



T: [REDACTED]
[REDACTED]
[REDACTED]

Our ref: NA-ABS-049
Planning Authority Ref: APP/2019/2108

18 December 2020

Dear [REDACTED]

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
THE TOWN AND COUNTRY PLANNING (NOTIFICATION OF APPLICATIONS)
(SCOTLAND) DIRECTION 2009
FULL PLANNING PERMISSION FOR CONVERSION OF PART OF STEADING TO
FORM DWELLINGHOUSE AT SITE AT PRONY STEADING, GLENGAIRN,
BALLATER, ABERDEENSHIRE**

1. This letter contains Scottish Ministers' decision on the above application submitted to Aberdeenshire Council by Ronald Hay Architectural Design on behalf of [REDACTED]
2. Aberdeenshire Council was minded to grant the application, but it was required to notify it to Scottish Ministers because there was an unresolved objection by SEPA in respect of flood risk. The application was subsequently called in for Scottish Ministers' determination on 17 April 2020 because of potential conflict with national policy in that regard and inadequate justification for departing from the policy.
3. The application was considered by means of written submissions and an unaccompanied site inspection by [REDACTED], a reporter appointed for that purpose. A copy of the reporter's report, dated 20 October 2020 is enclosed.

Consideration by the Reporter

4. The reporter's overall conclusions and recommendations are set out in Chapter 4 of the report. The Reporter recommended that planning permission be refused.

Scottish Ministers' Decision

5. Scottish Ministers have carefully considered the reporter's report. They agree with the reporter's overall conclusions and recommendation that planning permission should be refused, and adopt her reasoning for the purpose of their own decision, which is summarised below.

6. Scottish Ministers agree with the reporter's conclusions that there is some support for principle of the development in the Local Development Plan. The proposed conversion would comply with Policy 1, Part 8 (Conversions), Policy 3, Part 3 (Converting existing buildings), Policy 4 (Natural Heritage) and Policy 10, Part 1 (Water Resources) of the development plan.

7. However, the proposed development is within the 1-in-200-year floodplain, and therefore in a medium- to high-risk area in respect of flooding. Scottish Ministers accept the reporter's findings, that the proposed conversion does not accord with the requirements of Policy 10, Part 2 (Flooding), as it has not been demonstrated that the dwelling house would be free from significant risk of flooding.

8. Ministers agree with the findings of the Reporter that overall the proposed development is contrary to the development plan, as the benefits of the conversion are not sufficient to outweigh the risk that the dwelling house could flood in the future, with adverse consequences for human health and safety and for property.

9. Scottish Ministers accept the reporter's view that granting planning permission would be contrary to the precautionary approach set out in Scottish Planning Policy, and to the advice that areas at medium to high risk of flooding are generally not suitable for isolated dwellings in sparsely developed locations.

10. Scottish Ministers agree with the reporter's conclusions that that the proposed development does not accord with the development plan overall and that there are no material considerations that would indicate permission should be granted. Accordingly, Scottish Ministers hereby refuse planning permission for the conversion of part of steading to form dwellinghouse at site at Prony Steading, Glengairn, Ballater, Aberdeenshire.

11. The decision of Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date of this letter. If an appeal is made, the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

12. A copy of this letter and the report has been sent to Aberdeenshire Council, SEPA and Cairngorms National Park Authority.

Yours sincerely



Senior Planner
Scottish Government
Planning Decisions Team