

Dear Mr Brownrigg

Halliday Fraser Munro act for a number of clients presently, and others in the past, who have homes and property in the Aberdeen Green Belt.

We feel there is a discrepancy between the City Council advice to householders in the green belt compared to those outside the greenbelt.

Essentially, the criteria based policy called the Aberdeen Plot Sub-division Guide is a useful document which sets out guidelines (policies if you will) against which plot subdivisions can be judged. It isn't a free-for-all by any consideration - but it is nevertheless a clear presumption in favour of allowing plot subdivisions, provided householders meet the criteria set out in the policy.

We made this observation at the last LDP Examination - that this presumption in favour, only applies to property outside greenbelt; in other words the majority of homes in Aberdeen. For the significant minority who reside in the Greenbelt no such presumption in favour applies.

This state of affairs is at best unfair.

At worst it is a contravention of the Human Rights Act 1998.

Aberdeen City Council, as Planning Authority, must not act in a way which is incompatible with householders' Convention Rights, particularly the First Protocol article 1 re protection of property. In particular, the 1998 Act states that legislation must be read and given effect [in this case through the LDP] in a manner which is compatible with Convention rights. We would submit that the presumption afforded most householders in Aberdeen, to subdivide their house plot, is fair and ECHR compliant. However denying similar rights to the few thousand folk who live within Green Belt is unfair and potentially contrary to the ECHR simply because it is denied.

There would have to be a significant and over-riding public interest reason to deny householders their right to subdivide a plot. If you have a house in a 1 acre garden in the green belt we would submit that having 2 houses on 2 half acre gardens - provided the terms of the plot subdivision policy are adhered to - does not threaten green belt or the purposes of green belt. There is no right of access to gardens. Where such gardens are subdivided there is no issue of coalescence between towns. Where such plots are subdivided it is difficult to see how the better planning of the City or the Green Belt would be compromised - given, in each of these examples, the plot subdivision guidelines would have prevailed in any event.

We suggest that the Green Belt policy should be amended to make possible plot subdivisions which comply with the City Council Plot Subdivision Supplementary Guidance Policy within the Green Belt areas.

I would be obliged if this can be treated as a policy representation.

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