

grant & geoghegan ltd.

Chartered Planning Development and Architectural Consultants

Unit 4 Westerton Road Business Centre
4 Westerton Road South
Keith AB55 5FH

T: 01343 556644

E: enquiries@ggmail.co.uk

Grounds of Appeal- Appendices

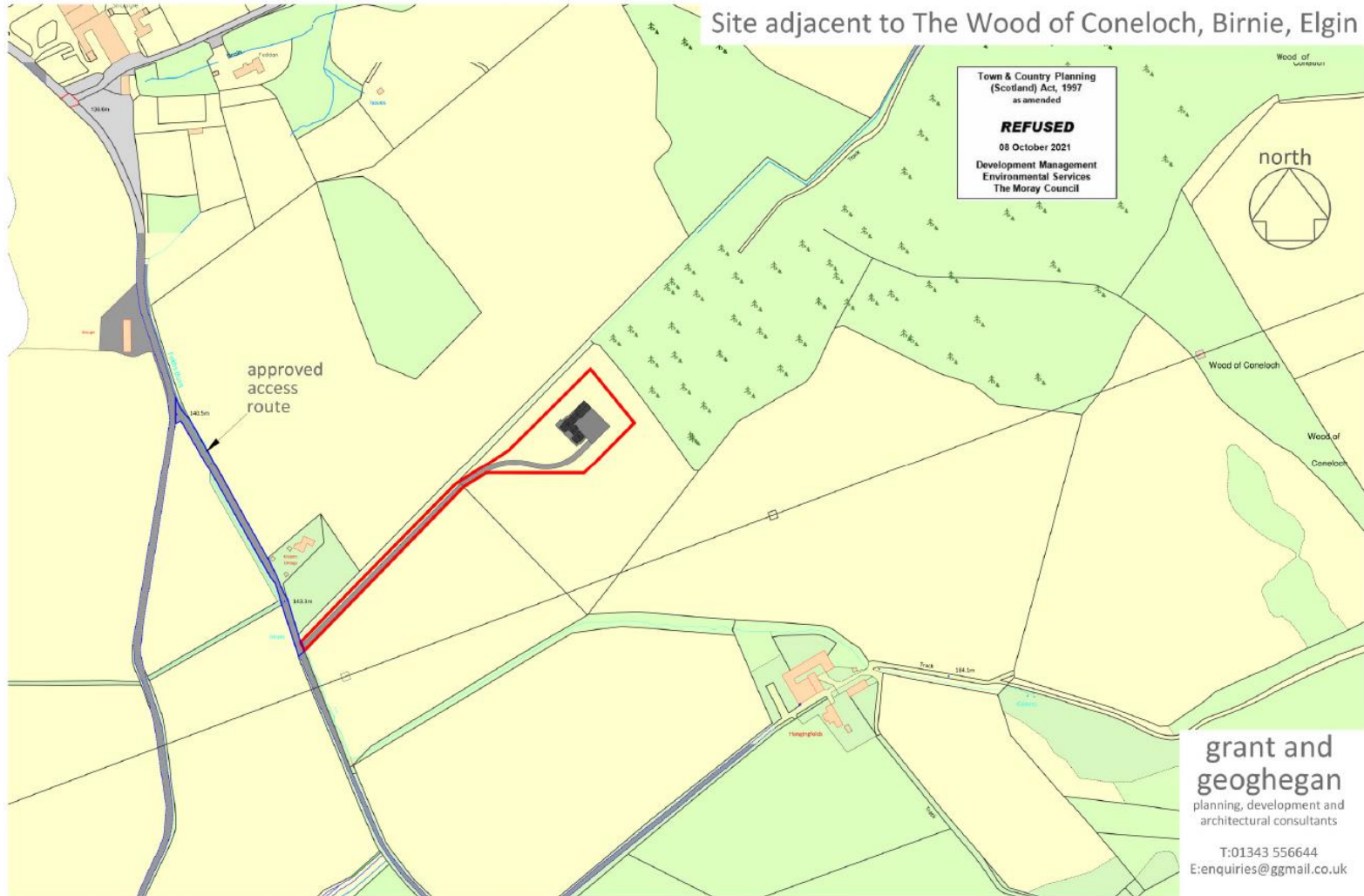
Site at Coneloch, Birnie, Moray

Issue Date:
15th November 2021

CONTENTS

Appendix 1: Suite of Plans 21/00517/APP	3
Appendix 2: Decision Notice 21/00517/APP.....	10
Appendix 3: Report of Handling 21/00517/APP.....	12
Appendix 4: Letter confirming substantive start on site.....	16
Appendix 5: Suite of Plans 15/01751/APP.....	17
Appendix 6: Report of Handling 21/00101/APP.....	25

Appendix 1: Suite of Plans 21/00517/APP



Drawing Title	Scale at A3	Date:	Drawing No.
Location Plan	1:2500	26.3.21	020/879/06

