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**NETHER ARDGRAIN, ELLON**

**OBJECTION TO PROPOSED STEADING  
CONVERSION**

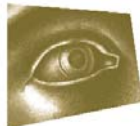


**ON BEHALF OF  
MR & MRS YOUNGER**

PREPARED BY

HALLIDAY FRASER MUNRO

**PLANNING**



CHARTERED TOWN PLANNERS AND CHARTERED ARCHITECTS  
ABERDEEN, BELFAST, DUNDEE, EDINBURGH, GLASGOW

April 2007

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## **1 INTRODUCTION**

This objection has been prepared by Halliday Fraser Munro Planning, Chartered Town Planning Consultants and Chartered Architects of Aberdeen, Belfast, Dundee, Edinburgh and Glasgow. It is submitted on behalf of our Client, Mr & Mrs Younger who reside at Nether Ardgrain, in objection to both an application for Full Planning Permission for the conversion of the existing steading into a dwellinghouse (ref F/APP/2007/1261) and an application for Listed Building Consent for the part demolition and conversion of the steading into a dwellinghouse (ref F/APP/2007/1262) at Nether Ardgrain, Ellon, Aberdeenshire, by Mr A Low, per Taylor Design Services.

## **2 THE SITE**

Nether Ardgrain lies approximately two miles north of Ellon, accessed from a private track leading from an unclassified public road. The site occupies an elevated and highly visible hillside position set in rolling agricultural land with extensive views to the south.

A range of buildings are present on site, the most important being the Category 'A' Listed Nether Ardgrain farmhouse. A number of vernacular outbuildings lie to the sides and rear of the farmhouse. Immediately North West of the farmhouse is an 'L' shaped vernacular stone and slate steading building and a further steading east of these, creating a 'U' shaped courtyard arrangement. Although not listed in their own right, all the buildings within the curtilage of the farmhouse are deemed to be part of the 'A' Listed status and have an important physical and visual relationship with the farmhouse. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 advises that any object or structure within the curtilage of the building which, though not fixed to the building, forms part of the land and has done so since before 1st July 1948 shall be treated as part of a listed building. (Section 1 (4)). These steading buildings are the subject of planning applications to convert the 'L' shaped buildings to a single dwellinghouse. Access to the site is to be along the private track shared with the farmhouse.

## **3 DEVELOPMENT PROPOSAL**

Full planning permission and listed building consent is sought for the conversion of the steadings to the rear of Nether Ardgrain Farmhouse into one 4/5 bedroom dwellinghouse on two levels. The dwellinghouse is to be contained within the 'L' shaped building, the remaining steading retained as an outbuilding. A garden area is to be created in the steading courtyard opposite the farmhouse.

## 4 ISSUES

There are a number of issues pertaining to the development currently proposed at Nether Ardgrain. These issues are the basis for our grounds for objection to the development.

### 4.1 IMPACT ON LISTED BUILDING

Historic Scotland define a Category 'A' Listed building as a:

"Building of **national or international importance**, either architectural or historic, or fine little altered examples of some particular period, style or building type."

Nether Ardgrain farmhouse and curtilage buildings were listed on 16<sup>th</sup> April 1971. In his book 'Gordon: An Illustrated Architectural Guide', Ian Shepherd describes Nether Ardgrain as "**one of the crispest, sparest and most truly Scots houses in the north-east**". The property has retained the character of its 17th-century origins through the sympathetic restoration and maintenance by the current and previous owners. In addition, the steading buildings remain little altered since their construction, except for the easily removed modern agricultural additions.

The Development Plan contains a number of policies and objectives that aim to protect listed buildings from development that would have a detrimental impact on their fabric or setting. The purpose of these policies is to promote and protect the built and cultural heritage of the North East.

Objective 5 of the Aberdeen and Aberdeenshire Structure Plan 2001 – 2016 'North East Scotland Together' is "To protect, enhance and promote the natural, built and cultural heritage of the North East."

Policy 20 of the Structure Plan encourages the enhancement, active use, conservation and access to our built heritage, while protecting the integrity and setting of listed buildings.

Policy Env\18 of the Aberdeenshire Local Plan (2006) states that:

"All listed buildings or structures contained on the statutory list of Buildings of Special or Architectural or Historic Interest for Aberdeenshire shall be protected against any works which would have a detrimental effect on their listed character, integrity or **setting**."

"New developments within their curtilage must be of the highest quality, respect the original structure in terms of setting, scale, design and materials and conform to Appendix 4"

Aberdeenshire Local Plan Appendix 4 provides further guidance on development affecting listed buildings, stating that new development should:

“be of a scale and proportion which is sympathetic to the character of the particular building and the surrounding area.”

