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16th October 2022

**Notice of Review: Planning Application 22/00215/APP – Erect dwelling house on land adjacent to Easter Covesea Cottage, Duffus, Moray**

To whom it may concern,

I would like to remind the review committee of the reasons this planning application was refused. Having applied for 3 houses in 2018, the applicant gained permission for 1 house. The MLDP 2020 is a good, strong policy that is designed to keep areas of landscape interest protected and to ease the pressure to build in these areas and direct that development to identified areas. The latest application for a second house in the area, by the same landowner was refused by the planning department on the following grounds:

1. The application proposes a new dwelling house on a site within an identified pressurised and sensitive area where no new housing will be permitted due to the landscape and visual impacts associated with build-up and is therefore contrary to policy DP4 - Rural Housing.
2. A new house on this site would detract from the rural landscape character of the wider area as the site would not contain sufficient backdrop and containment and would create ribbon development with the neighbouring plot (with extant permission for a new house) contrary to the siting criteria as set by Policy DP4 Rural Housing as well as DP1 Development Principles.
3. The site is located within the Burghead to Lossiemouth SLA the proposal for a house plot would not fall within any of the development categories permitted under EP3 for a rural location within the SLA and no new housing is permitted in the open countryside in this SLA therefore the proposal would be contrary to policy EP3 - Special Landscape Areas.

MLDP 202 DP4 - Pressurised and Sensitive Areas states:

Due to the landscape and visual impacts associated with build-up and landscape and environmentally sensitive areas, no new housing will be permitted within the identified pressurised and sensitive areas.

Areas of intermediate pressure:

1. There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed new house. These features must be immediately adjoining the site (i.e. on the boundary). Fields drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate enclosure or containment.
2. The new house must not create ribbon development, contribute to an unacceptable build-up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.
3. Artificial mounding, cut and fill and/or clear felling woodland to create plots will not be permitted.

#### 4. 15% of the plot must be landscaped with native tree species

This area of land is designated pressurised and sensitive, the application does not even meet the criteria for intermediate pressure. The few Elder trees that were on site have been cleared and a mound of earth placed to the rear of the land, by the landowner, which now has grass growing on it, is an artificial mounding that would not be high enough to screen the building from the north. The Gorse to the south of the land is not high enough to screen the building and in fact, some of it will have to come down in order to create a visibility splay at the entrance to the land (Please see photos sent in as part of my previous objection). There are no native trees for screening on any of the lands boundaries. The picture used in point 2.2 by the applicant, clearly shows that the land is quite open to all passers by, from all sides. There are some broken down and uncared for fencing - the above clearly states that is not acceptable enclosure.

The applicant is now arguing that he could build ancillary buildings and that would be the equivalent of a new building on site.

As described by the Scottish government, the permitted development rules for an ancillary building are generally for shed's, greenhouses and outbuildings and may be granted if:

- it's located at the back of the house
- **it's not used as a separate home to live in**
- it, and any other development, does not take up half or more of the 'curtilage' – this means half or more of the grounds behind your home
- it's not higher than 4 metres at the highest point
- any part that's a metre or less from the boundary is no higher than 2.5 metres
- the eaves (the part where the wall meets the roof) is no higher than 3 metres
- if the land is in a conservation area or in the grounds of a listed building, the ancillary building has a footprint of less than 4 square metres

If the applicant were to change the original 2018 building application as already agreed under the previous MLDP, they may have to re-apply for planning permission because, the plans indicate that trees planted for screening would not allow for ancillary buildings.

You cannot compare the building of ancillary buildings with a new home building.

The applicant is arguing that this application is infill. Infill requires other buildings to be in the area and the new build would fill a space there. This is not infill, this is the start of a ribbon development.

The applicant has argued that each application should be read in it's own context. I know that if this application review finds in favour of the applicant, 2 houses would be built and then in 2 years time there will be an application for a 3rd house. (3 houses were originally applied for in 2018). After that, the applicant could argue that the houses and associated planting, create a screen that could allow for houses to be built on the land behind them.....

Please consider the formation of this strong and forward thinking policy, the reasons why it came to be and how it will be weakened if this application is allowed. Please also consider the effect agreeing to this application will have on all of the pressurised and sensitive area between Burghead and Lossiemouth.

Kind Regards

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