Site adjacent to The Wood of Coneloch, Birnie, Elgin



Drawing Title	Scale at A3	Date:	Drawing No.
Site Plan	1:500	26.3.21	020/879/05

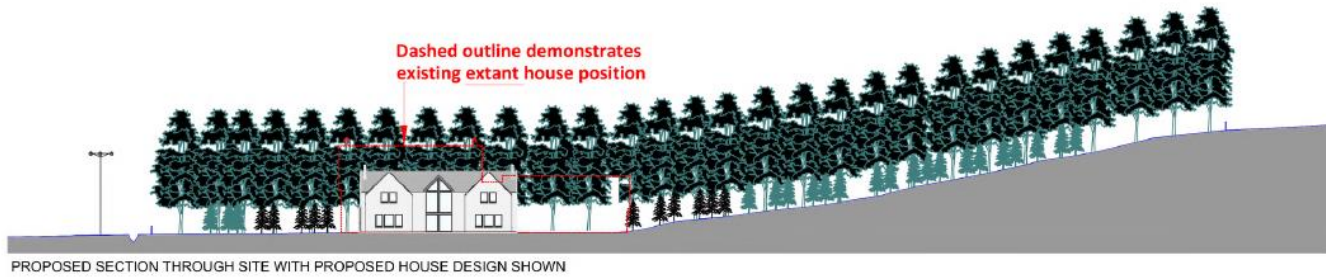
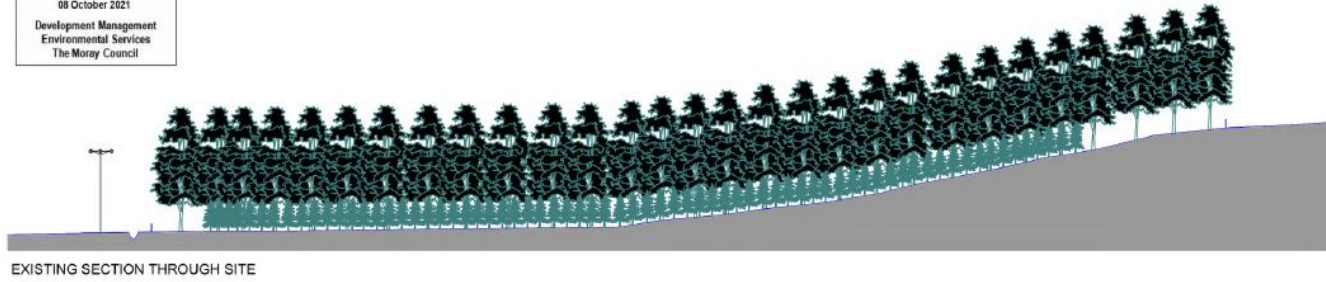
Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

08 October 2021

Development Management
Environmental Services
The Moray Council

Site adjacent to The Wood of Coneloch, Birnie, Elgin



grant and
geoghegan
planning, development and
architectural consultants

T:01343 556644
E:enquiries@ggmail.co.uk

AMENDED PLANS

Drawing Title	Scale at A3	Date:	Drawing No.
Site levels	1:250	28.9.21	020/879/08

Site adjacent to The Wood of Coneloch, Birnie, Elgin



Southwest Elevation



Northeast Elevation

External finishes

Roof

Natural slate

Walls

K Rend smooth render - white
Anthracite cedar boarding

Windows/Doors

Anthracite

Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

08 October 2021

Development Management
Environmental Services
The Moray Council

grant and
geoghegan

planning, development and
architectural consultants

T:01343 556644
E:enquiries@ggmail.co.uk

Drawing Title
Elevations 1

Scale at A3
1:100

Date:
26.3.21

Drawing No.
020/879/03

Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

08 October 2021

Development Management
Environmental Services
The Moray Council

Site adjacent to The Wood of Coneloch, Birnie, Elgin

External finishes

- Roof**
Natural slate
- Walls**
K Rend smooth render - white
Anthracite cedar boarding
- Windows/Doors**
Anthracite



Northwest Elevation



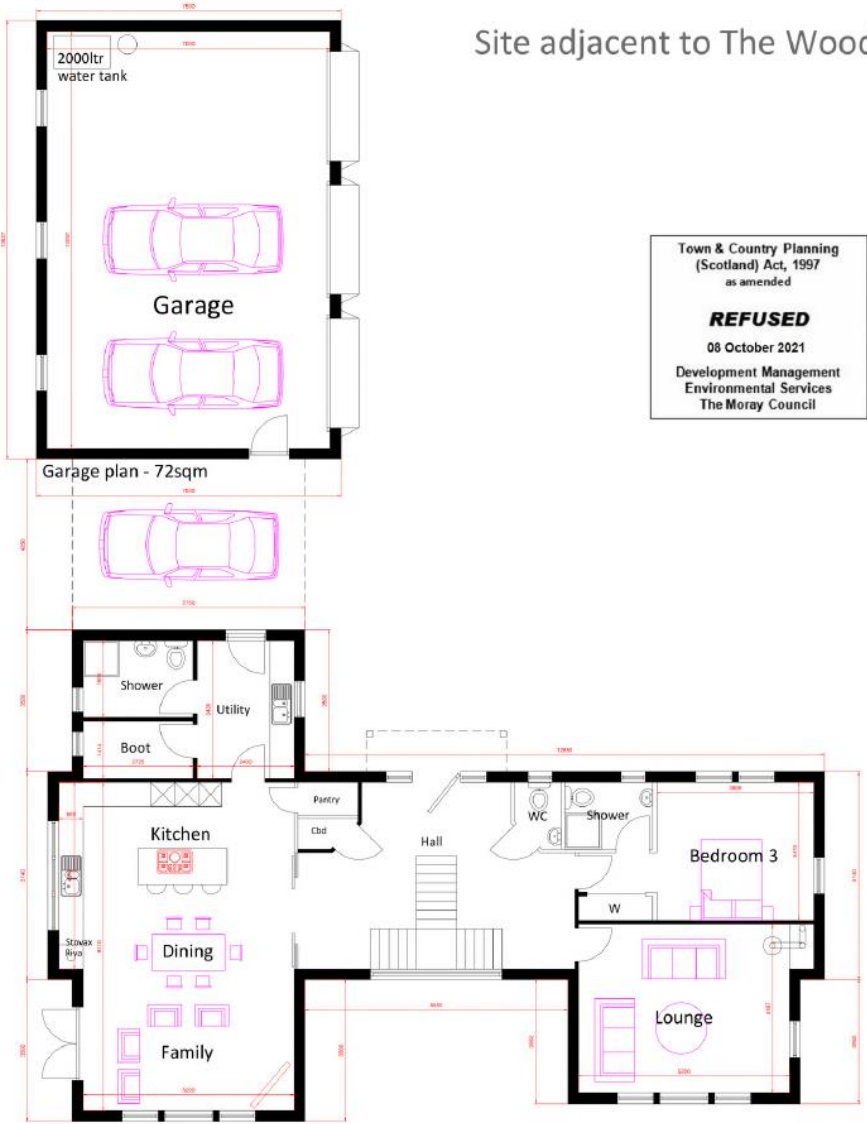
Southeast Elevation

**grant and
geoghegan**
planning, development and
architectural consultants

T:01343 556644
E:enquiries@ggmail.co.uk

Drawing Title	Scale at A3	Date:	Drawing No.
Elevations 2	1:100	26.3.21	020/879/04