The conversion of the steadings to the rear of Nether Ardgrain farmhouse into residential accommodation would have an unacceptable detrimental impact on both Nether Ardgrain farmhouse and the fabric of the steadings themselves. Although under separate ownership since 1982, the steadings, outbuildings and farmhouse which make up Nether Ardgrain must be seen as a single A listed entity, whether the site is viewed from a distance or from the courtyard of the site, and also in respect of their listed status. The intensification of residential use on the site would detrimentally alter the setting and character of Nether Ardgrain forever.

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 provides statutory guidance on the determination of planning applications affecting listed buildings for local authorities and the Scottish Ministers. Section 59 states that:

- In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have **special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest** which it possesses;
- Without prejudice to section 64, in the exercise of the powers of disposal and development conferred by the provisions of sections 191 and 193 of the principal Act, **a planning authority shall have regard to the desirability of preserving features of special architectural or historic interest and, in particular, listed buildings;**
- In this section, "preserving", in relation to a building, means **preserving it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.**

Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas (1998) (para 2.10) advises that any new use for a site comprising a listed building should **positively enhance both the environment and the setting of other listed buildings in the area.** The proposed development clearly does not achieve this.

National Planning Policy Guideline (NPPG) 18: Planning and the Historic Environment (1999) advises that when considering development that impacts upon a listed building, the “aim should be to identify the **best viable use that is**

**compatible with the fabric, setting and character of the historic environment.”**  
(Para 22).

Our client has submitted a planning application for listed building consent for the restoration of the steadings and bothy and the removal of an asbestos lean to and Dutch barn (ref F/APP/2007/0580). That application includes the sympathetic repair and restoration of the vernacular steadings back to their original form. Our client is willing to lease the buildings for agricultural purposes following restoration. Aberdeenshire Council’s Built and Cultural Heritage Officer described these proposals as “to be welcomed as positive development in securing the long term future of these agricultural buildings.” This proposal presents the **most viable use that is compatible** with the listed status of the steadings and Nether Ardgrain, in terms of the impact on their fabric, setting and character.

Section 25 of the Town & Country Planning (Scotland) Act 1997 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 42 of NPPG 18 advises that:

“Where a proposal affects a listed building or its setting, an important material consideration is the desirability of preserving the building or its setting, and any features of special architectural or historic interest. **Development plan policies that relate to listed buildings**, along with supplementary guidance, **should still be taken into account when determining applications for listed building consent but should not be afforded as much weight as the statutory requirement.”**

This effectively means that national policy guidance overrides that of the development plan. The principle aim therefore is that **development which provides the best viable and compatible use should be approved, while any proposal that may harm the setting of a listed building should be refused.** Aberdeenshire Council has a real choice here. Full restoration to original form or significant alterations to the steading and negative impact on the A listed farmhouse. The former should be considered as being the most appropriate development form.

#### **4.2 IMPACT ON RESIDENTIAL AMENITY**

The proposed conversion of an agricultural steading building into a five bedroom dwellinghouse would introduce a considerable number of additional residents and vehicles to Nether Ardgrain.

The steadings lie a mere five metres from the farmhouse, a narrow path for any vehicle to negotiate, resulting in the high likelihood of damage to the A listed

building from vehicles, in addition to damage that has already been sustained. The steadings occupy an elevated position behind the farmhouse, and windows proposed on the east courtyard elevation of the steading will directly overlook the conservatory on the western elevation of Nether Ardgrain farmhouse, resulting in the loss of privacy and general amenity of the farmhouse.

The proposed development makes no provision for passing places on the narrow access track, which is unsuitable for an increase in traffic. Insufficient turning space exists within the application site, and it is highly likely that in practice, our clients' gravelled courtyard area would be encroached upon for vehicle manoeuvres, severely impacting on their privacy and amenity enjoyed by use of their conservatory.

In addition, the steading could comfortably accommodate a further dwellinghouse through sub division, as demonstrated by the previous applications. This would result in the further intensification of the residential use of the site, confirming the Formartine Area Committee's concerns about Nether Ardgrain turning into an urban cul de sac.

The proposed development is therefore contrary to Aberdeenshire Local Plan Policy Gen\2: The Layout, Siting and Design of New Development, which requires that all new development respects the character and amenity of the surrounding area.

