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LOCAL REVIEW BODY STATEMENT OF CASE TO SUPPORT

DETAILED PLANNING APPLICATION TO ERECT
DWELLINGHOUSE AND ASSOCIATED WORKS SITE
APPROXIMATELY 200M EAST OF LEA RIG,
MOSSTOWIE, ELGIN

APPELLANT.

**MR C. GREENWOOD &
MISS L. COLWELL**

COUNCIL PLANNING REF.

16/00199/APP

DATE.

20 APRIL 2016

HHL SCOTLAND REF.

130047



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1.0 INTRODUCTION

- 1.1 The following Statement of Review is submitted by HHL Scotland on behalf of Mr C. Greenwood and Miss L. Colwell. It has been prepared to support a Local Review Body submission relating to the refusal under delegated powers of planning application 16/00199/APP: Erect dwellinghouse and associated works site approximately 200m East of Lea Rig, Mosstowie, Elgin.
- 1.2 This Statement of Review has been submitted within the prescribed three-month period from the decision notice of 22nd March 2016.

2.0 BACKGROUND

- 2.1 The planning application was made on behalf of a local family seeking to create and self-build a modest sized family home. The parents of Miss Colwell have owned and resided at the adjacent dwelling of Lea Rig for the past 25 years. This was Miss Colwell's family home for over 15 years. The appellants' daughter has attended Miltonduff pre-school for the past 20 months and it is hoped that she will attend Mosstowie Primary School in August 2016.
- 2.2 The appellants assist with the running and upkeep of the adjacent, well-established Caravan Club Certified Location (CL) site at Lea Rig, in turn helping promote tourism to the Moray area.
- 2.3 One of the main desires to self-build a family home at the proposed location is the potential to provide ongoing support for Miss Colwell's ageing parents allowing them to remain in their own home in the long term.
- 2.4 A previous application was made in September 2015 for this same site (15/01714/APP). This was refused on road safety and visual impact/landscape character grounds. Following a speed survey and amendment of the access location, application 16/00199/APP was made. The new application encompasses a larger site to



accommodate a greater planted area to help visual integration of the proposed dwelling into the surroundings.

3.0 THE APPLICATION SITE

- 3.1 The site is located in a rural location approximately 3 miles West of Elgin and lies adjacent to the South side of the U105E single track road. The site extends to approximately 2466 square metres (0.61 acres) and has four clearly defined, long established boundaries, which consist on three sides of trees, shrubs, hedging and post & wire fencing.
- 3.2 The site is enclosed by the public road to the North, by the adjacent Certified Location Caravan site to the West side and by a small burn and agricultural land to the East. There is agricultural land to the South with woodland on rising ground beyond.
- 3.3 The application for self-build comprises a single, 1½ storey family dwelling with accommodation in the roof space, with a separate double garage. The house design incorporates traditional proportions and features of a rural farmhouse, and will utilise natural slate on the roof with a wet dash finish, complimented by natural stone gable ends. The elevation presented to the public road is unfussy in appearance with a simple symmetry reflective of traditional rural house design. The garage will have a natural slate roof and be clad in Scots Larch, which will weather to natural finish.
- 3.4 The application also proposes to add semi-mature native planting, thereby giving a greater planted area than the minimum requirement of 25% of the site area.



4.0 STATEMENT OF CASE

- 4.1 The Planning Application was refused on 22nd March 2016 by the Appointed Officer under delegated powers of the Town and Country Planning (Scotland) Act 1997 (as amended), with the following sole reason for refusal (Decision Notice Appendix 1):

The proposal is contrary to policies H7 and IMP1 of the Moray Local Development Plan (MLDP) 2015 and associated Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) for the following reasons:

The proposed house and associated garage would fail to comply with the siting requirements of the above policies as they would lack the sufficient natural backdrop to integrate sensitively with the surrounding landform, and would be highly visible in the landscape. The development occupying a prominent roadside position within this open setting (with no discernible backdrop) would therefore represent unacceptable 'obtrusive' development which would detract from the rural character of this part of the countryside contrary to policies H7 and IMP1 of the MLDP 2015 and associated Supplementary Guidance 'Housing in the Countryside (Moray Local Development Plan 2015).

