



Upper Maggieknockater, Craigellachie, Moray

proposed erection of
dwelling-house with
detached garage

Grounds for Review of Refusal of Planning Application

Planning reference - 15 / 00793 / APP

Prepared by
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Introduction / Background to Application

These grounds for review of a decision to refuse planning application for a house on a site at Upper Maggieknockater are submitted under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended). This notice of review has been lodged within the prescribed three month period from the refusal of planning permission dated 24 June 2015.

The Council's reason(s) for this decision are as follows: -

The proposal is contrary to the provisions of the approved Moray Structure Plan 2007 (Policy 1 (e)) and the adopted Moray Local Plan 2008 (Policy H8 and IMP1) and as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' where, because of its siting / location, the proposal, when considered in conjunction with the existing / proposed development in the locality (including four recent planning permissions granted at Balnacoul), would result in an additional accumulative build up of development which would detract from the amenity, appearance and character of existing development in the surrounding area.

**The report confirms that there were no technical objections to the proposal from any of the following statutory consultees -
Environmental Health, Contaminated Land, Transportation and Scottish Water**



The Proposal



The proposal is for a single dwelling-house accessed from a minor public road to the north west of the site.

If approved, the site would be served by a public water supply and private drainage system.

Careful consideration has been given to the individual house layout / fenestration / detail and the resultant design is one of a contemporary style with traditional characteristics including vertically proportioned windows, gables with 40 - 45 degree'd pitches, gable widths no larger than 2.5 times the ground to eaves height, well placed velux rooflights doubled up in many instances to accentuate traditional openings and a general fenestration in keeping with a traditional cottage appearance. In terms of material use, the walls will be finished with white or cream roughcast and natural stone with grey concrete tiles specified to the roof to imitate traditional natural slates.

The proposed house will be cut into the hillside without any unnecessary build-up to integrate with the contours of the land.

Within the cutilage of the site itself a mixture of Birch, Larch, Rowan & Scot Pine trees and bushes at approx. 1.5m centres will be planted out to give a 25% foliage cover. All these trees will be at least half standard (approx. 1.5m in height) as noted on the site plan (UPPER-MAGGIE / PLANNING / 01).

The Site



Photo of site

Aerial image of site

The proposed site is situated to the north west of Maggie Knockater. It is located adjacent to a number of existing planning consents at Balnacoul.

The topography of the site is such that it gently slopes from the north west to the south east direction.

The site is defined and bounded by at least 50% of existing boundaries. These consist of the following - an existing public road and mature tree backdrop to the north-west and an existing fenced property boundary to the north-east.

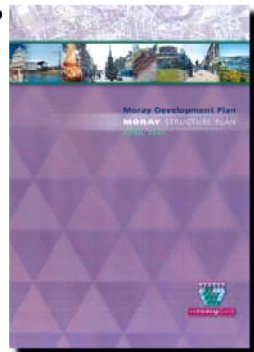
Planning Policies

This application has been considered and determined in regard to its suitability in terms of how it accords with the following planning guidelines and documents

- Development Plan Policy

The Planning Act requires planning applications to be determined in accordance with the Development Plan unless there are "material considerations" to justify doing otherwise.

The Development Plan for Moray comprises the Moray Structure Plan 2007 approved in April 2007 and the Moray Local Plan adopted in December 2008.



- Moray Structure Plan 2007 (Appendix 4)

The development strategy in the Structure Plan promotes growth and its strategic aims (p8) include a commitment to maintain and grow the population and to allow sensitive small scale development in rural areas

While the Structure Plan directs the majority of new growth to the established hierarchy it also recognises that in rural Moray the development of small scale housing is essential to sustain communities.

The Structure Plan has an explicit presumption in favour of house building in rural areas on well located and designed sites that have a low environmental impact.

Structure Plan Policy 1(e) (p24) encourages low impact and well designed development in the countryside.



- Moray Local Plan 2008 (Appendix 5)

The Local Plan reflects the Structure Plan strategy and allows for housing in the countryside subject to certain criteria being met.

The site is located in the countryside. It is not within any of the designated sensitive areas identified in the Local Plan e.g. Areas of Great Landscape Value and National Scenic Areas.

As a proposal for a new house in the countryside the lead policy to consider is Policy H8 - New Housing In The Open Countryside.

Policy H8 sets out requirements on the siting and design of new houses in the open countryside. It presumes against applications for more than two houses and allows for two or less houses on sites which;

- do not detract from the character and setting of existing buildings, or their surrounding area, when added to an existing grouping or linear extension,
- are not overly prominent (such as on skyline, on artificially elevated ground, or in open settings such as the centre of fields). Where an otherwise prominent site is offset by natural backdrops, these will be acceptable in terms of this criterion,
- have at least 50% of the site boundaries as long established features capable of distinguishing the site from the surrounding land (e.g. dykes, hedgerows, watercourses, woodlands, tracks and roadways).