Site adjacent to The Wood of Coneloch, Birnie, Elgin



Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

08 October 2021

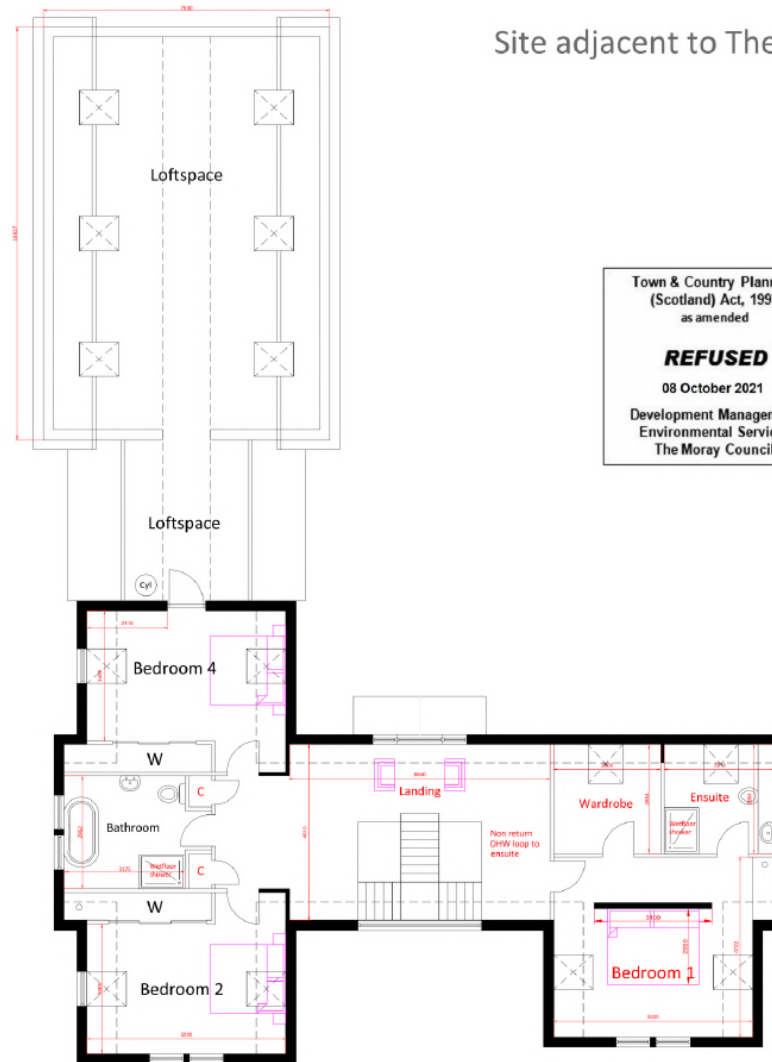
Development Management
Environmental Services
The Moray Council

grant and
geoghegan
planning, development and
architectural consultants

T:01343 556644
E:enquiries@ggmail.co.uk

Drawing Title	Scale at A3	Date:	Drawing No.
Ground floor plan	1:100	26.3.21	020/879/01

Site adjacent to The Wood of Coneloch, Birnie, Elgin



Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

08 October 2021

Development Management
Environmental Services
The Moray Council

grant and
geoghegan
planning, development and
architectural consultants

T:01343 556644
E:enquiries@gmail.co.uk

Drawing Title First floor plan	Scale at A3 1:100	Date: 26.3.21	Drawing No. 020/879/02
-----------------------------------	----------------------	------------------	---------------------------



**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Speyside Glenlivet]
Application for Planning Permission**

TO



With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erect dwellinghouse and garage on Site Adjacent To The Wood Of Coneloch
Birnie Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: **8 October 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

**IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposed house fails to comply with policy DP4 - Rural Housing of the Moray Local Development Plan 2020 because its height at 7.5 metres exceeds the maximum height specified in policy DP4's design criteria, requiring rural houses to be no more than 6.75 metres in height.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference	Version	Title
020/879/01		Ground floor plan
020/879/02		First floor plan
020/879/03		Elevations 1
020/879/04		Elevations 2
020/879/05		Site plan
020/879/06		Location plan
020/879/08		Site levels

**NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

(Page 2 of 2)

Ref: 21/00517/APP

REPORT OF HANDLING

Ref No:	21/00517/APP	Officer:	Andrew Miller
Proposal Description/ Address	Erect dwellinghouse and garage on Site Adjacent To The Wood Of Coneloch Birnie Moray		
Date:	05.10.2021	Typist Initials:	SS

RECOMMENDATION		
Approve, without or with condition(s) listed below		N
Refuse, subject to reason(s) listed below		Y
Legal Agreement required e.g. S,75		N
Notification to Scottish Ministers/Historic Scotland		N
Hearing requirements	Departure	N
	Pre-determination	N

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Moray Flood Risk Management	15/04/21	No objections.
Planning And Development Obligations	19/04/21	No obligations sought.
Environmental Health Manager	16/04/21	No objections.
Contaminated Land	22/04/21	No objections.
Private Water Supplies	30/04/21	No objections subject to condition requiring a suitable private water supply.
Transportation Manager	19/04/21	No objections subject to conditions.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP1 Development Principles	N	
DP2 Housing	N	
DP4 Rural Housing	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: One		
Names/Addresses of parties submitting representations		

Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.
Summary and Assessment of main issues raised by representations
Issue: Impact of proposal on flora and fauna.
Comments (PO): The proposal is not considered to have a significant adverse impact on flora and fauna that would warrant further investigation or refusal of the application.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Site

An area of agricultural ground with an implemented planning consent for the erection of a house (15/01751/APP). The site is accessed via an existing track which joins a private road which has a junction with the public road to the west of the site. There is a ditch to the north west of the site and extensive tree cover beyond the site to the north east. The site is flat. There is one house to the south west of the application site adjacent to the private road. Development is otherwise well dispersed.

Proposal

Planning permission is sought for the erection of a house with attached triple garage. As noted above, an existing consent is in place with records on file showing foundation trenches and access having been formed.

The proposed house would be a different design to that consented. It would comprise an L-shaped footprint and be 1.5 storey in height. The house itself has two protruding gables on the southwest elevation along with a flush fully glazed central gable. The north east elevation would have a gable style glazed entrance, along with another protruding section with linking roof connecting to the garage. The house would be finished in white render and whilst the garage would be finished in dark grey cladding. Both would have a slate roof and dark grey doors and window frames. Foul water would discharge to a septic tank and soakaway, surface water to a soakaway and water would be supplied via an existing connection to a private water supply.