- 4.2 No objection from any other quarter or consulted party was received in respect of this application.
- 4.3 Policy H7 (Appendix 7) lists four conditions regards the siting requirements for a new house in the open countryside, for which the policy assumes in favour of an application provided all of the requirements are met, namely that:
- a) It reflects the traditional pattern of settlement in the locality and is 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 settings such as the central area of a field) will not be acceptable;



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- b) It does 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) 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; and,
- d) At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).

4.4 The Report of Handling confirms that the Appointed Officer's only concern in terms of this policy, relates to his assertion that the site has insufficient natural backdrop to integrate sensitively with the surrounding landform, and he contends that it would be highly visible in the landscape.

4.5 Policy IMP1: Developer Requirements (Appendix 8) contains a criterion that "b. the development must be integrated into the surrounding landscape".

4.6 In section 4 (ii) of the Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) for Policy H7 (page 15 of appendix 9), it is stated that "Development that is obtrusive usually occupies an open 'elevated' position with no discernible backdrop or enclosure within reasonable proximity. Examples include on a skyline/top of a ridge, artificially elevated ground or in an open setting such as the central area of a field or flat plateau."



4.7 Figure 1 below, shows the proposed site and adjacent property of Lea Rig, taken from point A as marked on the Ordnance Survey map in Figure 2. This clearly demonstrates that the proposed site does indeed have a discernible natural backdrop contrary to the reason for refusal of the application given above. The photograph and map also show that there are no properties in the immediate vicinity looking directly onto the proposed site.

