

Development Management
Environmental Services
The Moray Council
PO Box 6760, Elgin
IV30 9BX

Planning Reference: 19/01031/APP
Our Reference: 2102

Monday 27th January 2020

Planning Permission for Erection of Dwellinghouse
Site Adjacent to Woodside Farm, Kinloss, Forres, Moray

Statement of Reasons for Seeking a Review

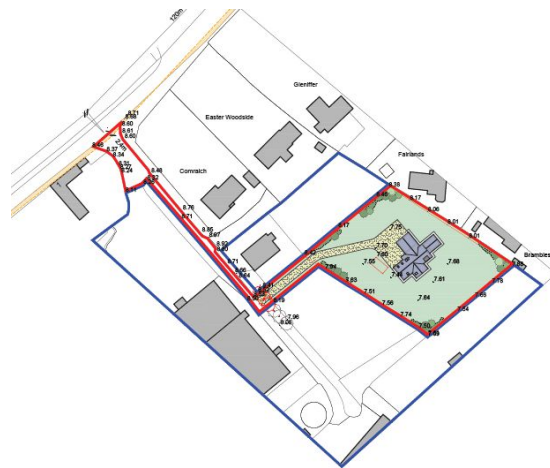
The above application for full planning permission was refused as the planner deemed it unacceptable under Policy E9, stating it failed to comply with the policy requirements. This policy states that any development immediately outwith town settlement boundaries will not be permitted, however there is a strong case to approve this application as an exceptional circumstance. We wish to seek a Notice of Review for the following reasons.

Firstly, the planning officer was concerned the approval of this departure from policy would lead to further development in this area, stating *'the development represents sprawl outwith the settlement boundary. This would detrimentally erode the distinction between the countryside and the settlement of Kinloss. On this basis, the proposal is not considered to be sensitively sited and also fails to meet the requirements of policy IMP1.'* We understand that this application lies outwith the settlement boundary however we feel this house should be assessed under its own merits, we disagree that this new house, lying 9m outwith the settlement boundary, would initiate overdevelopment in this area. The applicants, Mr & Mrs Rhind, are simply looking to build 1 house in close proximity to their farm as accommodation to benefit the family enterprise. Mr & Mrs Rhind have also provided a statement explaining the positive impact this house would have for their family business and we ask that this is looked upon favourably. We feel that this application should be treated as an exceptional circumstance.

With regards to Policy H7 Housing in the Countryside, the planner states; *'Noting the reasoning in relation to policy E9, the proposal is considered to be contrary to policy H7 and IMP1 on the basis the house would adversely impact on the setting of Kinloss and its surrounding countryside. The proposal also fails to provide at least 50% of its boundaries as long established.'* We disagree that the house would cause a detrimental impact on the landscape or erode the distinction between the countryside and the settlement of Kinloss. We have provided justification in previous supporting statements why, in this instance, this house would absolutely not adversely affect the setting of Kinloss and its surrounding countryside however this has been completely disregarded. As well as this, 100% of the site boundaries are long established in contrary to the planning officer's statement.



Birdseye View of the Site



Proposed Site Boundaries

Policy H7 states applications will be favoured if, *'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, woodland, tracks and roadways'*. As seen in the above images, the site is clearly defined by four well established fence lines, showing this application does not fail to provide this as stated within the Report of Handling.

'There are identified housing sites in Kinloss that can accommodate new housing development, with a planning application currently under consideration for 23 plots at R4 Damhead and an approval for 6 houses on R3 Findhorn Road West.' We take this note into consideration however our client has provided good reasons why this 1 new house adjacent their farm should be considered favourably.

We were also advised to provide a Noise Impact Assessment at the request of the Environmental Health Department due to the sites close proximity to the Kinloss Barracks. We would also like to note that this was provided even though it was confirmed that the application would be refused, at a cost to our client. The NIA report findings conclude the Kinloss Barracks would not have an adverse impact on the occupants of the proposed house, subject to mitigation measures which can be easily achieved.

We fully understand that each application must be assessed under its own merits, however we feel that this application has been unfairly judged and can be supported as a departure from the planning policy, to support an existing and thriving family business operating in extremely difficult economic times.

John Wink Design