Rural Housing (DP4)

The extant consent was permitted under the Moray Local Development Plan 2015, which has since been superseded by the 2020 MLDP. As a result rural housing policy has changed with new design and siting requirements introduced under policy DP4, as well as areas of Moray designated where there is a build-up of rural housing. In these areas (designated "Pressurised and Sensitive") policy DP4 creates a presumption against new housing development.

This site does not fall in a Pressurised and Sensitive Area, but given the extant consent in place the principle of a house on the site is established. Consideration therefore lies with the design of the house, relative to the criteria contained in policy DP4.

The proposed house is of an appropriate scale for the site and formed of simple, well-proportioned elements. Whilst there are glazed gable features these are not excessive. There are no more than two primary wall finishes, with the natural slate roof a suitable finish. The roof pitch and gable widths are within the specified limits and window openings have a vertical emphasis. However, the height of the house at 7.5 metres exceeds the maximum limit of 6.75 metres as specified in policy DP4.

The sections submitted showing the consented house compared to that proposed are noted. All new rural housing is required to meet this criteria. Consent for the house permitted on site has been in place since 2012. Given the length of time that has passed since the original consent this is considered to have limited weight and does not justify a departure from policy DP4. Accordingly the proposal fails to comply with policy DP4 on the basis the height of the house exceeds the maximum specified in the design criteria.

Access and Parking (PP3)

The consented access arrangement would be utilised, with the Transportation Manager raising no objections to this but recommending conditions in relation to provision of EV charging, parking and turning areas. Subject to these conditions the proposal complies with policy PP3.

Drainage (EP12, EP13)

Foul drainage would be treated via a septic tank to soakaway, whilst surface water would be treated via its own soakaway. A drainage assessment submitted with the application found ground conditions on site are suitable for the arrangement proposed. The proposal therefore complies with policies EP12 and EP13.

Private Water Supply

The existing supply to the site will be utilised, and Environmental Health have not objected to this but recommend a condition requiring the supply to be treated to ensure the supply is potable.

Developer Obligations (PP3, DP2)

Developer obligations are not required in this case under policy PP3, as well as DP2 in respect of affordable housing, on the basis the site has an extant consent for the erection of a house.

Conclusion

The proposed house fails to comply with policy DP4 on the basis its height (7.5 metres) exceeds the maximum specified under the design criteria (6.75 metres), therefore refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

Reference No.	Description		
15/01751/APP	Erect house garage and workshop Site Adjacent To The Wood Of Coneloch Birnie Moray		
	Decision	Permitted	Date Of Decision 30/10/15
12/01175/AMC	Erect house garage and workshop on Site Adjacent To The Wood Of Coneloch Birnie Moray		
	Decision	Permitted	Date Of Decision 11/09/12
09/01460/OUT	Erection of dwellinghouse on Site Adjacent To The Wood Of Coneloch Birnie Elgin Moray		
	Decision	Permitted	Date Of Decision 10/12/09

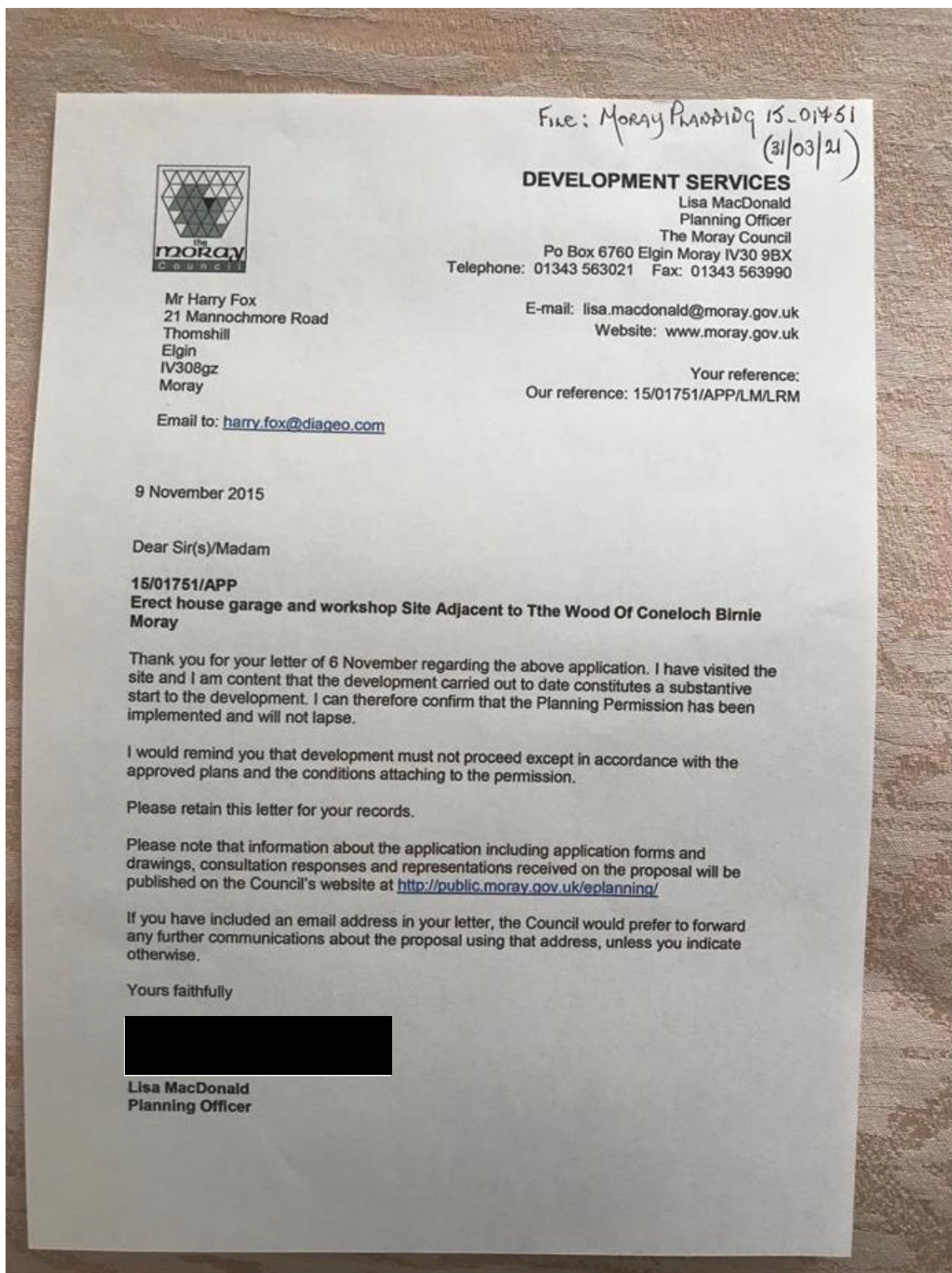
ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure from development plan No Premises	13/05/21
PINS	Departure from development plan No Premises	13/05/21