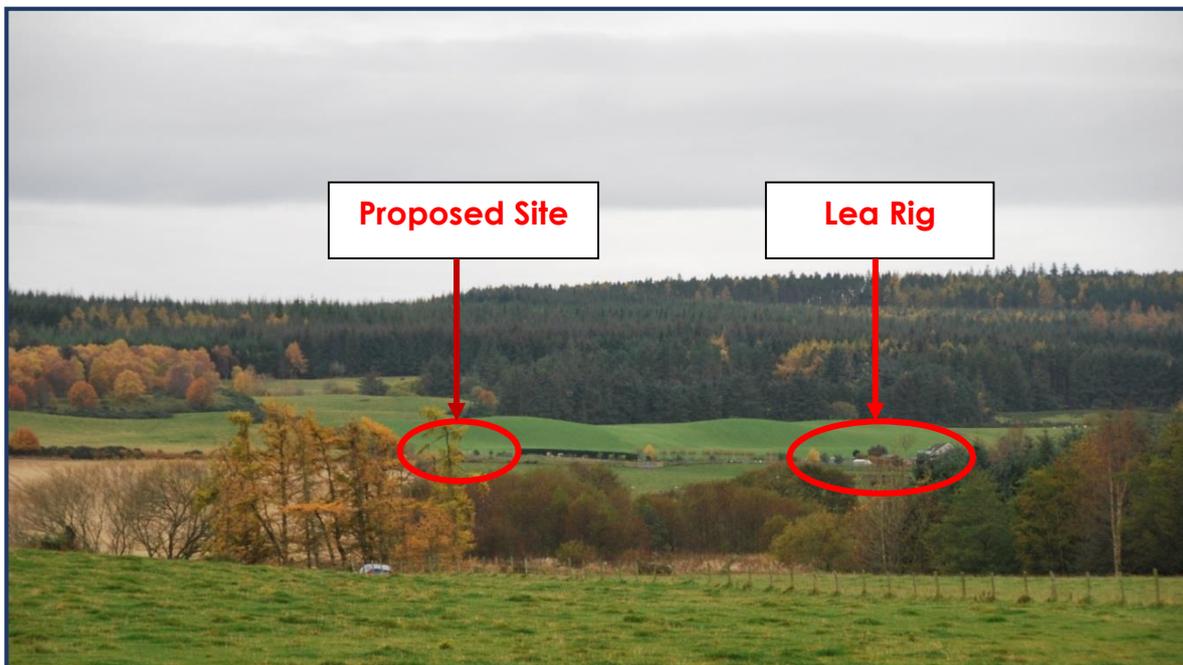


Figure 1: View of the site & Lea Rig from 'Point A' – Demonstrating existing natural backdrop

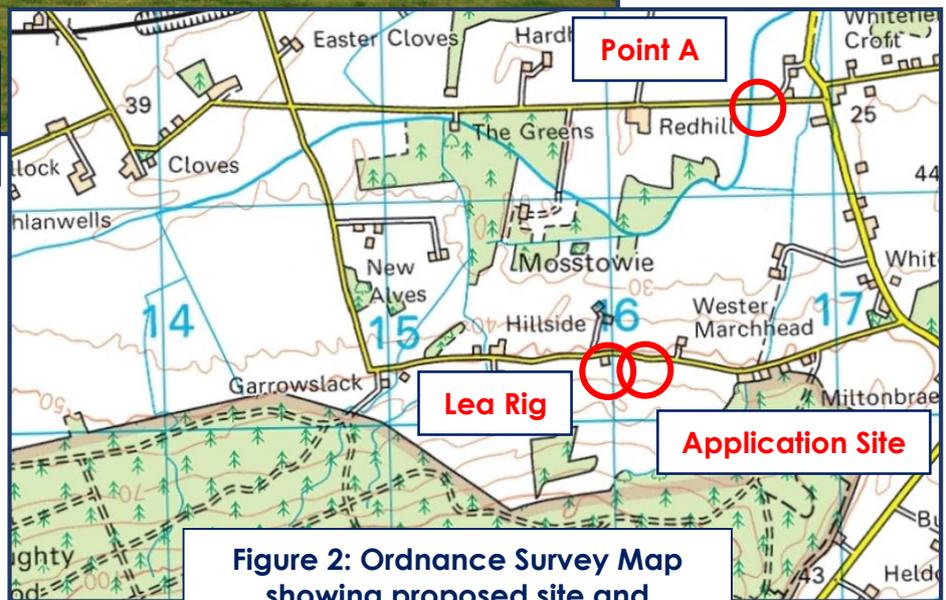


Figure 2: Ordnance Survey Map showing proposed site and photograph location (Point A)



4.8 Considering the surrounding landform of the proposal, the site lies at a natural elevation of approximately 50m above sea level. Immediately behind the site to the South, the land rises naturally to approximately 100m above sea level, with a large wooded area topping the hill crest. The proposed siting is not on a skyline, on artificially elevated ground nor in the central area of a field. The roof ridge height of the proposed dwelling is similar to that of the adjacent Lea Rig, and considering this against the natural backdrop, it is felt that the development would not be highly visible in the landscape. It is therefore contended that the proposed application is not, by policy definition, obtrusive. It can also be seen that a new dwelling in this location acknowledges the pattern of the dispersal of properties along this road and as such follows the natural habitation pattern in the vicinity.

4.9 It is noted that Page 3 of the Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) document (Appendix 9) shows a photograph of comparable siting for a dwelling which is under construction – see Figure 3. It is presumed that this is included to provide a visual guidance to a suitable house site within the open countryside.

