gov.uk/media/8128/2015_08batsurveyrequirements.pdf](http://www.aberdeenshire.gov.uk/media/8128/2015_08batsurveyrequirements.pdf) and the Barn Owl Trust [http://www.barnowltrust.org.uk/](http://www.barnowltrust.org.uk/).
4. STRLtype 2 and CRITERIA A.1):
DEVELOPMENT PERMISSIBLE UNDER
THE GREENBELT POLICY

It is for development that would be
permissible under the greenbelt
supplementary guidance.

Part A1 of SG RD1 allows for any rural
development proposals across the plan area,
which comply with Policy SG STRLtype2:
Greenbelt to be approved. The policy permits:

1) The extension of an existing building or
for a proposal which is an associated
ancillary use of the main building and/or
land.

Extensions must be of an appropriate scale
and form that is sympathetic to the existing
building. Additional developments may also
be permitted under this policy if they are
directly associated with, and subsidiary, to
the operation or use within the main building
or land (such as new tool store, or vehicle
shed).

2) Proposals which clearly demonstrate
functional design for the purposes of:
- Agriculture
- Forestry
- Horticulture
- Nature Conservation or
- Essential Public Infrastructure

Caution will be applied to proposals which
are for one purpose, but designed to
resemble another (e.g. a stable that looks like
a house).

3) Any low impact recreational use,
including the creation of paths and
associated car parks, or bridleways.

4) Re-development of a vernacular building
(as defined in the glossary of the LDP) or
a building of architectural merit. Only non-
vernacular buildings of considerable merit
would be considered in these terms. In
the green belt there is no provision for the
demolition of a vernacular or building of
merit and its replacement with a new
dwelling.

5) Accommodation for essential workers. In
such cases justification is required to
demonstrate that the worker is required to
be on site permanently to operate the
enterprise, that all alternatives have been
considered, and that the enterprise is
appropriate to the countryside. The
enterprise should already be established.
“Security” is unlikely to be sufficient
justification for an essential worker as this
service can be provided without the need
for a residence.

6) National priority developments. These are
identified in the National Planning
Framework.

7) Land safeguarded for other purposes,
including infrastructure. In most cases,
land for safeguarding is identified on the
proposals maps. Justification should be
provided as to why an off site solution is
the most appropriate option (e.g. site
levels).

8) Essential infrastructure required to serve
a site allocated in the plan. This would
include roads, water and waste water
infrastructure and any other basic service
needed to support the development.
5. CRITERIA A.2) REFURBISHMENT OF PREVIOUSLY DEVELOPED LAND

It is for the refurbishment or replacement of an existing or disused building, or it is a site which has previously been developed and is now redundant.

Part A2 of Policy SG RD1 permits the refurbishment or replacement of an existing or disused building where they are not vernacular or meritable. It applies to all parts of the countryside except the green belt.

Refurbishment or Replacement Of An Existing Or Disused Building

Replacement of an Existing or Disused House

Demolition of a house and its replacement with a new building would be permitted under criterion A2 of the policy subject to other relevant policies, particularly SG LSD2.

The refurbishment or replacement of a traditional or vernacular house should be considered under vernacular buildings section below.

Development does not need to replicate the existing footprint as expectations are now very much higher than historic floor-space standards would allow, however development must be contained within the curtilage of the existing building site. A larger building may replace a cottage, if the siting and design are appropriate for the site.

If the house is to be replaced by a larger dwelling, issues of sitting, design and impact on landscape character will be of particular relevance. There is greater potential for adverse impacts on setting and landscape where a dwelling is replaced with a larger one.

Replacement of an Existing or Disused building

This would apply to any building (a structure with roof and walls) which is not a house. Development does not need to replicate the existing footprint as it is recognised that the replacement development is likely to be of a different nature, however development should still be contained within the curtilage of the existing building site.

In all cases there is an expectation that the existing building will be completely removed from the site, or converted to a functional use that is ancillary to the dwelling house (for example a garage). It should not be left derelict.

Subdivision of feus through the redevelopment of an outbuilding may be permissible. This is provided that it complies with all other relevant policies including SG LSD2 and there is a sufficient space within the original curtilage to provide adequate access and garden or outdoor space proportionate to the size of both the existing dwelling and proposed dwelling.

Refurbishment or Replacement of a Vernacular House or Building

The refurbishment of a traditional vernacular dwelling or building is actively encouraged as an important part of Aberdeenshire’s character.