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

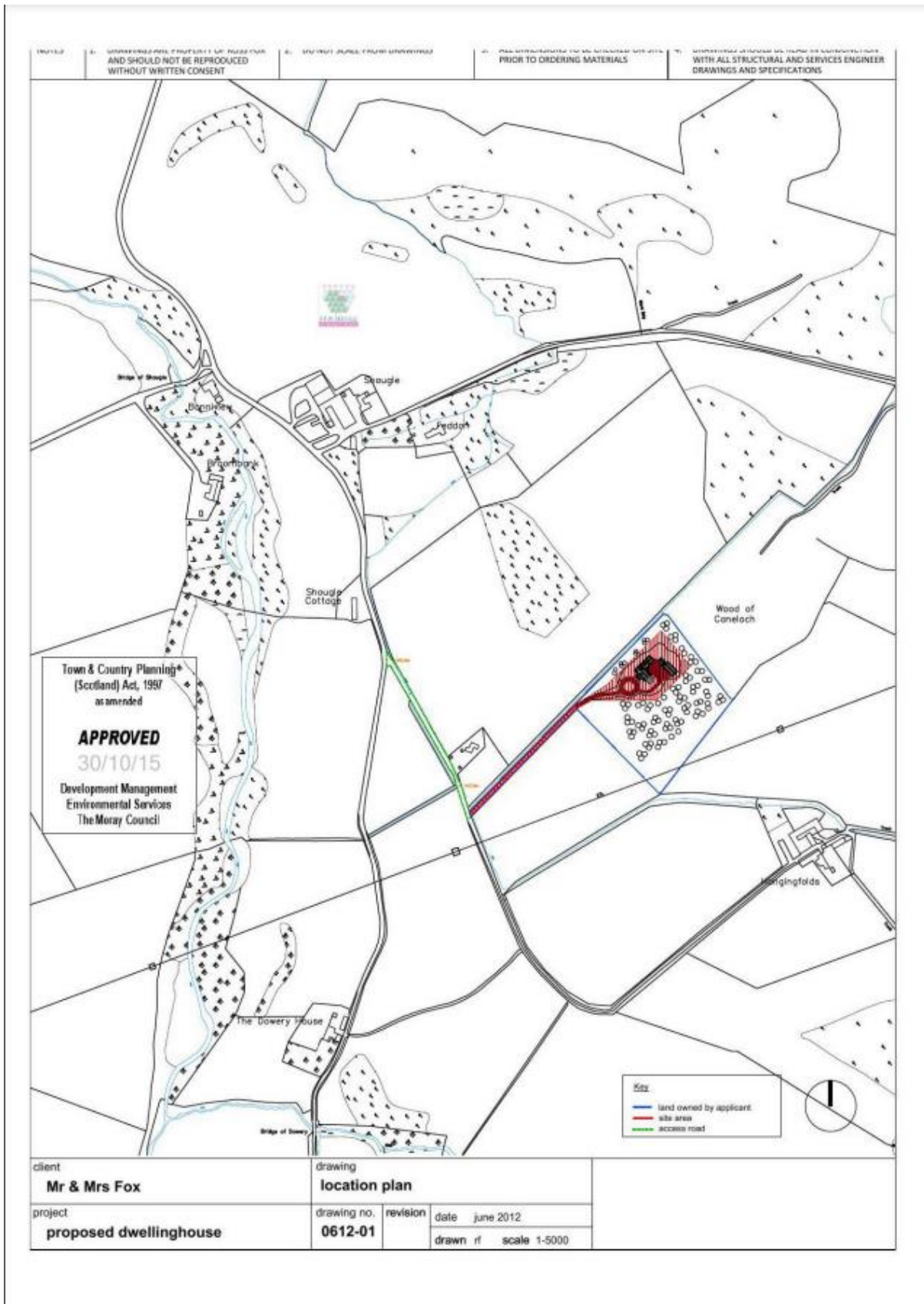
DOCUMENTS, ASSESSMENTS etc. *		
<small>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</small>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage Statement.	
Main Issues:	Details ground conditions and proposed drainage arrangement.	

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			



Appendix 4: Suite of Plans 15/01751/APP





- NOTES 1. DRAWINGS ARE PROPERTY OF ROSS FOX AND SHOULD NOT BE REPRODUCED WITHOUT WRITTEN CONSENT 2. DO NOT SCALE FROM DRAWINGS 3. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ORDERING MATERIALS 4. DRAWINGS SHOULD BE READ IN CONJUNCTION WITH ALL STRUCTURAL AND SERVICES ENGINEER DRAWINGS AND SPECIFICATIONS

MATERIALS SCHEDULE

Render : Buff - 1
 Sandstone - 2
 Quoins : Sandstone - 3
 UPVC Windows & Doors : Oak - 4
 Roof Tile : Slate - 5
 Roof Windows - 6
 Solar Panels - 7
 Window & Door surrounds : Sandstone - 8

* Basecourse - buff coloured render
 * Timber Fascias & Soffits : Oak coloured
 * UPVC Rainwater Gobs : Brown

ALL MATERIALS TO BE AGREED WITH PLANNING DEPARTMENT

The Moray Council policy H8 in terms of gable / eaves height formula (The width of the gable should not be greater than 2.5 times the height of the ground to the eaves.)