4.10 Clear similarities can be drawn between this picture and the appellant site, including:

-  The house being sited low in the valley;
-  The property being 1 ½ storey and of traditional proportions;

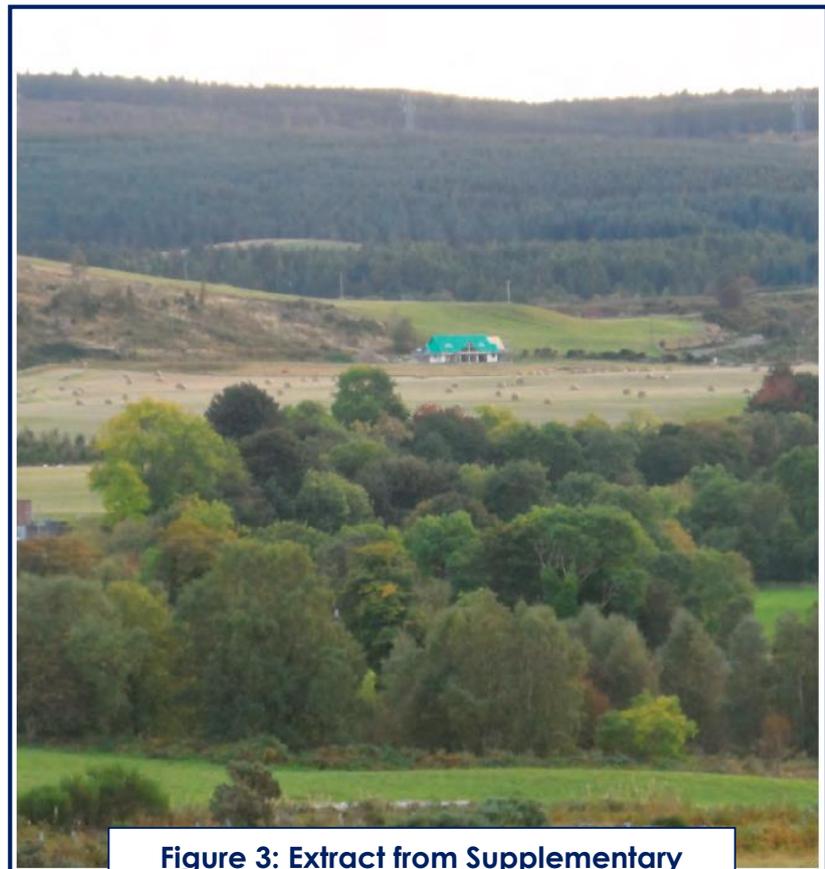


Figure 3: Extract from Supplementary Guidance document



-  The property being sited to front the minor public road serving it;
-  Immediately rising arable farm land beyond;
-  Continually rising forestry land beyond the arable land.

- 4.11 Section 4 (ii) of the Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) for Policy H7 (page 15 of appendix 9), also states that "Development located adjacent a main route will be prominent in the landscape by virtue of its high visibility to a significant number of people." The adjacent road (U105E Garrowslack Road) to the proposed site is an unclassified single track road. Referring to the speed survey commissioned by the appellants (appendix 10), this is lightly trafficked with an average of just 120 journeys per day passing the site during the survey period. The majority of these journeys are local residents going about their daily lives. The road is also only occasionally used by pedestrians, with the majority of these being neighbouring residents walking their dogs. Therefore, it is felt that any visual impact from passing traffic will be negligible.
- 4.12 Section 4 (ii) of the Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) for Policy H7 (page 15 of appendix 9), goes on to detail that "planting can help minimise the impact of a building on the landscape". The appellants would like to draw attention to the planting detail of the submitted plans – both in keeping the existing planting of trees and hedges, but also the further semi-mature native planting is to be undertaken to minimise the time in which the home will fully blend in with its surroundings.
- 4.13 Section 4 (vii) of the Supplementary Guidance 'Housing in the Countryside' (MLDP 2015) for Policy H7, (page 19 of appendix 9) lists criteria regards choosing a site for sustainability in the long term, such as utilising natural and built shelter, orientation to maximise solar gain and retention of planting to lessen the 'raw' appearance of a new site. The location and siting of the proposed site and dwelling have taken into the account utilisation of solar gain and shelter afforded by the adjacent property to improve the sustainability of the proposed dwelling through use of renewable



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technologies and minimised heat loss. The proposed siting also seeks to maximise the privacy afforded with outdoor space to the south elevation. The site also reflects the traditional pattern of settlement in the locality in so far as being a single dwelling with discernible distance from adjacent properties – as many of the properties along Easter Hillside Road are.

