



# STATEMENT OF APPEAL

Erection of 2no Self Catering Apartments (East Wing) at Norland,  
Stotfield Road, Lossiemouth



**Nov 2021**

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<b>Our Reference:</b>	180048.HARRIS
<b>Local Authority:</b>	Moray Council
<b>Planning Application Ref:</b>	21/01206/APP
<b>Application Proposal:</b>	Erection of 2no Self Catering Apartments (East Wing)
<b>Site Address:</b>	Norland, Stotfield Road, Lossiemouth
<b>Appellants:</b>	Mr B Harris
<b>Date Application Validated:</b>	4 <sup>th</sup> August 2021
<b>Council Decision Notice Date:</b>	29 <sup>th</sup> September 2021
<b>Reason for Refusal:1</b>	<i>“The siting and design of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area in the Moray Local Development Plan 2020 (MLDP). On this basis, the proposal fails to comply with the MLDP policies DP1 – Development Principle, DP8 – Tourism Facilities and Accommodation and EP3 – Special Landscape Areas and Landscape Character.”</i>
<b>Application Drawings &amp; Supporting Documents:</b>	DOC001 - CMD Drawing – 180048.HARRIS.09PP (D) DOC002 - CMD Drawing – 180048.HARRIS.15PP DOC003 – Handling Report DOC004 – Decision Notice
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## Introduction

- 1.1. The following Statement of Case, submitted by **CM Design, Town Planning & Architectural Consultants**, has been prepared to support a Local Review Board submission relating to -

### Developing an existing seaside Guest House to provide additional self-catering apartments

- 1.2. This proposal seeks to compliment a **recently approved WEST WING** development of 2no self-catering apartments with a similar **EAST WING** development which provides balance to the host building and “rounds off” the development potential of a key tourist property in the town.
- 1.3. Several **material considerations exist** in this case that provide justification for positive consideration, under Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997
- 1.4. This application represents a long journey of design revisions, since an initial application and design was submitted in 2020 (Ref no 20/01722/APP). That application sought to simply mirror the approved West Wing application but in doing so, was deemed to interfere with neighbouring sea views.



**Figure 2 - INITIAL APPLICATION**



**Figure 1 - REVISED APPLICATION**

- 1.5. This revised application continues to offer a further 2no self-catering apartments but with a significantly revised form to the approved West Wing design which sought to respond to the concerns of the Planning Case Officer and allowing the neighbouring property to the East to continue to enjoy an existing measure of see view.
- 1.6. The appellant contends that this revised design now represents **no impact upon neighbours** and serves to “round off” a cohesive development of Norland as a significant provider of self-catering accommodation in the town.
- 1.7. The appellant’s family have operated a successful and highly rated guest house at the application site for decades and have already secured Planning Approval for a West Wing extension in 2019 for 2 self-catering apartments
- 1.8. The nature of tourism and the preferences of those coming to Moray have increasingly favoured private self-catering accommodation and custom of this kind has been increasingly lost to rural providers elsewhere and often provided by low cost “pod” developments that now pepper the countryside
- 1.9. The appellant seeks to provide additional **high-quality** seaside accommodation which reflects the existing high standard of executive tourism providers on Stotfield Road such as
  - Stotfield Hotel
  - Halliman House
  - The Golf View Hotel
  - The Golf View Apartments
  - Poseidon’s Inn Apartments
  - Tighnabruach Annexe
  - Links Lodge B&B
  - Links Lodge Apartments
- 1.10. The existing property at Norland is significant in proportion and occupies a site which might only be considered suitable for commercial use.



- 1.11. The need to develop the house and site as a cohesive and efficient holiday destination is critical to the long-term upkeep of the building and its contribution to the local tourism economy.
- 1.12. It should be noted that no objections remain from Statutory Consultees or the Transportation Department who are satisfied with parking, access and egress arrangements for the entire development including the proposals.