Gable width = 9565mm (main house)
 GL - Eaves = 5290mm
 = 5290x2.5
 = 13225mm



Town & Country Planning (Scotland) Act, 1997 as amended

APPROVED
 30/10/15
 Development Management
 Environmental Services
 The Moray Council

revisions				client	drawing			
rev	initial	date	detail	Mr & Mrs Fox	north elevation			
A	rf	aug 12	planning amendments	project	drawing no.	revision	date	scale
				proposed dwellinghouse	0612-10	A	June 2012	1-100
					drawn	rf	scale	1-100

- NOTES 1. DRAWINGS ARE PROPERTY OF ROSS FOX AND SHOULD NOT BE REPRODUCED WITHOUT WRITTEN CONSENT 2. DO NOT SCALE FROM DRAWINGS 3. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ORDERING MATERIALS 4. DRAWINGS SHOULD BE READ IN CONJUNCTION WITH ALL STRUCTURAL AND SERVICES ENGINEER DRAWINGS AND SPECIFICATIONS

MATERIALS SCHEDULE

Render : Buff - 1
 Sandstone - 2
 Quoins : Sandstone - 3
 UPVC Windows & Doors : Oak - 4
 Roof Tile : Slate - 5
 Roof Windows - 6
 Solar Panels - 7
 Window & Door surrounds : Sandstone - 8

* Basecourse : buff coloured render
 * Timber Fascias & Soffits : Oak coloured
 * UPVC rainwater Goods - Brown

ALL MATERIALS TO BE AGREED WITH PLANNING DEPARTMENT

The Moray Council policy H8 in terms of gable / eaves height formula (The width of the gable should not be greater than 2.5 times the height of the ground to the eaves.)

Gable width = 6000mm (sun lounge)

GL - Eaves = 2810mm

= 2810x2.5
 =7025mm

The Moray Council policy H8 in terms of gable / eaves height formula (The width of the gable should not be greater than 2.5 times the height of the ground to the eaves.)

Gable width = 9565mm (main house)

GL - Eaves = 5290mm

= 5290x2.5
 =13225mm



SOUTH ELEVATION
1:100

Town & Country Planning (Scotland) Act, 1957 as amended

APPROVED
 30/10/15

Development Management
 Environmental Services
 The Moray Council



revisions				client		drawing				
rev	initial	date	detail	Mr & Mrs Fox		south elevation				
A	rf	aug 12	planning amendments	project		drawing no.	revision	date	june 2012	
				proposed dwellinghouse		0612-11	A	drawn	rf	scale 1-100

- NOTES 1. DRAWINGS ARE PROPERTY OF ROSS FOX AND SHOULD NOT BE REPRODUCED WITHOUT WRITTEN CONSENT 2. DO NOT SCALE FROM DRAWINGS 3. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ORDERING MATERIALS 4. DRAWINGS SHOULD BE READ IN CONJUNCTION WITH ALL STRUCTURAL AND SERVICES ENGINEER DRAWINGS AND SPECIFICATIONS

MATERIALS SCHEDULE

Render : Buff - 1
 Sandstone - 2
 Quoins : Sandstone - 3
 UPVC Windows & Doors : Oak - 4
 Roof Tile : Slate - 5
 Roof Windows - 6
 Solar Panels - 7
 Window & Door surrounds : Sandstone - 8

*Basecourse - buff coloured render
 *Timber Fascias & Soffits : Oak coloured
 *UPVC rainwater Goods - Brown

****ALL MATERIALS TO BE AGREED WITH PLANNING DEPARTMENT****

The Moray Council policy H8 in terms of gable / eaves height formula (The width of the gable should not be greater than 2.5 times the height of the ground to the eaves.)

Gable width = 6795mm
 GL - Eaves = 4496mm
 = 4496x2.5
 = 11240mm



Town & Country Planning (Scotland) Act, 1997 as amended

APPROVED

30/10/15

Development Management
 Environmental Services
 The Moray Council

revisions				client		drawing			
rev	initial	date	detail	Mr & Mrs Fox		east elevation			
A	rf	aug 12	planning amendments			project	drawing no.	revision	date
				proposed dwellinghouse		0612-12	A	June 2012	1-100
						drawn	rf		

1. DRAWINGS ARE PROPERTY OF ROSS FOX AND SHOULD NOT BE REPRODUCED WITHOUT WRITTEN CONSENT
2. DO NOT SCALE FROM DRAWINGS
3. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ORDERING MATERIALS
4. DRAWINGS SHOULD BE READ IN CONJUNCTION WITH ALL STRUCTURAL AND SERVICES ENGINEER DRAWINGS AND SPECIFICATIONS

MATERIALS SCHEDULE

- Render : Buff - 1
 - Sandstone - 2
 - Quoins : Sandstone - 3
 - UPVC Windows & Doors : Oak - 4
 - Roof Tile : Slate - 5
 - Roof Windows - 6
 - Solar Panels - 7
 - Window & Door surrounds : Sandstone - 8
 - *Basecourse - buff coloured render
 - *Timber Fascias & Soffits : Oak coloured
 - *PVC rainwater Goods - Brown
- **ALL MATERIALS TO BE AGREED WITH PLANNING DEPARTMENT**

The Moray Council policy H8 in terms of gable / eaves height formula (The width of the gable should not be greater than 2.5 times the height of the ground to the eaves.)

