

The Steadings
Todholes
Dallas
Moray
IV36 2RW



Roderick D Burns
Clerk to the Local Review Body
The Moray Council
Council Offices
High Street
Elgin
IV30 6BX

CENTRAL SERVICES			
11 AUG 2010			
CITIE	ESTATES	LEGAL	PERSONNEL
COMMENTS			

9/8/10

Dear Mr Burns

Appeal against refusal of Planning Permission in Principle - Mr & Mrs Wilson Rennie – ref. 09/01875/PPP – To erect new dwelling house at Todholes, Dallas, Moray

As your records will show, the above appealed application is at least the forth attempt to gain permission to develop this site – please also see:

Outline to erect a new dwellinghouse at

The Paddock Todholes Dallas Moray

Ref. No: 04/03102/OUT | Received: Mon 13 Dec 2004 | Status: Application Refused

Outline to erect house and garage at

Todholes Rafford Forres Moray

Ref. No: 98/00060/OUT | Received: Thu 15 Jan 1998 | Status: Application Refused

Outline to erect dwellinghouse and garage at

Todholes Rafford Forres Moray

Ref. No: 90/00050/OUT | Received: Thu 25 Jan 1990 | Status: Application Refused

On each of these occasions the planning department has considered the application in hand, along with any comments on it and decided, quite rightly, that permission to develop housing here should be refused. This site is an agricultural field that has been deliberately subdivided and manipulated with a view to gaining speculative and lucrative development rights. The most recent application was refused on the grounds that development would be overtly prominent and this is most obviously the case, and will always be so. In attempting to justify this appeal, the applicants' agent refers to a successful appeal on a site near Keith. This is not a comparable situation to the application under appeal, and, as each application has to be considered independently, presents as a spurious argument. The agent calls for consistency with planning procedure. The fact that permission to develop has been consistently and repeatedly refused already provides clear evidence of this.

From the outset it appears that the applicant has been less than truthful with his intentions for this piece of ground. When he purchased the ground he declared that he would never try to develop it - it was to be used "as grazing his collection of sheep". When the 2004 outline permission was refused he declared that he would never attempt another application. More recently neighbours have asked, "who is selling the housing plot at Todholes?, - implying that outline permission already exists!

Now, we are told that a new house on the site would be for Wilson and Prudence Fraser-Rennies' own use. The Review Body should bear in mind comments made to the local press when advertising their current substantial home for sale in 2009 (**copy attached**), and should draw their own conclusions as to the likelihood of this being true.

Although I realize that the Review Body is duty bound to only consider a restricted range of planning issues in relation to this case (such as its 'overt prominence'), the comments made by objectors to the previous (refused) applications on various other undesirable aspects are all still relevant. If this appeal was successful then it **would** set a precedent for the development of the adjacent (arbitrarily subdivided) 'plot', as well as the adjoining ground to the south, not to mention any section of agricultural land that owners should choose to section off with fencing for speculative development (the owner of the surrounding agricultural land has already established a 'development company' to take advantage of just this type of opportunity). I have no doubt that the appellants' agents would also then be delighted to challenge other planning decisions on this basis.

In light of the above and all other objections made in respect of this appeal, we look forward to confirmation that the Review Body has reaffirmed all of the earlier planning decisions to refuse outline planning permission at this site.

Yours sincerely



Lloyd and Anne Owen.

The Press and Journal

Tuesday 10 August 2010

A perfect blend

All too often, modern country houses can look at odds with their surroundings. But the

More Pictures

Your HOME - 26/5/09 - [REDACTED]

ONE of the most unusual tourist attractions in Scotland is Pluscarden Abbey, near Elgin. It is unique in that it is the only mediaeval monastery in the UK which is still inhabited by monks and being used for its original purpose.

Founded in 1230 by Alexander II, it sits in a beautifully sheltered south-facing glen surrounded by lush green forested hills.

It's an idyllic location, a very pretty hamlet where the loudest noise tends to be birdsong or the call of the many pheasants which have taken up residence there.

It was two of these beautifully plumaged pheasants, and a rather large, friendly chicken, which first greeted me as I turned into the driveway of Pluscarden House, which is set back from the road a few hundred yards along from the entrance to the abbey.

In no rush to move, they simply looked me up and down before graciously allowing me to pass along the gravel drive leading to the elegant country house.

