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**Plot to East of Stanes  
Cummington**

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**PLANNING APPEAL STATEMENT**  
(In support of the review of planning decision  
notice 24/00428/PPP)

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27 August 2024



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## **1. INTRODUCTION**

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The purpose of this Planning Statement is to draw upon the details as already submitted to demonstrate that the proposed plot (planning application reference 24/00428/PPP) should have been approved given its compliance with existing and emerging national planning policies and compliance with the principle aims set out in MLDP and associated material considerations.

This Statement is not intended to provide new supporting information but instead to respond to the assessment made in the Officer's Handling Report and the reasons for refusal as outlined in the Decision Notice, by providing additional policy referencing and evidence. These are provided to counter argue the points in the reasons for refusal and those outlined in the Officer's Handling Report. Reference to policy and visual aspects during site inspections would have been available and be used by the planning officer in determining this proposal and are not therefore new material.

Given the statutory requirement that all applications should be assessed on their own individual merits against planning policy and material planning considerations, this Statement will concentrate on the consideration of whether the proposals meet the policy requirements in principle as set out in national policy and guidance, and then regarding Policy DP1 part f (Development Principles), EP3 part b, NPF 4,14 and 16, as included in the reasons for refusal. Relevant and significant material considerations are also presented throughout the Statement, which must be considered in assessing this application.

It is important and specifically requested that the Local Review Body Members read this Statement alongside all the previously submitted Statements and Reports to enable a comprehensive review of all the facts and merits involved in these proposals before making their decision on this case.

## 2. DEVELOPMENT PROPOSAL

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The site is located at Grid reference NJ 13492 69043 (313492E, 869043N), to the East end of Cumingston.

Cumingston has a wide variety of house styles and designs along the full length of the village with many of these being the result of sub-division of the original large almost croft like holdings.

The proposal as shown on the site plan, under this application, was to sub divide the existing garden area and part of the adjoining lane to the east of the site forming a new plot 442sqm. Plot development will include the replacement of the existing flat roofed double garage with a proposed single-storey house to be positioned at this location.

The proposed house outline indicated on the proposal would be of similar frontage to the existing double garage and design of the proposed house would be subject to a full planning application which Moray Council would have control over the house design and character.

This application was submitted to provide the option for the current elderly owner of Stanes to downsize into a smaller more energy efficient bungalow with a much more manageable garden area. We felt there would be no loss of amenity to the existing bungalow as there are no windows looking directly onto the proposed plot and there is still a more than sizeable garden area left to the rear and west.

The access to the proposed site would be via the existing driveway serving Stanes and a new access with off-street parking is proposed further West to serve the existing house. Both accesses have no visibility issues, and the Transportation manager has raised no objection to the proposals.

A Site Investigation and Drainage Assessment was carried out by Mabbett, **Appendix 1**, and proposed surface water is to discharge to the existing sewer located within the public road via a Rainwater harvesting tank. A public water supply would be laid into the dwelling which Scottish Water had no objection to.

## 3. REFUSAL NOTICE & DISCUSSION

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The planning application was determined on 9<sup>th</sup> July 2024 and was refused planning permission for the reason(s) as follows-

The proposal is contrary to the provisions of Policies NPF Policies 14, 16 & 4, and, MLDP Policies DP1, part f & Policy EP3 part b) of the Development Plan because: The proposal to create an additional house site in the garden grounds of the existing parent property Stanes would appear incongruous to the existing site layout and fail to reflect and respect the existing character of the site. The proposal would therefore have a detrimental impact on the quality of the built environment at this site and be detrimental to the character and surrounding area which is part of the Burghead to Lossiemouth Coast Special Landscape Area which requires high quality siting characteristics for all development. The proposal would therefore be contrary to Policies NPF Policies 14, 16 & 4, and MLDP Policies DP1, part f & Policy EP3 part b) of the Development Plan

**Appendix 2** Contains the decision notice and the planning officers handling of the application.

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**1 - DP1/EP3**

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Policy DP1: Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m<sup>2</sup>, excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.

The proposed plot is 442sqm and the built-up area of the plot will be less than a third of the total plot area.

The planning officer's report of handling suggests the existing garage is inconsequential, however there is no denying the current double garage building which has a flat roof and 2 large white doors is very visible in this location. A single-storey house of similar frontage with a slated, hipped roof for example would be more in character with its surroundings than the current garage building.



Just two doors along a similar plot subdivision has taken place (03/00491/FUL) which has squeezed a large and imposing 3 level house into an even narrower plot of land (see **Appendix 5** attached).



Tulloch of Cumingston recently also had an application permitted in the village on a similar width plot (22/01299/APP) with 900mm width on one side and 1200mm to the other, so considerably tighter than this proposal (see **Appendix 6** attached).

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## **2 – NPF 4,14 and 16**

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The National Planning Framework NPF 14 states developments are to be:

**“Sustainable:** Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.”

The proposed plot was to allow the applicant to stay in the area by downsizing to a smaller bungalow and garden which is more manageable, otherwise the house will have to be sold and the applicant will have to move away from the area she has stayed in most of her adult life to find a suitable new home.

NPF 16 part C ii. States development could include:  
“accessible, adaptable and wheelchair accessible homes”  
And Part C vi. “homes for older people”

The proposed application would allow for a house to be built to current Building standards which would be accessible and adaptable as standard.

## **4. CONCLUSION**

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For the reasons given above, we have demonstrated that the proposed development would comply with current planning policies, and we ask that the proposal be considered favourably for approval on appeal.

**END OF REPORT**

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### **Appendices:**

1. Drainage assessment
2. Decision notice and Report of Handling
3. Site Plan - Refused
4. Email to planning officer – 27-05-2024
5. Rowandale, Cumingston – Plan and photos (03/00491/FUL)
6. Lochiel, Cumingston – Approved planning (22/01299/APP)