Vernacular buildings which are capable of being refurbished, converted or incorporated/ remodelled as part of a new building or house should not be demolished and replaced.

The examples on the following page demonstrate what can be achieved through the successful conversion and redevelopment of redundant vernacular buildings.
The following proposals, which have been approved, demonstrate the significant opportunity to remodel small redundant vernacular buildings into contemporary and spacious living spaces. The proposals have retained the cottages as part of the larger development without sacrificing space or traditional character. They also demonstrate the high standard of design which is expected by all developments under this policy.

Demolition will not be permitted unless it can be demonstrated that the building cannot be retained or repaired. Evidence should be provided (through a structural survey) citing why the building cannot be retained.
Guidance on what may be permissible can be found in Appendix 1.

In circumstances where it is established that retention is not possible, the replacement house requires to be designed to such a standard so as to maintain and enhance the existing character of the site in line with SG LSD2: layout, siting and design of new development.

Wherever possible, traditional and local materials should be incorporated into the replacement design.

**Agricultural Buildings**

It can be difficult to assess if agricultural buildings are redundant for their purpose or have been redundant for a significant period. For example, the absence of animals in a byre does not necessarily mean that it is disused or is redundant. SG RD1’s justification states that ‘a recently built agricultural building which is capable of being used for modern farming practices would not apply’.

However, if on inspection the building is no longer fit for purpose (such as a piggery which cannot serve an alternative purpose) and is in a dilapidated or derelict state, it may be compliant.

**Previously Developed and Now Redundant Sites**

Policy SG RD1 states that the ‘re-use of brownfield sites will always be preferred’. Development will be welcomed on sites which have previously been developed but are no longer active, standing vacant, dilapidated and derelict.

To comply with the policy, the site (and any buildings) must be completely ‘disused and redundant for its designed purpose’ as per the SG RD1 justification. Therefore if land (with or without buildings) is not disused in its entirety, or can still be used for the purpose for which it was designed, it would not comply with the policy.

The judgement of whether a site is disused or redundant for it designed purpose must be made on the basis of physical inspection. If a site looks vacant and derelict, it should be considered as redundant.

However, if a site does not appear to be disused or redundant for its original purpose, supporting evidence should be provided demonstrating why the building can no longer be used for this purpose, such as information relating to the length of time it has been disused.

If the building has only been disused for a short period of time and looks like it could easily be brought back into use then further justification should be sought.

**Naturalised Sites**

Previously developed land must be identified on the basis of its current condition. Sufficient evidence of previous development (such as dilapidated buildings, exposed ground works or infrastructure) must be apparent on inspection. Historic use, unless physically evident, will not be taken into consideration. If a structure has been razed and the land reinstated as agricultural land, the site will be considered agricultural land, not “previously used” for the purposes of the policy.

Aberdeenshire Council has responsibilities to preserve biodiversity. A site which has been disused or redundant for so long that it has become naturalised for example, by the growth of mature trees, is likely to have significant biodiversity value. If the previous use is not apparent on physical inspection, the site may not comply with A2 of the policy. In such instances, SG Natural Environment 2: Protection of the wider biodiversity and geo-diversity would apply, particularly criterion C, where public benefits would have to be demonstrated.
Policy Exemptions

The following would not be covered in part A2 of the policy unless exceptional overriding circumstances determine otherwise:

- Buildings or sites being used for storage purposes. Even if a building was not designed for that purpose, it would still be considered to be in use and would therefore not comply.

- Sites with temporary buildings - Redundant or disused buildings of a temporary nature (For example garden sheds) will not generally comply with this policy. Where there is uncertainty regarding the permanence of a structure, judgement must be made on the type of structure, foundations etc

- Hardstandings can accommodate a variety of uses and will only be considered redundant in exceptional circumstances.

- Reinstated sites (such as former quarries) or sites with unimplemented conditions for reinstatement.

- Replacement of purpose built garages into dwellings. Garages are unlikely to ever be disused and redundant for their original purpose.

Scale Of Development In The Countryside

Care should be taken regarding proposals on large previously developed/ brownfield sites.

Developments in the countryside should be of a scale and density appropriate to their surroundings and it should not be seen as necessary to develop a site in its entirety.

Proposals for larger sites which seek to develop more than 3 units should be sought through a bid in the next LDP. Therefore, the subdivision of previously developed sites to allow multiple developments of 3 units will not normally be supported.

