

REPORT OF HANDLING

Ref No:	10/00115/APP	Officer:	Maurice Booth
Proposal Description/ Address	Erection of dwellinghouse on Site Adjacent To Westcroft Pluscarden Elgin Moray		
Date:	19/4/10	Typist Initials:	LH

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	18/02/10	No objection
Contaminated Land	19/02/10	No objection
Transportation Manager	25/03/10	No objection
Scottish Water	17/02/10	No objection
Environmental Protection Manager		

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
Policy 1(e)		See under H8, E7 and IMP1
H8: New Housing in Open Countryside		See observations
EP9: Contaminated Land		
IMP1: Development Requirements		See observations
T2: Provision of Road Access		
T5: Parking Standards		
E7: AGLVs		See observations
Policy 2(a) & Policy 2(b)		

REPRESENTATIONS

Representations Received	NO
Total number of representations received	
Names/Addresses of parties submitting representations	
Name	Address
Summary and Assessment of main issues raised by representations	
Issue:	
Comments (PO):	
No objections/representations received.	

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The proposal is for a further new house to the two recently permitted and now built. The existing two houses were permitted under the previous local plan as replacements for existing buildings. The proposal would begin to extend the development along the public road frontage in a ribbon form of development and as new-build on open land would not have the justification of replacing existing buildings. As such it would begin to urbanise the rural setting and establish a clear precedent for uncontrolled development continuing along the road.

The specific policy for assessing new housing in the countryside is H8. Reflecting the special landscape character of the area E7 (Areas of Great Landscape Value) also applies together with policy IMP1 requiring that the scale, density and character of new development must be appropriate and integrated in the surrounding area.

The lead statement of H8 makes a clear presumption against multiple house applications which is specifically defined as more than 2. The proposals would breach this clear requirement for the following reasons :

"multiple house applications" could self evidently take the form of a single application for more than 2 houses house or several applications (over time). There is no suggestion otherwise in the policy and thus the concern is with the overall planning impact of several new houses in a given location – which as it is stated are more appropriately directed to rural communities or where there are established structures.

It seems reasonable to assume the policy is concerned with the planning impact of the development proposed, not the sequence or procedure by which a given development was arrived at.

If more than 2 houses are thought to be justifiable under this policy, subject only to the other H8 policy criteria, then this key requirement effectively becomes redundant. The preclusion of more than 2 houses stands as it is stated and is not tied to other criteria.

It is clear that whilst the policy is relatively permissive that an upper limit has to be set at which point more housing most typically begins to have more of the qualities of an urban type cluster. If no limit is set each further consent further increases the justification for still more - in terms of proportional increase each further house is less and there would a diminishing basis for avoiding a suburban type build-up

The site area is an attractive part wooded area along the upper reaches of the river Lossie in the Pluscarden valley that is designated as an Area of Great Landscape Value (AGLV). The proposed house would begin to significantly impact on the natural qualities of the area, would breach the specific provisions of H8 and would encourage more unsuitable development.

Besides the two houses adjoining referred to above a further house has been permitted further back in a defined area of young plantation and another house adjoining this is pending a decision. Whatever the outcome of the latter the capacity of what can be absorbed in this immediate area has now been reached.

Under the previous local plan a house on the site was refused on grounds of its rural impact (05/02990/OUT).

Conclusion

The proposals are refused for the reasons given.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

There are no other material consideration that would alter this assessment.

HISTORY			
Reference No.	Description		
10/00212/PPP	Planning Permission in Principle to erect new dwellinghouse at The Hedges Site Torrieston Pluscarden Elgin Moray		
	Decision		Date Of Decision
04/00133/MIN	For borrow pit up to 30,000 tonnes (approximately 12,000m ³) of minerals from an area of felled forestry to rear of Gedloch Quarry at Gedloch Rothes Estate Rothes Aberlour Banffshire		
	Decision	Permitted	Date Of Decision 27/04/04
02/02051/FUL	Erect new dwellinghouse and integral double garage on Plot A on Sites At Torrison Pluscarden Elgin Moray		
	Decision	Permitted	Date Of Decision 16/01/03
07/02686/FUL	Erect a conservatory at Torrison Croft Miltonduff Elgin Moray IV30 8TZ		
	Decision	Permitted	Date Of Decision 17/01/08
05/02990/OUT	Outline to erect a dwellinghouse and garage on Site Adjacent To Westcroft Miltonduff Moray		
	Decision	Refuse	Date Of Decision 30/08/06

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	No Premises	12/03/10

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

Supporting information submitted with application?		NO
--	--	----

Summary of main issues raised in each statement/assessment/report

Document Name:

Main Issues:

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)