#### **4.3 CONVERSION DESIGN**

The proposed steading conversion contains a number of design elements that are not appropriate for the site's A listed status. Historic Scotland, Aberdeenshire Council's Built and Cultural Heritage Officer and the Planning Service requested that the design and materials be revisited under the previous planning applications, ref F/APP/2006/3491 & 3841. We do not feel that the current applications take account of these requests. To comply with Aberdeenshire Local Policy on design affecting listed buildings and guidance on steading conversions, existing openings should be retained and reused, while alterations to building should be kept to a minimum. Due to the sites listed status, appropriately high quality materials are also required.

The design of the steading conversion also brings a modern residential building character to Nether Ardgrain that is entirely alien to the site, due to elements of the conversion design and the use of the steading courtyard as a modern dwellinghouse garden and recreational area.

The western and eastern elevations of the west wing contain a number of new window and full height door openings that display an overly horizontal emphasis that is detrimental to the vernacular character of the steadings. Furthermore, it appears that as many new openings and rooflights as possible

have been squeezed onto the west elevation in order to allow the building to accommodate a dwellinghouse.

In addition, the southern gable opening treatment appears to be contradictory between lodged plans and elevations, and it is not clear if a window or door is proposed here. If it is a window as shown on the plan (and is likely due to the form of the room it serves) then this too will impact hugely on the amenity of the farmhouse and introduce another non-traditional element within the same visual envelope as the A listed farmhouse. The incorporation of full height glazed openings in the steading would share an incongruous and contradictory relationship with the very small ground and first floor windows found on the northern elevation of the farmhouse. The small farmhouse window openings are an integral part of the listed building's form, therefore such development would have a detrimental impact on its character.

The proposed conversion also involves the construction of a boundary wall along the southern elevation of the steading courtyard area. This would effectively divide the A listed site and have an unacceptable impact on its overall character.

#### **4.4 IMPACT ON NATURAL HERITAGE**

Bats and their roosts are legally protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c.) Regulations 1994. All Scottish bat species are protected as European Protected Species. This means that it is an **offence to damage or destroy the breeding sites or resting places of such animals**. SNH advise that bats tend to use buildings for maternity roosts from late May to early June. A survey report of bats and barn owls at Nether Ardgrain by Alba Ecology Ltd. has been submitted as part of the current applications. This survey does not conclusively demonstrate that the proposed development will not have an unacceptable impact on protected species. The survey states the following:

*(It was) "carried out in December when bats in the area are not active and barn owls are not breeding;*

*older buildings have potential roost sites (and) may be suitable as temporary roosts at certain times of year;*

*the local population of barn owls is strong ... the habitat surrounding Nether Ardgrain is ideal for this species;*

*the possibility remains that although undetected during this survey, bats may still be found. It is also possible that barn owls use the buildings to roost."*

The survey concludes by recommending that a further check for signs of barn owls or bats is undertaken.

Scottish Executive guidance 'European Protected Species, Development sites and the Planning System – Interim guidance for local authorities on licensing arrangements' (2001) advises the planning authority on how to deal with planning applications that may affect protected species. It states that every decision taken by every planning authority must be reached in a manner which ensures that the provisions of the habitats directive are taken into account. This duty is a matter of Community law. The planning authority must be satisfied that the development will not impact adversely on any European protected species, or that the three tests required for a grant of licence to permit works affecting such species are satisfied. The three tests broadly permit development where:

1. the development's purpose is to preserve public health or safety or other imperative reasons of overriding public interest;
2. there is no satisfactory alternative to granting a licence;
3. the authorised action would not be detrimental to the maintenance of the population of the European protected species

The guidance advises that the erroneous action of the planning authority may present the **real danger of the developer being unable to develop the site for the use planning permission had been granted for. This is in the interest of no party involved.**

The presence and status of bats and barn owls at Nether Ardgrain is therefore a matter that requires clarification prior to the granting of any planning permission. It is not acceptable for Aberdeenshire Council to simply condition that a bat survey is undertaken and mitigation measures implemented prior to the commencement of development, as was the case with the previous application. A comprehensive bat and barn owl survey is required, and the research for this can only be carried out at the appropriate time of year, May and June, to establish the proposed development's impact on the species.

## 5 CONCLUSION

In conclusion, we object to the current planning applications on behalf of our client on the following grounds:

- Impact on Listed Building;
- Impact on Residential Amenity;
- Conversion Design;
- Impact on Natural Heritage

Full consideration should also be given to the refurbishment of the steadings currently proposed by our client as the best viable and compatible use of the site, in accordance with national policies.

For the reasons outlined above, it is respectfully suggested that the Formartine Area Committee refuse Full Planning Permission and Listed Building Consent for the Conversion of a Steading into a Dwellinghouse at Nether Ardgrain.