Gable width = 6000mm

GL - Eaves = 5290mm

= 5290x2.5

=13225mm



WEST ELEVATION
1:100

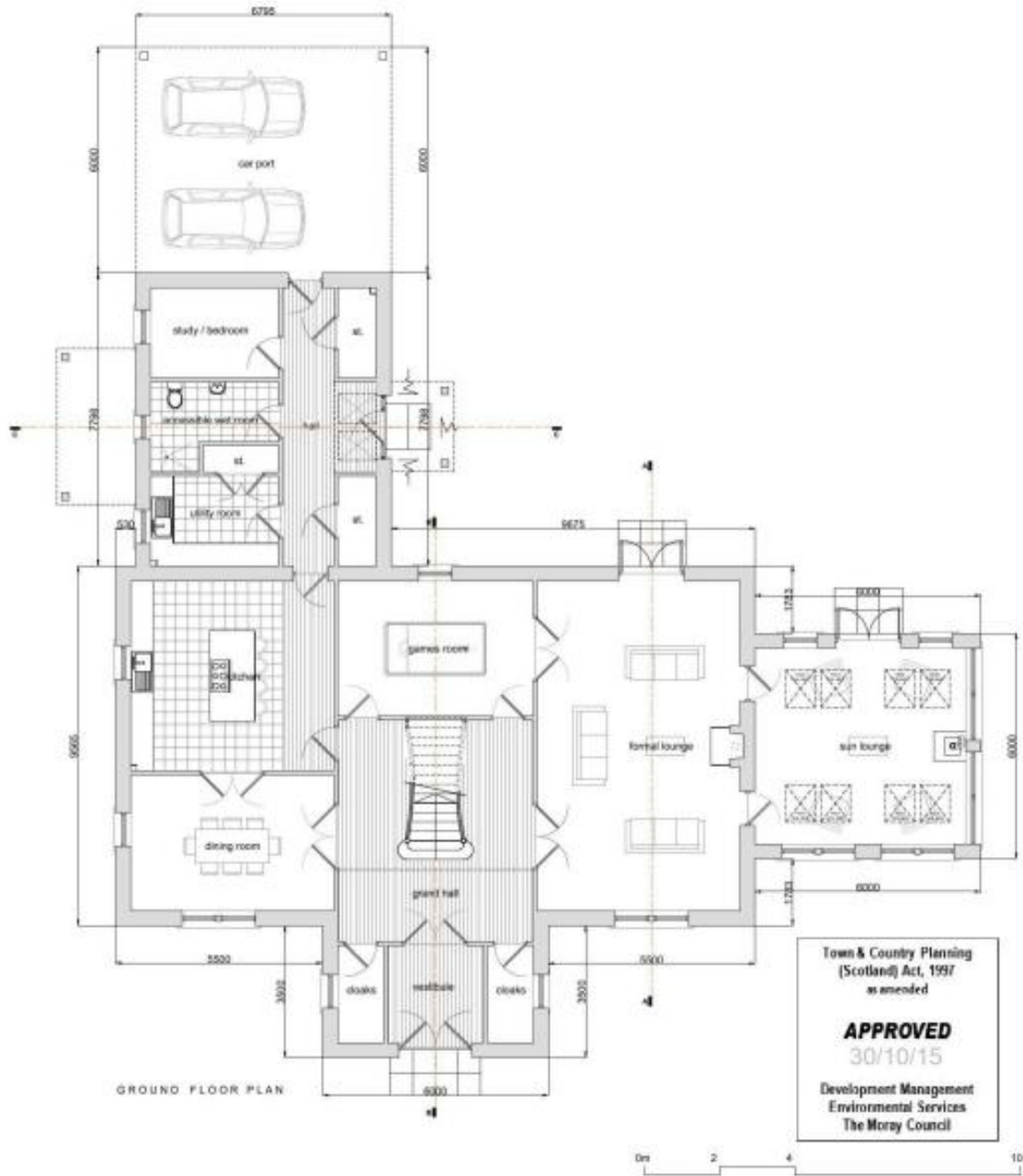
Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED
30/10/15

Development Management
Environmental Services
The Moray Council

revisions		client	drawing	
rev	initial date	detail	west elevation	
A	rf	auf 12	planning amendments	
		project	drawing no.	revision
		proposed dwellinghouse	0612-13	A
			date	June 2012
			drawn	rf
			scale	1-100

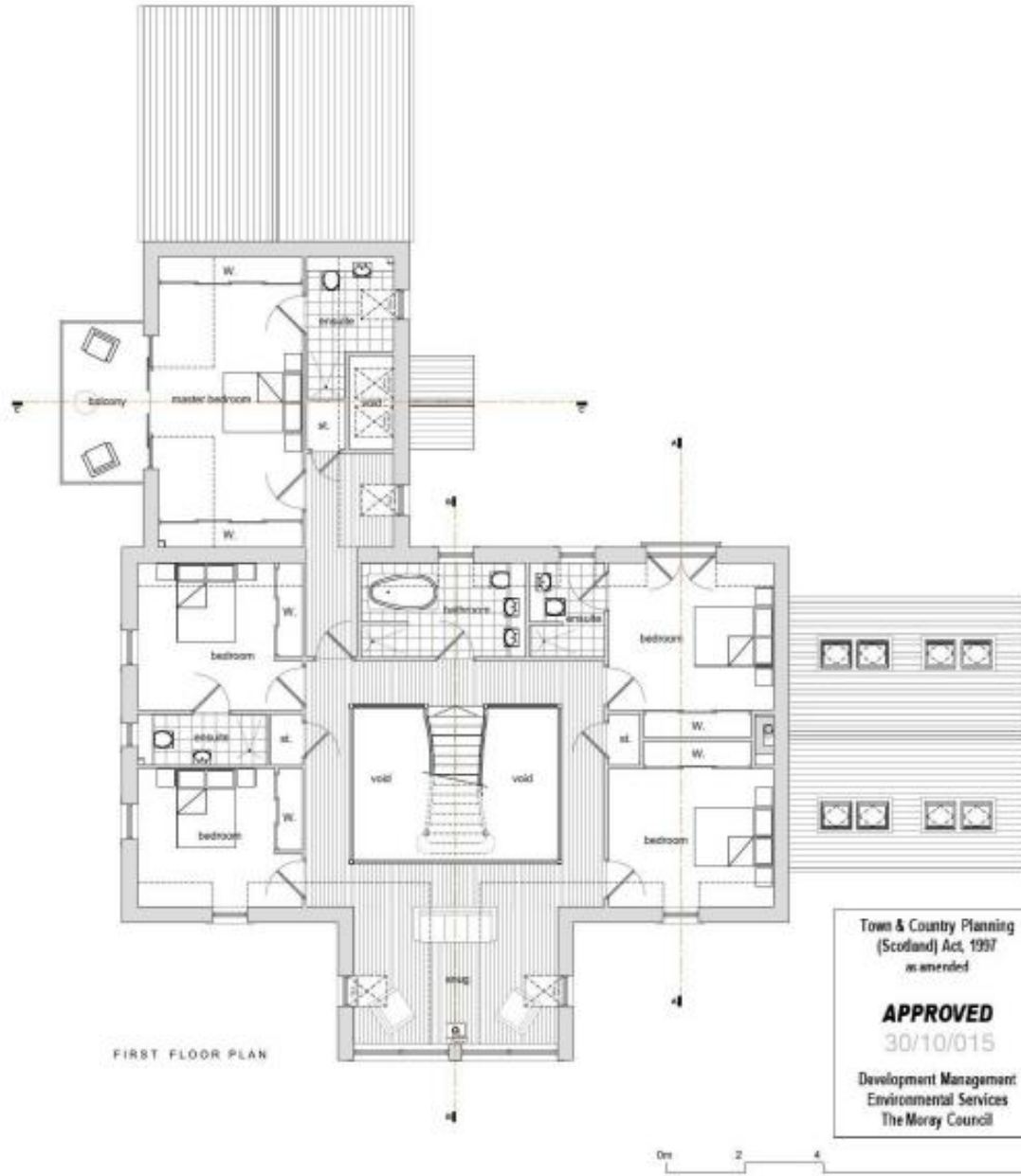
- NOTES
1. DRAWINGS ARE PROPERTY OF ROSS FOX AND SHOULD NOT BE REPRODUCED WITHOUT WRITTEN CONSENT
 2. DO NOT SCALE FROM DRAWINGS
 3. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ORDERING MATERIALS
 4. DRAWINGS SHOULD BE READ IN CONJUNCTION WITH ALL STRUCTURAL AND SERVICES ENGINEER DRAWINGS AND SPECIFICATIONS