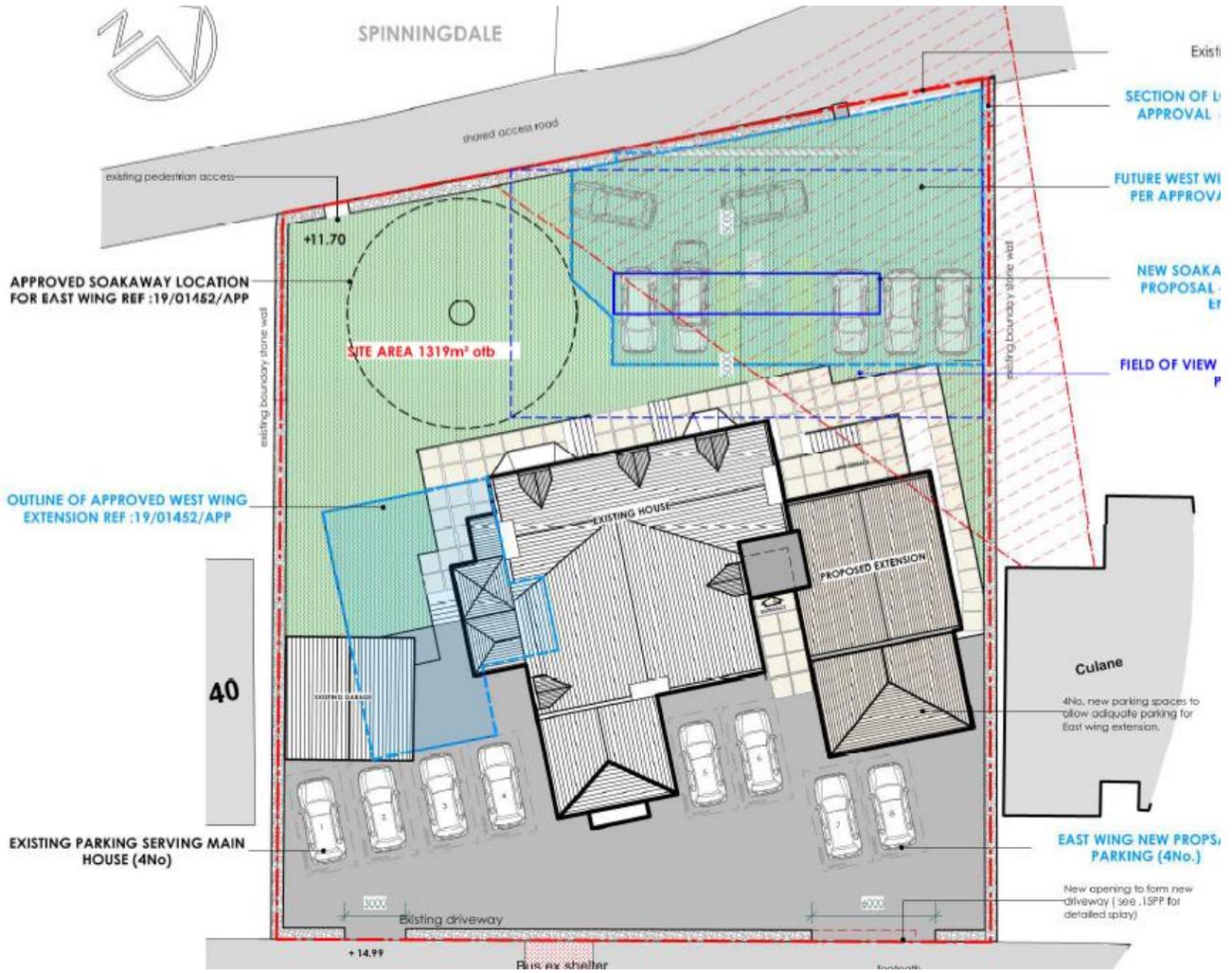


Figure 3 - REVISED SITE PLAN SHOWING NEIGHBOURS VISIBILITY PROTECTED



## 2. Background

- 2.1. Norland is an existing Guest House with an outstanding location overlooking the Moray Firth.
- 2.2. The appellant lives on the premises and offers 3 guest bedrooms (6 beds) for short term holiday and tourist use.
- 2.3. The business is successful, highly rated by clients and deserving of further development to capture the increasing demand for self-catering facilities to complement its Bed & Breakfast provision.
- 2.4. The grounds of Norland extend to 1342m<sup>2</sup> and the existing building extends to circa 205m<sup>2</sup>. This equates to 15% of the site
- 2.5. The **previously approved West Wing** enjoys a moderate footprint of 100m<sup>2</sup> and the proposed east wing seeks to take up a further 100m<sup>2</sup> of currently un-used garden ground which is generally in shade all year round.
- 2.6. The hopes for this final East Wing development would leave 70% of the original site undeveloped and this would be considered to be more than acceptable for this location and leaving more amenity ground than many of the other sizeable houses enjoy along Stotfield Road.
- 2.7. The need for additional self-catering apartments of this nature is a response to the increasing demand for serviced accommodation and an opportunity to present an element of symmetry to the seaward elevation.
- 2.8. The existing Bed & Breakfast business at Norland continues to be successful but needs to respond to the continual loss of self-catering custom to more rural locations around Moray.



### 3. Statement of Case

- 3.1. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan unless **material considerations** indicate otherwise.
- 3.2. As stated earlier in this Statement there are significant **material considerations** to be aware of in this case and are repeated here for the sake of clarity.
- There is an economic need for more self-catering accommodation in the town and especially where existing guest house business exist.
  - The development of the East Wing would balance and “round off” the current approval for a substantial West Wing.
  - The South elevation (from the roadside) is very utilitarian in form and offers very little in terms of amenity or aesthetic worth.
  - There is no impact on the streetscape or neighbouring properties.
- 3.3. Large traditional Scottish homes such as Norland require great care and continual investment from owners. Our Scottish Heritage is maintained at great expense to owners who often look to commercial use to ensure that the financial implications of upkeep can be met.
