

Statement of Reasons for Seeking Review

Application Ref No: 15/02106/PPP

Erect dwellinghouse on land adjacent to Bracany, Bracany Park, Longmorn Moray for Mr R Wiles.

Background:

The applicant owns the access from the public road to the proposed site as well as the land proposed for development. The land proposed for development has been used by the applicant as general amenity and at no time has the area been available for use by the public. There has been pre-application consultation particularly relating to the use of the existing access.

Proposals:

The proposals are shown within drawing no.15/27/02a [Appendix A] as submitted with the application. The application site includes the existing access and junction owned by the applicant, which is also used by 7 businesses and 19 other dwellings. To the northwest corner of the proposed house site, a pedestrian access to the public road is included which is also within the applicant's ownership.

The application is to obtain planning permission in principle for a new 1½ dwelling within the vacant infill site. The house can be designed to prevent overlook into neighbouring gardens and the main trees providing screening are shown retained. A copy of the design statement submitted with the application is included [Appendix B]. The site is the only remaining land which could be developed using the access.

Grounds for Appeal:

Two reasons for refusal were included within the determination. These are both disputed.

- 1i) The current Development Plan deters consent for further dwellings using the existing access, which has previously been approved for 19 dwellings. Clarification on road safety has been sought at the stage of the pre-application enquiry, and prior to the application being submitted. In consultation with Transportation it is understood that there have been 7 recorded accidents on the section of the A941 within the 50mph speed limit for the period covering 2010 to 2014. Of these 7 accidents, two were located adjacent to the proposed access junction. Checking the two accidents, see attached information provided by Transportation and Police Scotland [Appendix C and D], both were caused by driver error which could have occurred at any junction. It is argued by the applicant that based upon the records provided, identifying the junction within the Development Plan is unjustified, particularly when so many dwellings have already got approval using this junction, and a 50 mph speed restriction has also now been applied.
- 2i) The site is not landlocked. It has an existing access, and has been shown to be able to be developed without being cramped. The character of the setting is a high density development where dwellings are surrounded by other dwellings. The land does not have any public amenity status and was not required to be retained for public amenity when other dwellings were approved.
- 2ii) There is not a preservation order on any of the trees and removal of the trees does not require planning permission. It is unjustified that removal is seen as a reason for refusal where this is private land and not public amenity.

It is requested therefore that the appeal is upheld.