As regards design policy H8 also requires;

a roof pitch of between 40 and 45 degrees, a gable width no more than 2.5 times the height of the wall from ground to eaves, uniform external finishes including slate or slate effect roof tiles, vertical emphasis and uniformity to windows, additional planting within the plot and boundaries sympathetic to the area.

The siting and design criteria in Policy H8 are supplemented by the general criteria based Policy IMP1 - Development Requirements. This policy has a range of requirements applicable to all new development including that; scale, density and character must be appropriate to the surrounding area, development must be integrated into the surrounding landscape.

Main Issues answered in terms of planning policy (part A)

Having set out the policy background we would like to now consider the main issues that arise from the proposal in relation to this policy context. The main issues are considered to be ;

- Principle of the site
 - Design
 - Infrastructure and servicing
- PRINCIPAL OF THE SITE

The Moray Structure Plan Strategy in line with National Planning Policy is committed to the principle of well sited and designed new housing in the countryside.

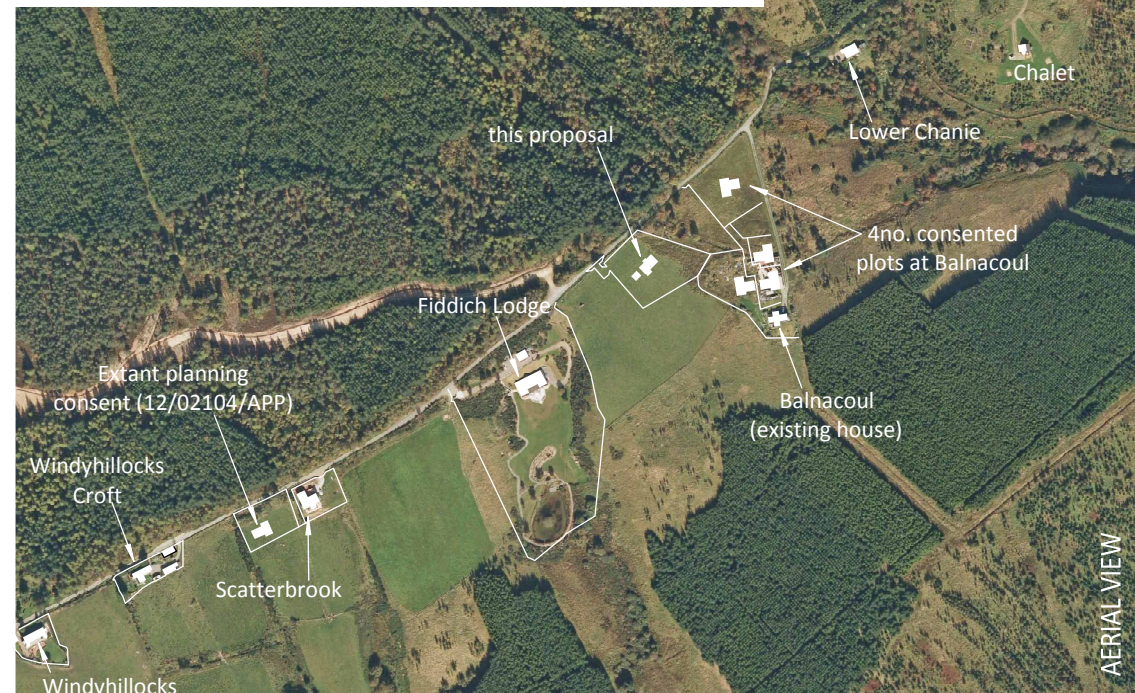
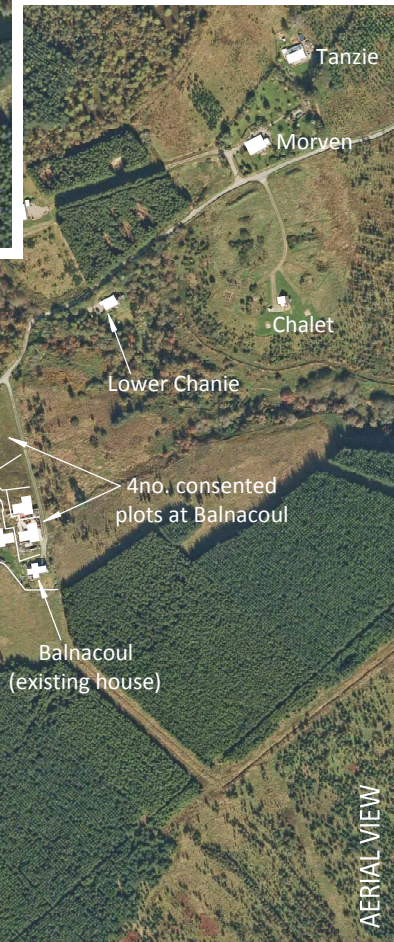
Structure Plan policy 1(e) encourages low impact well designed development in the countryside.