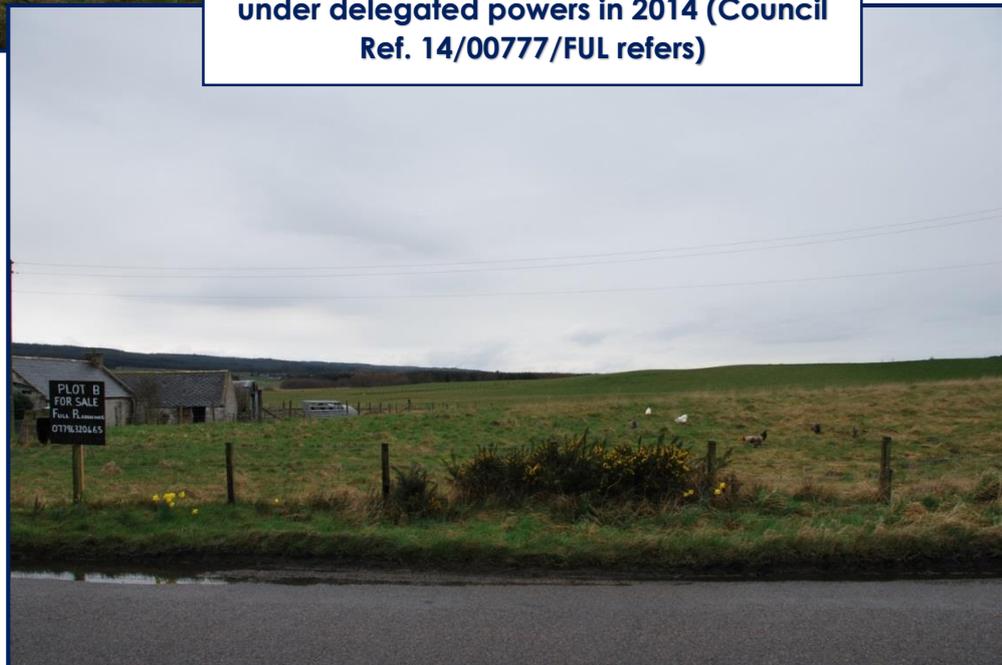


5.0 RECENT PLANNING APPROVALS WITHIN THE LOCALE

- 5.1 Within the locality (approx. 1km away from the proposed site), three notable approvals have been made in recent years. Figures 4 and 5 below, show two sites which gained planning permission under delegated powers in 2014 (Council Ref. 14/00777/FUL refers). Note that neither plot has discernible natural backdrop or landscaping features.



Figure 4 & 5: 2 no. House Sites approved under delegated powers in 2014 (Council Ref. 14/00777/FUL refers)





