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Grounds of Appeal

Site 450m Northwest of Ar Dachaidh, Roseisle

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1.0 Introduction

These grounds for review of a decision to refuse planning permission in principle for a dwellinghouse on land 450 metres north west of Ar Dachaidh, Roseisle 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 permission dated the 5th of May 2020.

This appeal statement responds to the reasons for the refusal and address the proposal in relation to Development Plan Policies and relevant material planning considerations as required by Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2.0 The Proposal

The proposal seeks planning permission in principle for a single dwelling served by the public water supply and private drainage (septic tank/soakaway and SUDS). Access is proposed from the B9013 Elgin to Burghead Road.

The extent of information required to support applications for planning permission in principle is minimal however, we would note that appropriately worded conditions can be imposed which clearly define design criteria and that the scale of the proposals can be controlled by the Council through the assessment of a Full or Matters Specified in Conditions application.

3.0 Reasons for Refusal

The application was refused under the Council's Scheme of Delegation by the case officer on the 5th of May 2020. The reasons for refusal state that;

The development is contrary to Policy IMP 1: Developer Requirements and Policy H7; New Housing in the Open Countryside of the adopted Moray Local Development Plan 2015 and, as a material consideration, associated Supplementary Guidance on Housing in the Countryside and Guidance Note on the Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside for the following reasons:

- (a) It does not reflect the traditional pattern of settlement in the locality detracting from the character of the surrounding area.*
- (b) Together with other development in the immediate vicinity at Clarkyhills it will have the effect of changing the rural character of the area.*
- (c) Development on the proposed site would not be sensitively integrated into the surrounding landscape.*

4.0 Grounds of Appeal

Refusal Reason 1 – It does not reflect the traditional pattern of settlement in the locality detracting from the character of the surrounding area.

It is difficult for us to see exactly how the appointed officer has come to this conclusion. The Moray Countryside is characterised by single and small groups of buildings dispersed throughout the rural area. In this case, Criteria (b) of policy H7 states “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”.

There is quite clearly a dispersed housing group with associated outbuildings in this location contained by a combination of woodland, dry stone dyke, landform and the public road. The subject site forms part of this group and would quite clearly constitute infill development, respecting the separation between properties and reflecting existing plot sizes.

From any reasonable standpoint, it is clear that the addition of a sensitively sited development in the manner proposed in this application would not have a significant detrimental impact upon the character or setting of existing buildings or the surrounding area.

Refusal Reason 2 - Together with other development in the immediate vicinity at Clarklyhills it will have the effect of changing the rural character of the area.

There is a clear commitment in National Planning Policy and Guidance to the principle of well sited and designed new housing in the countryside. This is transposed into policy H7 of the Moray Local Development Plan and its associated supplementary guidance, including the Guidance Note on the Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside.

Although we recognise that the larger area in which the application site is located has been the subject of development pressure in recent years, it is paramount that each application is assessed on its own individual merits. In this context, the Development Plans response states the following;

“There are a number of existing houses on the ridge of Clarklyhill that are visible when travelling along the Burghead to Roseisle Road (B9013). When combined with a more recent house on the lower flank of the hill, allotment plots with associated sheds and buildings and a large crematorium building; the visual effect is a blurring of edge of Burghead. When taking account of the conditions presenting themselves on site and in the surrounding area an additional house in this location would have a detrimental landscape and visual impact and detract the rural character of this area.”

We would contend that the subject site is extremely well screened from public vantage points. It is bounded to the south by mature planting and it would be virtually impossible for road users to see the house from the road. Therefore, in any reasonable assessment of the site and its surrounds, it can only be concluded that the proposal at hand will not contribute to the experience of build-up in this location and the distance between the site and the settlement boundary of Burghead will serve to ensure the distinction between the built up area and the countryside remains unaffected.

Overall it is considered that the proposal is fully in accordance with all the requirements of Policy H7 and the related Supplementary Guidance on Housing in the Countryside. In doing so it also satisfies the requirements of Policy IMP1 which requires development to be integrated into the landscape and of a character appropriate to the surrounding area.

Refusal Reason 3 – Development on the proposed site would not be sensitively integrated into the surrounding landscape.

In reality, the proposal benefits from substantial screening/ backdrop in all views and the coherent visual relationship between the proposal and existing development mean that a recommendation of refusal based on an adverse impact on the landscape is highly questionable, particularly given the landscape and visual impact of existing man-made structures (water tank, communications masts, pylons, overhead lines etc) at the top of Clarkly Hill and in the immediate vicinity of the site.

In its landscape context, the appellants would contend that a domestic structure on this site can be accommodated sensitively and the proposed development can be seen to compliment the wider dispersed settlement pattern, respect and reflect the separation and amenity of existing houses and once established will integrate successfully with its surroundings.

The Moray Council's Housing in the Countryside policy offers a flexible approach to ensure appropriate opportunities are enabled and supported and inappropriate development guarded against. It is submitted that the proposal in hand to add another house to an existing, well screened group is reasonable and compliant with the development plan because it relates well to the established settlement pattern. The implementation of a long term landscaping plan will further protect and enhance the important amenity value of the area.

It is important to note that the introduction of a house onto this site is in full accordance with PAN72 because it adds to an existing grouping and owing to its coherent relationship with existing properties does not detract from the rural character of the surrounding landscape. The guidance reiterates the importance of locating new houses in existing groups in relation to sustainable development criteria such as location and infrastructure needs.

The consolidation of an existing housing group in the way proposed, with all the servicing benefits associated with such a project, point to a well-balanced development that deserves the support of the Local Authority.

5.0 Moray Local Development Plan 2020

The preceding paragraphs relate specifically to the Officer's assessment of the proposals in relation to the Moray Local Development Plan 2015. We understand Members will also be minded to assess the proposals against the requirements of policy DP4 Rural Housing in the Moray Local Development Plan 2020. In this policy context, we would set out the following:-

Siting Criteria

- The proposed development would benefit from substantial screening and backdrop made up of existing mature woodland in line with policy requirements (Reporter's recommendations);
- The addition of this new house would not result in ribbon development, contribute to an unacceptable build-up of housing nor would it detrimentally alter the rural character of the area due to its prominence or roadside location;
- The proposal would not be on artificially elevated ground, it would not require cut and fill and the clear felling of woodland would not be required to accommodate it.
- The site already benefits from an established woodland setting and the proposals will include substantial planting, meeting and exceeding policy requirements.

The design criteria set out in this policy would be addressed in any subsequent detailed planning application. It should also be noted that the subject site is not within a pressured and sensitive area or within a special landscape area. As can be seen above and in the preceding paragraphs, there is an overwhelmingly positive case for the development whichever development plan policies are applied.

6.0 Conclusion

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

National Planning Policy and the Moray Local Development Plan all encourage well sited and designed houses in the countryside. The lead policies for testing the acceptability of the site as a suitable location for a house in the countryside are Policy H7 (as per the reasons for refusal) and new policy DP4 which both contain (similar) specific criteria about the siting of new dwellings.

These Grounds of Appeal and the submitted plans clearly show that the reasons for refusal do not sit comfortably with the criteria set out in either of these policies, including all relevant supplementary guidance.

During the course of the application, the proposal has been shown to have been acceptable in relation to other relevant Local Development Plan policies and guidance and there are no outstanding objections from consultees.

As the proposal can be accepted under Development Plan policies and there are no known material considerations to the contrary, it is respectfully requested that the Local Review Body reconsider the decision to refuse the proposed development and grant planning permission.