The Moray Local Plan 2008 reflects Structure Plan policy. Policy H8 (New Housing in the Open Countryside) is the predominant policy in terms of the acceptability of a new site in the countryside. The application is for a single house and therefore is in accordance with the main thrust of this policy.

There are three specific criteria under the heading "siting" which have to be met for the principle of a site to be acceptable.

- In the first instance the house must not detract from the character and setting of the existing buildings, or their surrounding area, when added to an existing grouping or linear extension.

The site is located adjacent to a four consented house plots to the north-east side. Together with this potential plot these future houses would form a small random cluster of dwellings. Nearby, there are a number of existing houses and consented plots which sit alone or in clusters. It is difficult to see how this proposal would detract from the character and setting of the existing buildings or their surrounding area. We therefore feel that this dwelling would be entirely consistent with the settlement pattern in this area.



Main Issues answered in terms of planning policy (part B)

- Secondly, the dwelling must not be overly prominent.

The house will sit in a similar position to other houses nearby and will have a tree lined backdrop to help integrate it into the landscape and to ensure it will not be prominent. Please see photo below which was taken from the south east side of the site.



- Thirdly, Policy H8 states that the site should have 50% of it's boundaries as long established.

The site is defined and bounded by at least 50% of existing boundaries. These consist of the following - an existing public road and mature tree backdrop to the north-west and an existing boundary (post and wire fence) to the north-east.

- DESIGN

There are a series of specific design requirements within policy H8.

They are all met by the proposals as follows -

a roof pitch of between 40-55 degrees, gable widths of no more than 2.5 times the height from ground to eaves level, uniform finishes, a vertical emphasis to the fenestration, additional planting within the plot and boundaries sympathetic to the area.

- INFRASTRUCTURE AND SERVICING

Access, parking and drainage are all salient factors pertaining to this application and there were no objections in regard to any of these requirements.

Reasons for Refusal and our justification

- There is one reason given by the council for the refusal of the proposal and it concentrates on the fact that 'because of its siting / location, the proposal, when considered in conjunction with the existing / proposed development in the locality (including four recent planning permissions granted at Balnacoul), would result in an additional accumulative build up of development which would detract from the amenity, appearance and character of existing development in the surrounding area.'

In response to the above we are keen to articulate our reasons why we feel this proposal would be acceptable. Please see below. –

- **THE PROPOSAL FITS IN WITH THE EXISTING SETTLEMENT PATTERN**

The site is located adjacent to a four consented house plots to the north-east side. Together, with this potential plot these future houses would form a small cluster of dwellings. Nearby, there are a number of existing houses and consented plots which sit alone or in clusters. It is difficult to see how the (potential) houses here would detract from the amenity, appearance and character of the existing development in the surrounding area. Further, the house layout arrangement would be random which would be in-keeping with the surrounding houses. We therefore feel that this dwelling would be entirely consistent with the settlement pattern in this area.

- **LARGE BACKDROP OF EXISTING MATURE TREES WILL HELP TO INTEGRATE HOUSE**

A large backdrop of existing mature trees exists which will ensure the proposal blends in to the hillside. This will ensure the proposal blends into the landscape and that it will not be on a skyline location.



- **NO TECHNICAL OBJECTIONS FROM STATUTORY CONSULTEES**

There were no objections from any of the statutory consultees to the application therefore no technical issues exist.

Conclusion



We very much feel that we have shown the proposed dwelling-house is acceptable under the criteria set out in the relevant local plan policies. It has also been shown that the proposal is acceptable in terms of design, access, parking and drainage.

There were no technical objections to the proposal from any of the statutory consultees.

The reasons for refusal suggest that the proposal would lead to a development that would detract from the character of this part of the countryside however we feel that when the proposal is considered within the overall context of the nearby houses and plots it will fit in very well, forming a cluster of dwellings reflective of other housing clusters in the area.



The design of the house meets the specific design requirements of the relevant local plan policy H8. It is also consistent with the criteria for an acceptable scale of house in the area.

From a development feasibility aspect, recent experience has informed us that there is now a high demand and need for rural accommodation, in the Moray area. Indeed, the vast majority of sites we sell are to local people and we feel it is very important to help meet this demand in order to retain skills and jobs in the area. This not only helps the local economy but also has a “knock on” effect in terms of local services, schools, shops and the wider economy as well. Further, in our view what cannot be underestimated after the recent financial downturn is the need for valuable work for local tradesmen and building merchants etc. We feel that there appears to be nothing to prevent the merits of the application allowing it to progress to approval. Should any unforeseen material consideration arise during determination, please advise us accordingly in order that remedial action and an appropriate response may be pursued. We respectfully ask that the appointed LRB panel approves this application.

Yours sincerely,

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