In relation to large sites, this maximum also applies where there are more than 3 existing buildings on one site. Only in exceptional circumstances, such as the large scale refurbishment of an existing vernacular dwelling/stead ing would more than 3 units be permitted. In these cases and where multiple applications may be received consideration will be given to the overall cumulative impact of the development and its effect on the character of the area.
6. A. 3) ORGANIC GROWTH

It is for development that contributes to the organic growth of a settlement identified in appendix 1 of the SG, of no more than 3 houses on a site within approximately 400m of the edge of the built up area.

Organic growth has been promoted as a way of expanding villages in the way they would have historically grown. Organic can be defined as 'gradual or natural development'.

The 'edge of the built up area' would be applied 400m from any point of the settlement boundary, if the village has a settlement boundary and is identified in the plan. Where there is no identified settlement boundary, the rule will apply from the edge of the 'built up area'. This would apply from the curtilage of a dwelling / property at the edge of the settlement group.

400 metres is an approximation and discretion can be exercised where an application outwith this distance demonstrates exceptional layout, siting and design. In addition, a proposal within 400m should not be assumed to comply. All proposals must meet the criteria outlined in 'Key Considerations' below.

Key Considerations in Determining Organic growth

- Is the site accessible by foot to/from the settlement/village?

  The site must be accessible from the nearby settlement via a safe and realistically useable route. Along the side of a un-pathed road is not normally adequate.

- Does the site relate well to other nearby dwellings (layout and design)?
- Is the site appropriate in terms of landscape character?
- Does the site have a natural boundary?

Sites must be appropriately located with a natural boundary consistent with its surroundings. This could be trees, roads, dykes, adjacent properties or natural landforms which all improve the integration of a house into its setting.

- Is the site consistent with the historical growth and pattern of the settlement?

Figure 1: Organic Growth example

Figure 1 demonstrates possible options that could in principle be considered as part of organic growth.

Developments approved as part of organic growth will be permitted up to 20% of the size of the existing settlement. The size of the existing settlement refers to the number of physical dwellings fully or partially constructed as of 1st January 2012. This is irrespective of applications approved but not constructed prior to 1st January 2012.

The 20% applies to the current plan period from 2012-2017.

If the situation arises where a proposed dwelling is located between an identified settlement and cohesive group, the dwelling would contribute to the 20% allowance of the larger settlement.
7. A.4) FARM SUCCESSION

**It is for a single dwelling house associated with the retirement succession of a viable farm holding**

This criterion will allow for the erection of a new house on a viable farm unit where the applicant is retiring and a close family member is taking over the running of the farm enterprise. The operation of an agricultural related business e.g. an agricultural contractor would not comply.

It is expected that there will be no requirement for the use of a planning obligation, nor an agricultural occupancy condition. Only one house per farm will be permitted under part A4).

The siting of the new house should be such that it maintains a presence on the farm unit. In most cases the new house will be located within walking distance of the farm hub. Locating the site remotely is discouraged.

Other opportunities to provide for the accommodation needs of the retiring farmer on the farm should be explored and dismissed before applying this policy.

Information must be provided by the applicant if applying for a dwelling under this criterion. This should include:

- A statement from the applicant or their agent confirming that there are no opportunities for the refurbishment of vernacular buildings or the reuse of a brownfield site and that there are no suitable dwellings within the farmer’s control which could be used. The statement should include a map showing the land within the farmer's control. The retention and refurbishment of vernacular buildings will always be preferred.

- A statement from the applicant of who the successor is and what their relationship is to the retiring farmer. The statement should also confirm the "successors" intention to actively farm the unit as their main employment. The statement should include some background information on the farm including how long the farm has been occupied by the family, the size of the farm, what type of farming enterprise is undertaken on the unit and if the farming business undertakes any activities outwith the holding or if any other holdings are in the control of the applicant.

Only "near relatives" will be treated as legitimate successors in terms of this policy. Near relatives are defined within the Agricultural Holdings (Scotland) Act 1991 in schedule 2 part 3 (1), which includes children, adopted children and grandchildren.

This statement should help build up a picture of the farming operation to help establish if the dwelling is being sought for genuine succession planning. It should also help to indicate the viability of the unit. If the farming business undertakes a lot of work outwith the holding (e.g. contract farming), the farm holding itself may not be viable as a stand alone unit. Further information may need to be sought from the applicant as detailed below.

- Evidence confirming that the farm is a viable farm holding.

