



# Upper Speyside, Craigellachie, Moray

proposed erection of  
dwelling-house with  
detached garage

## Grounds for Review of Refusal of Planning Application

Planning reference - 15 / 01707 / APP

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# Introduction / Background to Application

These grounds for review of a decision to refuse planning consent for a house site named Upper Speyside which is located near Craigellachie 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 2 November 2015.

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

The proposal would be contrary to policies H7, E7, IMP1, ER2 and E4 of the Moray Local Development Plan 2015 and associated Supplementary Planning Guidance 'Housing in the Countryside' (MLDP 2015) for the following reasons:

1. The prevailing rural housing pattern within this part of the countryside is characterised by single and small clusters of housing dispersed along the A941 corridor between Craigellachie and Dufftown. In the case of the current application seven house plots have been approved (with the houses yet to be erected) in the vicinity to the northwest and southeast. The introduction of a further house plot into this locality (in addition to these consented plots) would result in an unacceptable cumulative build-up of housing that would be detrimental to the rural character of the area. Whilst currently screened by trees the cumulative impact of these proposals would alter the appearance of the area through associated activity i.e. increased traffic movements, refuse bin collections etc. which in turn would erode its rural character. Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies H7, E7 and IMP1 and associated Supplementary Guidance Housing in the Countryside (MLDP 2015).
2. The proposals involve the removal of woodland in excess of 0.1ha, which include no compensatory planting to mitigate the effects of its removal, and as such are contrary to the provisions of policies ER2, E4 and associated Supplementary Guidance Trees and Development (MLDP 2015).

**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 previously consented access track which connects to the A941.

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 sit comfortably on the level site.

At present, the proposed site is populated with predominantly Sitka Spruce trees. Various numbers of these trees will be felled to form appropriate space for the construction of the dwelling-house and associated works however enough trees will be retained to ensure a min. of 25% of foliage / site cover will exist onsite in accordance with planning guidelines (UPPER-SPEYSIDE / PLANNING / 01).



3d image denoting proposal with tree lined backdrop

# The Site



Photo of site (from road)



Aerial image of site

The proposed site is situated approximately 1 mile from Craigellachie. It is located off a proposed access track which connects to the A941.

The topography of the site is such that it is generally flat.

The site will be defined and bounded by at least 50% of existing boundaries which consists of existing mature trees.

# Planning Policies

- Moray Local Plan 2015  
The Local Plan assumes in favour of an application for a new house in the countryside provided certain criteria are met.
- Policy H7 sets out requirements on the siting and design of new houses in the open Countryside which;
  - a) reflect the traditional pattern of settlement in the locality and are sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) is not acceptable;
  - b) do not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;
  - c) do not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and,
  - d) have at least 50% of the site boundaries as long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).
- As regards design policy H7 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, a vertical emphasis and uniformity to windows, additional planting and boundaries sympathetic to the area.

## Moray Local Development Plan 2015

[Policies including Introduction and Contents](#) (90 page pdf 3.74 MB)

[Settlement Statements](#)

[Action Programme](#)

[Supplementary Guidance](#)

[Proposals Maps](#)

# 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
- Loss of Woodland

## • PRINCIPAL OF THE SITE

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

Policy H7 (New Housing in the Open Countryside) is the predominant policy in terms of the acceptability of a new house in the countryside and states that new development should be "easily absorbed" into the landscape and should be "low impact and reflect the character of the surrounding area in terms of the traditional pattern of settlement."

The application is for a single house and is in accordance with the main thrust of this policy.

There are four 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 reflect the traditional pattern of settlement in the locality and must be sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (ie. on a skyline, artificially elevated ground or in open settings such as the central area of field) will not be acceptable.

The first of the siting criteria within Policy H7 concerns the dwelling not be overtly prominent. Examples of overtly prominent locations given are sites on a skyline, on artificially elevated ground, or in open settings such as the centre of fields. The site is not on artificially elevated ground and is not in the centre of a field. In fact the dwelling-house, if approved, would have a mature tree lined backdrop behind it which would help it to integrate with the housing pattern here. Please see the photomontage below which denotes how the dwelling may look when finished.