- 3.4. Norland is a north facing, traditional and substantial guest house which takes a battering from the Moray Firth and has been painstakingly maintained by the appellant for decades.
- 3.5. It is a very attractive building from the North (seaward) and perhaps more utilitarian to the south (from Stotfield Road)
- 3.6. The approval of a previous consent for a west wing extension demonstrates how acceptable the building is in terms of further development and it was a surprise that various forms of balancing development to the East Wing were not found to be acceptable.
- 3.7. It is understood that the boundary geometry on the east flank is not so forgiving as the offered on the west side but it is clear that there is more than enough land to accommodate an extension on this wing.
- 3.8. Early concerns from the Planning Case Officer with regard to scale and loss of view to a neighbour to the east were addressed by a wholesale design review that brought the proposed extension further southward to avoid the sight lines of the neighbouring property.
- 3.9. The south elevation will be served well by these proposals in balancing and reflecting the nature of the approved West Wing and bringing interest and symmetry to the building from both sides.
- 3.10. Lastly the proposals are essential in arresting the loss of revenue brought about by the increased demand for self-catering accommodation and loss of this nature of business to the town.

## 4. Reasons for Refusal – Policy Compliance

4.1. It should be continually noted that a similar extension was approved on the West Wing in \*\*\*

4.2. The detail of the reason for refusal are examined as follows.

*“The siting and design of the proposal is considered to represent overdevelopment, whilst also having an adverse impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area in the Moray Local Development Plan 2020 (MLDP). On this basis, the proposal fails to comply with the MLDP policies **DP1** – Development Principle, **DP8** – Tourism Facilities and Accommodation and **EP3** – Special Landscape Areas and Landscape Character.”*

4.3. **Policy DP1 DEVELOPMENT1** - *“impact on the character and amenity of the surrounding area which is designated as a Special Landscape Area ”*

4.3.1. Notwithstanding the principle of an extension of this scale and nature being approved previously for the West Wing, the appellant would contend that the proposals would present elements of additional architectural interest to both elevations and framing the original building well – especially to the north (seaward) elevation.