The Economic Report on Scottish Agriculture, (Scottish Government, 2012) identifies that dairy, general cropping, mixed and cereal farms are predominantly over 50Ha in size. Therefore, farm holdings of 50Ha or more will be considered to be viable for the purpose of this policy. It is acknowledged that more intensive types of farming are often smaller in size, however viability in these cases is required to be demonstrated.

Viability will be dependent on the productivity of the land and the type of enterprise being run and a farm may be unviable above or below this level.

If there are concerns about the viability of a farm holding the applicant should be asked to provide an independent statement that there is an existing farm business that has been in occupation of the farm for over 10 years and that an income has been derived from the holding.
8. B.1) EMPLOYMENT DEVELOPMENT PROPOSAL

Part B is only applicable to development within the Rural Housing Market Area (RHMA as illustrated in Table 1).

**It is an employment proposal**

Policy SG RD1: B3 allows for the small scale development of up to 0.5 Ha for employment uses, which employ no more than 5 people.

Proposals should comply with SG LSD2 layout, siting and design of new development and be compatible with their surroundings.

9 B.2) COHESIVE GROUPS

**It is an appropriate addition, in scale and character to an existing cohesive group of at least 5 houses.**

A cohesive group is not an identified village or settlement and consists of at between 5 and 15 occupied or capable of being occupied dwellings. Policy SG RD1: B2 allows small-scale development of no more than 20% of the size of an existing cohesive group up to a maximum of 3.

Proposals for development under part B2 must demonstrate “connectedness” to the cohesive group. Sites for development must be directly related to the existing houses within the group or “infill”, where appropriate, between properties.

Proposals must be sympathetic in size and character to the existing cohesive group.

Key considerations:

- Is the site consistent with the pattern of the existing cohesive group?
- Is the site appropriate in terms of landscape character?
- Does the site have a natural boundary consistent with the other properties?

**Figure 2:** Houses approved as part of the cohesive group policy must be connected to the existing houses (shown on the below sketch in black) and demonstrate consistency with the existing layout of the group. The site marked with a cross is disconnected from the group by the road and is inconsistent with the existing layout.

**Figure 3:** Some cohesive groups have a more linear and/or spread out nature. If the properties are within relatively close proximity to each other and part of an established pattern, they can be considered to be cohesive. Additions to cohesive groups must be compatible with the existing relationship between properties.
**Appendix 1**: Part A2 of SG RD1, Refurbishment and Replacement of an existing or disused building and previously developed sites

<table>
<thead>
<tr>
<th>Types of disused buildings and previous development</th>
<th>Policy applicability in principle</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type 1: Naturalised</strong></td>
<td>This site would not constitute previously developed land for the purposes of the second part of A2.</td>
</tr>
<tr>
<td>There is no clear indication of what the previous use of the building or site was. The site has returned to a predominantly naturalised state, with mature trees.</td>
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</tbody>
</table>

<p>| <strong>Type 2: Complete footprint</strong>                        | A replacement house may be permissible in principle. However, where a site has been redundant for a significant period of time, its context is very important in assessing whether it is appropriate for development. Ruinous sites have often not been brought back into use due to their remote or difficult locations. |
| The site has the original footprint of former building, with some parts (such as low wall) of the structure evident. | |</p>
<table>
<thead>
<tr>
<th>Type 3: Partial structure</th>
<th>A building which is partially standing could be refurbished or replaced under part A2 of the policy for most structures of this type. It may prove challenging to refurbish a vernacular building of this type and replacement may be permitted subject to other relevant policies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where a structure is partially complete and Significant evidence of the previous use is apparent.</td>
<td></td>
</tr>
<tr>
<td>Type 4: Full Building Shell</td>
<td>The refurbishment or replacement of a building of this type would be acceptable in principle for non vernacular buildings. If the building is of traditional vernacular style, retention should be sought. If demolition is sought, justification is required in line with this planning advice.</td>
</tr>
<tr>
<td>It is clearly evident what the former use of the building was and the structure in the main is still in place.</td>
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</tr>
<tr>
<td>Type 5: Full structure in dilapidated condition</td>
<td>Where a structure is in fully in place, but the building is in a redundant, dilapidated or disused condition, refurbishment or replacement in principle would be acceptable. Vernacular buildings of this type may be refurbished or remodelled and only replaced in exceptional circumstances.</td>
</tr>
<tr>
<td>Where a building’s original structure is substantially still in place albeit in a dilapidated or derelict state.</td>
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</tbody>
</table>