For the past 10 years, Pluscarden House has been the much loved home of ~~Wilson and Prudence Fraser-Rennie~~

OBJECTION
The Steadings
Todholes
Dallas
Moray
IV36 2RW

Alan Short
Development Control Manager
Environmental Services Department
High Street
Elgin
IV30 1BX



18/12/09

Dear Mr Short

Outline Planning Permission - Mr & Mrs Wilson Rennie – ref. 09/01875/PPP

We strongly object to this new application for permission to build a house to the north of our home at Todholes, Dallas. Your records will show that a similar application (001TMR/SM) was considered in 2004 and was refused. There is no real change to that situation, or in our views that allowing housing development at this site is unacceptable.

The proposed site is part of an agricultural field, artificially subdivided by the owner with fencing to create prospective house plots. After the last application was refused, the owner attempted to further his case for development by attempting to 'naturalize' the plot boundaries with Leylandii type hedging. The strip of woodland along the north of the site was manicured at that time (summer 2008) in detriment to its habitat value.

This proposal is contrary to many of the stated aims of the Moray Development Plan 2008.

Your records will show that this area has already made a disproportionately large contribution to the housing supply in this part of rural Moray. The recent rash of new house site approvals in the area make a further contribution to this (for instance the recently approved five bedroom house at More of Tore). Additional housing cannot be justified.

We also note that the Local Plan aims to promote the development of housing on brownfield land to reduce the need to use Greenfield sites. The proposed site is the corner of an agricultural field; there can be no greener Greenfield site.

This proposal can in no way be seen to be focusing new housing development on towns, villages and rural communities, neither will it enhance sustainability and energy efficiency. In



18/12/09

fact, it can only increase the need for car travel and put an additional demand on infrastructure resources (for instance the strained and somewhat irregular mains water supply pumped from the bottom of the hill – already adversely affected by recent new development).

This site borders onto a narrow, single track, country lane that winds its way up along the Pluscarden valley from the B9010 into Pluscarden, an area specifically covered by POLICY BE5, ensuring protection for its environment and character. Car users, cyclists, walkers and naturalists from the wider local community and further a field enjoy using this road throughout the year for its fine rural views (the far side of the valley constitutes an 'Areas of Great Landscape Value' -AGLV) and biodiversity. The area around the proposed site is home to some of Morays rarest species. Red Squirrels, Hobby Hawks , Merlins, Black Caps, Capercaillie, Pine Martins, and Slowworms have all been sighted here in recently. Other wildlife like badgers and foxes can be seen around the proposed sight most nights. The wall on the north side of the road opposite the site is home to a sizeable colony of lizards. Development and further human activity will detract from the natural habitat and biodiversity of the area.

Contrary to Policy H6 of the Local Plan, a new house at this site would affect the environmental amenity, and would inevitably impact to the detriment of the natural heritage and biodiversity.(SPP3).

National Planning Policy Guideline 14 on Natural Heritage emphasises the importance of safeguarding and enhancing natural heritage in general.

The proposed site will occupy a prominent site, clearly visible from the road as well as from Todholes and its access track – this will inevitably detract from the character of the surrounding area (see **Local Plan Policy H8**).

Access to the site would emerge onto a section of narrow road already compromised by the blind bends at either end as well as the gradient. Additional hazards here would increase safety concerns on a section of road that already struggles to service the existing rural community, especially during extreme weather conditions.

This application is motivated by financial gain of the landowner. The landowner for the adjacent ground has already created a development company to capitalize on all development opportunities that may present.

Development at this site would inevitably set a precedent for development on the rest of that agricultural field and would encourage unacceptable development in other unsuitable sites in the immediate area and perhaps throughout Moray.

We are aware that the applicant for this proposal has held a position within the Community Council and would seek that no undue influence is exercised due to this when considering the application.

This proposal does not comply with the stated aims and tone of the Moray Development Plan. It is in direct contradiction of several of the stated policies and therefore should be rejected.

The timing of this application with a deadline for objections only three days before Christmas may prevent a representative number of objections against this application being lodged.

I would be grateful if you can keep me posted of every stage of the above application process. We look forward to hearing from you on this.

This application should again be refused.

Yours Sincerely

Lloyd and Anne Owen.