4.3.2. It would considered a “stretch” to suggest that these proposals would in any way impact upon the “Character and Amenity” of this particular location. The Character of the area does comprise of a range of traditional houses or businesses that have been extended or adapted over the years.

4.3.3. The new East wing will provide balance and symmetry to the existing approved west wing and will serve to enhance the nature and prominence of the existing host building at its centre.

4.3.4. In terms of the **wider area**, there are a mixture of styles of extension to traditional properties and in some cases, unsightly replacements of existing buildings peppering the streetscape on Stotfield Road.



**Figure 4 - EXAMPLES OF OTHER SELF-CATERING ACCOMMODATION ON STOTFIELD ROAD**



Figure 5 - MORE EXAMPLES OF SELF-CATERING ACCOMMODATION ON STOTFIELD ROAD

4.3.5. In terms of “Amenity” – there is no loss in any way. Sea views for the immediately adjacent neighbour have been protected and finishes chosen to present interest to the streetscape rather than detract from it. Sub-paragraph 9e) of this Policy calls for care in terms of impact upon neighbouring properties and the history of this application demonstrates a willingness to respond to and address concerns in this regard.

4.3.6. The House is currently accessed from the south elevation on Stotfield Road. This elevation presents a completely contrasting and very utilitarian view. This elevation hosts what would have been the staff quarters, kitchens, coach house in years gone by and offers no form of symmetry or cohesive appeal.

#### 4.4. Policy DP8 - TOURISM FACILITIES & ACCOMMODATION

4.4.1. As declared in the Justification notes of this particular policy – “*Tourism is declared as most important target sector of the Moray Economy Strategy, providing jobs*”. This proposal does indeed serve to guarantee continued service to the tourism economy, continued employment and continued revenue for a key tourist town.

4.4.2. This policy also requires proposals to demonstrate a **locational need**. Stotfield Road is already a popular stretch of road for guest houses, recreational business and serviced accommodation

4.4.3. The appellant “needs” in this location, to develop the existing business and to ensure the longevity of the business in the face of changing markets

#### Policy EP3 – SPECIAL LANDSCAPE AREAS AND LANDSCAPE CHARACTER

4.4.4. This policy suggest that “development will only be permitted where they do not prejudice the special qualities of the designated area”

4.4.5. In terms of urban development within a settlement boundary, the policy encourages and allows development where compliance can be proven against previous policies such as DP1 and DP3

4.4.6. Whilst the north flank of this property enjoys a protected and attractive shoreline it is argued that this development will not impact the character of the area and will present an interesting and cohesive development to those enjoying the wide-open spaces around the site.

## 5. Conclusion

5.1. This Statement of case has established the following:

- That material considerations exist that can assist in a positive consideration of this case.
- That neighbour's seaward views have been protected.
- That the proposals can be considered to comply with the terms of Policies DP1, DP3 and EP8 in terms of impact, character and scale – especially given the nature of other properties nearby and the character of the existing building.
- That there is an economic and locational need for this development, to ensure the longevity of the existing guest house business and its contribution to the wider tourism economy.
- That the development “rounds off” the approved west wing development in a sensitive and acceptable manner and in a way that celebrates and enhances the presence and scale of the host building.

5.2. The appellant has demonstrated a willingness to adapt the design of the east wing to address concerns expressed in a previous application.

5.3. This extension could be accommodated into the streetscape and landscape without loss of amenity or character and, in fact, introduce a measure of architectural interest.

**5.4. The appellant respectfully requests that detail of this case be fully considered and the Appeal to approve this application be upheld.**