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

- Secondly, it must not detract from the character or setting of existing buildings or the surrounding area when added to an existing grouping or create inappropriate ribbon development.

The site is located adjacent to a consented house site at Speyside Rise in the north west direction. Together these two potential houses would form a small cluster of dwellings. Nearby, there are a number of existing houses and consented sites which sit alone or in clusters. Therefore, we feel this dwelling would be no different than these existing arrangements and would be entirely consistent with the settlement pattern and existing groupings in this area. Please see the aerial view of the site in context of other nearby properties.

- Thirdly, it does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications.

Similarly to the above point we feel that the neighbouring consent, Speyside Rise and this plot would form a small cluster which would integrate well to the area and would compliment the woodland setting without changing the rural character of the area.

- Lastly, Policy H7 states that the site should have 50% of it's boundaries as long established.

The site would be defined and bounded by at least 50% existing boundaries.

These boundaries would consist of existing mature trees to the north-west, north-east and south-east boundaries.

## ● DESIGN

There are a series of specific design requirements within policy H7.

They are all met by the proposal as follows -

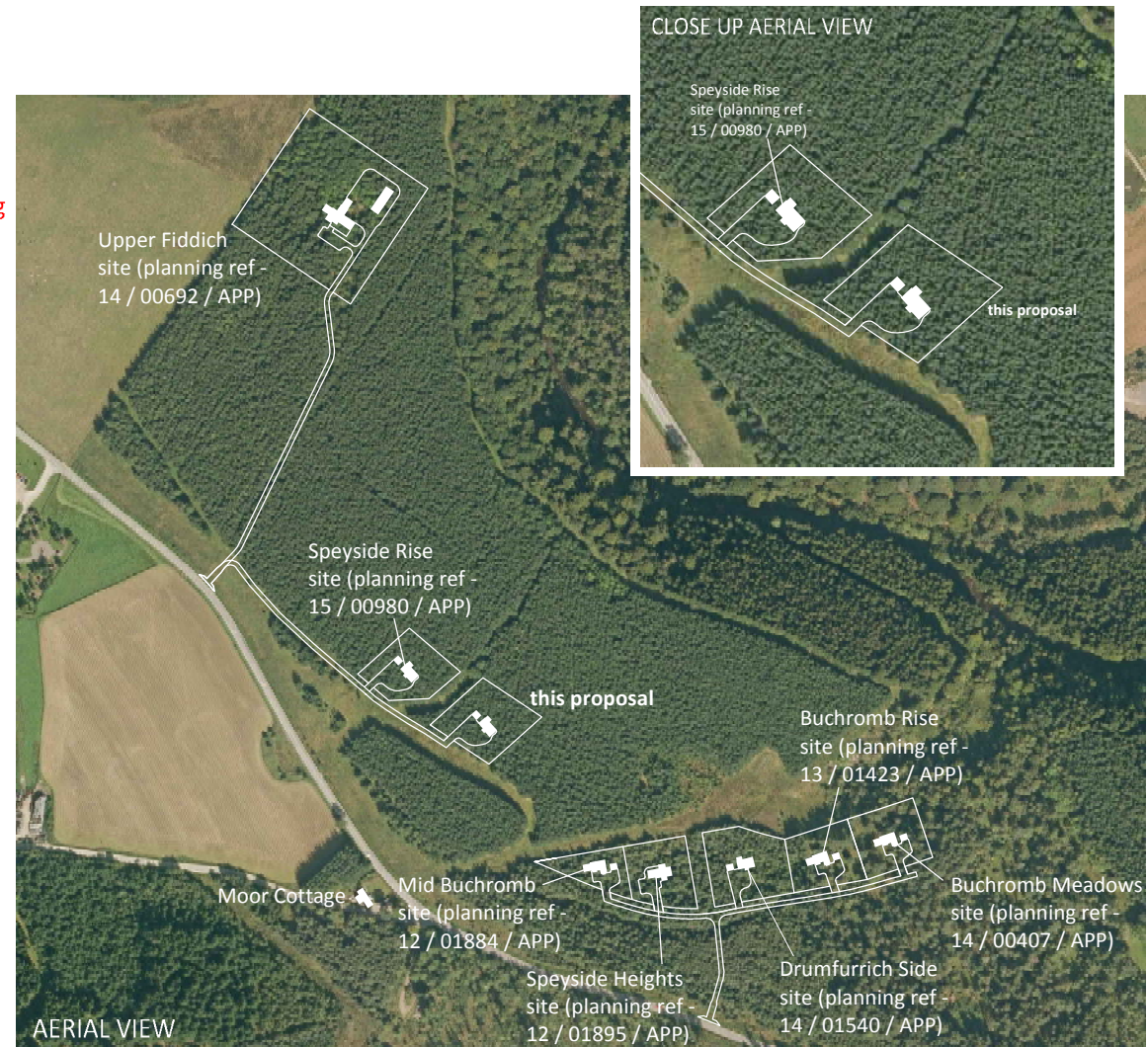
a roof pitch of between 40-55 degrees, gable widths of no more than 2.5 times the height from ground to eaves level, uniform finishes, a vertical emphasis to the fenestration, existing planting within the plot and boundaries sympathetic to the area.