client Mr & Mrs Fox	drawing gf layout		
project proposed dwellinghouse	drawing no. 0612-05	revision	date june 2012
			drawn at scale 1-100

NOTES

1. DRAWINGS ARE PROPERTY OF ROSS FOX AND SHOULD NOT BE REPRODUCED WITHOUT WRITTEN CONSENT
2. DO NOT SCALE FROM DRAWINGS
3. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ORDERING MATERIALS
4. DRAWINGS SHOULD BE READ IN CONJUNCTION WITH ALL STRUCTURAL AND SERVICES ENGINEER DRAWINGS AND SPECIFICATIONS



Town & Country Planning
(Scotland) Act, 1997
as amended

APPROVED
30/10/015

Development Management
Environmental Services
The Moray Council

client Mr & Mrs Fox	drawing ff layout		
project proposed dwellinghouse	drawing no. 0612-06	revision	date June 2012 drawn at scale 1:100

REPORT OF HANDLING

Ref No:	21/00101/APP	Officer:	Andrew Miller
Proposal Description/ Address	Revise house design approved under ref 20/00462/APP to erect dwellinghouse and detached garage on Site 90M North West Of Speyview Farmhouse Orton Fochabers Moray		
Date:	16/03/21	Typist Initials:	FJA

RECOMMENDATION

Approve, without or with condition(s) listed below	Y	
Refuse, subject to reason(s) listed below	N	
Legal Agreement required e.g. S,75	N	
Notification to Scottish Ministers/Historic Scotland	N	
Hearing requirements	Departure	N
	Pre-determination	N

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Transportation Manager	04/02/21	No objections subject to repeat of conditions applied to 20/00462/APP and an additional condition requiring EV charging details to be agreed.
Scottish Water	01/02/21	No objections – unable to confirm capacity for water supply so advise pre-development enquiry is undertaken directly with Scottish Water.
Moray Flood Risk Management	01/02/21	No objections.
Planning And Development Obligations	12/02/21	No obligation sought.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
DP1 Development Principles	N	
PP3 Infrastructure and Services	N	
DP4 Rural Housing	Y	
EP3 Special Landscape Areas	N	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: Impact of development on flora and fauna. Comments (PO): The proposal is not considered to result in a significant adverse impact on flora and fauna that would warrant refusal of the proposal.		

OBSERVATIONS – ASSESSMENT OF PROPOSAL
--

Site

A relatively small agricultural field to the north of a small group of houses that sit to the east of Inchberry. The site is enclosed by post and wire fencing with metalled access road to the north and east. To the west of the site is further agricultural land, whilst a house lies to the south. The site has an implemented consent for the erection of a house (12/01800/APP) and has a more recent grant of consent for the erection of an alternative house design (20/00462/APP).

Proposal

Revised house design to that previously consented, per the submitted plans.

Evaluation

The main consideration here lies with the proposed alternative house design, and the implications of the Moray Local Development Plan 2020 on the proposal. The principle of the house is acceptable given the extant consents in place for the site.

In respect of policy DP4 - Rural Housing, the design of the proposed house complies with the design criteria outlined in the policy apart from the proposed houses exceeds the maximum height requirement of 6.75 metres. The proposed house is the same height as that of the most recent planning consent on the site (7.1 metres). Given the minimal additional height over the maximum specified in DP4 (350 mm difference), the similarity of height to that recently consented (within the past 10 months), as well as the suitability of the design in all other respects of policy DP4, the proposal is considered to be an acceptable departure from the development plan (namely policy DP4 - Rural Housing) in this instance.

The indicative landscaping is noted - a condition will be placed requiring a detailed scheme to be agreed.

The house is acceptable in all other respects, with consultees raising no objection. A condition will be placed per the recommendation of the Transportation Manager in relation to EV charging infrastructure.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

The proposed house is considered to be an acceptable departure from policy DP4 - Rural Housing, of the Moray Local Development Plan 2020 because its overall height, whilst greater than the maximum

permitted (6750mm) under DP4, would be identical to that consented under 20/00462/APP (within the past 10 months) and would be a minimal difference (350mm) over the maximum height. The house is suitable in all other respects of policy DP4, as well as other relevant policies.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

Planning history, in particular consent 20/00462/APP.

HISTORY

Reference No.	Description		
20/00462/APP	Erect dwellinghouse and detached garage on Site 90M North West Of Speyview Farmhouse Orton Fochabers Moray		
	Decision	Permitted	Date Of Decision 25/05/20
12/01800/APP	New house Nr Bow Bank Inchberry Fochabers Moray		
	Decision	Permitted	Date Of Decision 18/12/12

ADVERT

Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises Departure from development plan	11/03/21
PINS	No Premises Departure from development plan	11/03/21

DEVELOPER CONTRIBUTIONS (PGU)

Status	NONE SOUGHT
---------------	--------------------

DOCUMENTS, ASSESSMENTS etc. *

** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage Statement	
Main Issues:	Outlines ground conditions of site and proposed drainage arrangement.	

S.75 AGREEMENT

Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			