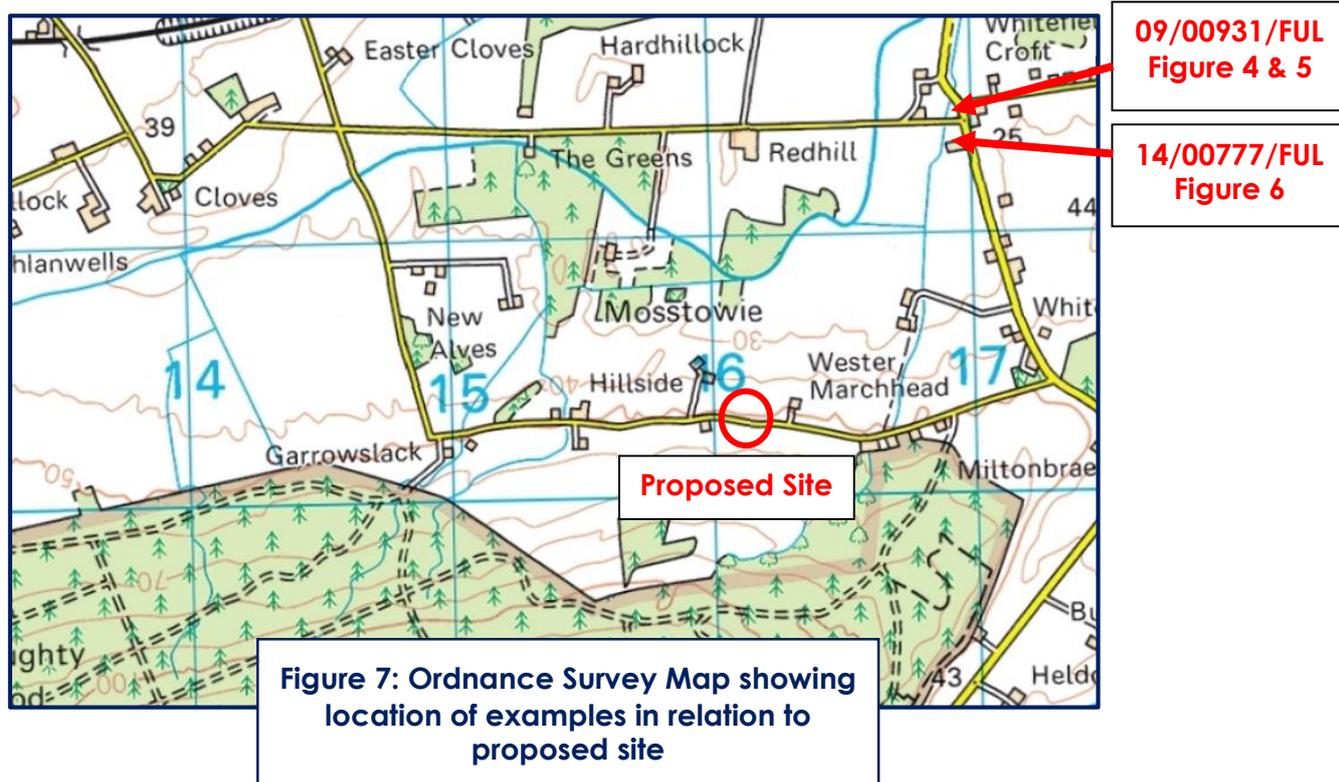
5.2 Figure 6 shows a recently completed and occupied dwelling relating to a planning permission which was granted in 2010, under application reference 09/00931/FUL, for erection of dwelling and garage. It is noted that this site was previously an "open setting", does not have a backdrop and has not been complimented with any form of landscaping.



**Figure 6: New House, approved in 2010
(Council Ref. 09/00931/FUL refers)**



5.3 Figure 7 below shows the three recent approvals in relation to the proposed site under application 16/00199/APP.



5.4 The appellants acknowledge that these examples were considered and determined under the previous Local Plan policies. Nevertheless, it is widely accepted that the policy intention has remained the same. Therefore, the appellants believe these approvals are still a 'material consideration' in terms of this Local Review and are purely seeking consistency in decision making and policy interpretation for this locale.



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6.0 CONCLUSION

- 6.1 The appellants wish to reinforce that, the proposed house will indeed benefit from a discernible natural backdrop and together with the existing semi-mature and proposed native planting would integrate the house into this landscape. Its design and positioning will complement the rural character of the area through the use of traditional features and in maintaining the natural habitation patterns of this part of the countryside.
- 6.2 Through careful siting and orientation it is believed that a sustainable family home can be created by the incorporation of renewable technologies and provision of natural light, both internally and externally.
- 6.3 It is therefore respectfully requested that this Review be considered favourably by the LRB in relation to the policy on the basis of the case set out above.