## ● INFRASTRUCTURE AND SERVICING

Access, parking and drainage are all salient factors pertaining to this application and ones which can be accommodated.

## ● LOSS OF WOODLAND

We would be more than willing to carry out the required area of compensatory planting elsewhere in Moray on land that we own for this proposal.



# Reasons for Refusal and our justification

- **MORAY COUNCIL REASONS FOR REFUSAL -**

The prevailing rural housing pattern within this part of the countryside is characterised by single and small clusters of housing dispersed along the A941 corridor between Craigellachie and Dufftown. In the case of the current application seven house plots have been approved (with the houses yet to be erected) in the vicinity to the northwest and southeast. The introduction of a further house plot into this locality (in addition to these consented plots) would result in an unacceptable cumulative build-up of housing that would be detrimental to the rural character of the area. Whilst currently screened by trees the cumulative impact of these proposals would alter the appearance of the area through associated activity i.e. increased traffic movements, refuse bin collections etc. which in turn would erode its rural character. Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies H7, E7 and IMP1 and associated Supplementary Guidance Housing in the Countryside (MLDP 2015).

2. The proposals involve the removal of woodland in excess of 0.1ha, which include no compensatory planting to mitigate the effects of its removal, and as such are contrary to the provisions of policies ER2, E4 and associated Supplementary Guidance Trees and Development (MLDP 2015).

**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 AND HAS BEEN DESIGNED AS PART OF A SMALL CLUSTER**

The council state that the prevailing housing pattern at this area is characterised by single and small clusters of housing. We agree fully with this and have endeavoured to integrate our proposal within the existing housing pattern. The dwelling-house, if approved, together with the neighbouring consent, Speyside Rise, would form a small cluster which we feel would integrate well within the existing settlement arrangement. In view of this reasoning we are confident the proposed dwelling would not detract in any way from the character and setting of the existing buildings or cause any detrimental build-up, on the contrary we feel that the proposal would compliment the locale and we cannot see how the proposal should be viewed as unacceptable even when taking into account the number of properties which exist. Please see aerial view on page 6.

- **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 landscape.



- **MINIMAL TRAFFIC DISRUPTION**

If approved, the proposed plot would share a good quality access track with the neighbouring consent Speyside Rise and we feel it is unlikely that the increased traffic of an additional dwelling will noticeably cause any problems.

- **WILLINGNESS TO CARRY OUT COMPENSATORY PLANTING**

We would be more than willing to carry out the required area of compensatory planting elsewhere in Moray on land that we own for this proposal.

- **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 small cluster of dwellings reflective of other small clusters in the area.

The design of the house meets the specific design requirements of the relevant local plan policy H7. 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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