



LOCAL REVIEW BOARD APPEAL STATEMENT TO ERECT TRADITIONALLY DESIGNED
DWELLINGHOUSE AND ASSOCIATED WORKS ON HARDMUIR VIEW EASTER
HARDMUIR AULDEARN MORAY FOR MRS KAREN SUTHERLAND



Jan 2010

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LOCAL REVIEW BOARD APPEAL STATEMENT TO ERECT TRADITIONALLY DESIGNED DWELLINGHOUSE AND ASSOCIATED WORKS ON HARDMUIR VIEW EASTER HARDMUIR AULDEARN MORAY

Our Reference:	090193/SUTHERLAND/mjh
Council Planning Application Ref:	10/00051/APP
Application Proposal:	Erect traditionally designed dwellinghouse and associated works
Site Address:	Hardmuir View Easter Hardmuir Auldearn Moray
Appellant:	Mrs Karen Sutherland
Date Application Submitted:	19 th January 2010
Council Decision Notice Date: (Appendix CMD001)	24 th December 2010
Reason for Refusal:	<p>1. The proposal would be contrary to policies H8 and IMP1 in the Moray Council Local Plan for the following reasons :</p> <p>(i) The site is in flat open countryside, there is no effective backdrop that would serve to integrate it in the landscape and the proposed house would be overtly prominent in a roadside location.</p> <p>(ii) Further such unsympathetic development would be encouraged</p> <p>(iii) The one-and-a-half storey scale and form of house proposed would add to the intrusive impact of the proposed development.</p>
Application Drawings & Supporting Documents:	<p>090193.SUTHERLAND.01 – Appendix CMD002</p> <p>090193.SUTHERLAND.02 – Appendix CMD003</p> <p>Planning Supporting Statement – Appendix CMD004</p>
Primary Development Plan Policies:	<p>Moray Local Plan Policy: H8: New Housing In The Open Countryside –Appendix CMD006</p> <p>Moray Local Plan Policy: IMP1: Development Requirements - Appendix CMD007</p>
Relevant Supplementary Planning Policy:	<p>Scottish Government Planning Advice Note 72 (PAN72: Housing in the Countryside) – Appendix CMD008</p> <p>Moray Council Housing in the Countryside Supplementary Planning Guidance – Appendix CMD009</p>

1. Following the Appointed Officer refusal of the above application and a detailed review of the Decision Notice and the Council Report of Handling (Appendix CMD005), our Client, Mrs Karen Sutherland has decided to seek a review of the Appointed Officer decision. The following statement and accompanying documents, prepared by CM Design Chartered Architect & Planning Consultant, represents our client Local Review Board Appeal Statement.

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On Hardmuir View Easter Hardmuir Auldearn Moray

2. Initially, it should be noted that this is not an appeal for a property developer, the appellant is the daughter of the third generation farmer of Easter Hardmuir and she requires to reside close to the farm in order to ensure the continual efficient operation of the family agricultural business. Currently, Mrs Sutherland and her family reside in the town of Nairn, approximately 5 miles away from the farm, thus making the efficient operation of the farm difficult during busy periods. As such, it has been her longstanding ambition to relocate back to the land where she was raised, in order to raise her own young family.

3. The appeal site was specifically chosen following a detailed review of the Easter Hardmuir Farm land holding, as it was considered this site was the most appropriate, as it was located adjacent to a relatively straight section of the public road network, close to the public water main, and electric supply, thereby making this proposal both realistic and achievable.

4. In addition, the site is not considered to be prime agricultural land and therefore its development would not diminish the productive nature of the farm business and it also benefits from the required existing boundary definition created by the landscaping strip along the field extent and the public roadway along the site frontage. The site also has an immediate backdrop provided by 'Macbeth's Hillock', to the rear of the plot, which rises significantly above the immediate surrounding landscape.

5. Nevertheless, the Appointed Officer deemed the appeal site to be unacceptable as it would be '...prominently visible from the flat countryside surrounding and from the adjoining unclassified public road. There is no effective backdrop and a house on the site would not integrate in the setting and would be overtly prominent...' (Page 2, Report of Handling) – The appellant strongly disputes this assertion, as Mrs Sutherland believes this site conforms to the presumption in favour of new houses in the countryside set by Moray Local Plan (MLP) Policy H8, and would contend that the site is not overtly prominent and accords with the wider MLP policies, for the following reasons:

6. The site has an immediate backdrop when viewed from an easterly direction, provided by Macbeth's Hillock, the crest of which is only 170 metres from the rear of the proposed dwellinghouse (Refer to Plate 1 - Right). Additionally, the appellant would assert that the appeal also accords with the advice contained within the Council own Supplementary guidance and PAN72; as the site has been carefully laid-out in order to utilise the mandatory 25% tree planting to provide an acceptable degree of enclosure and backdrop.

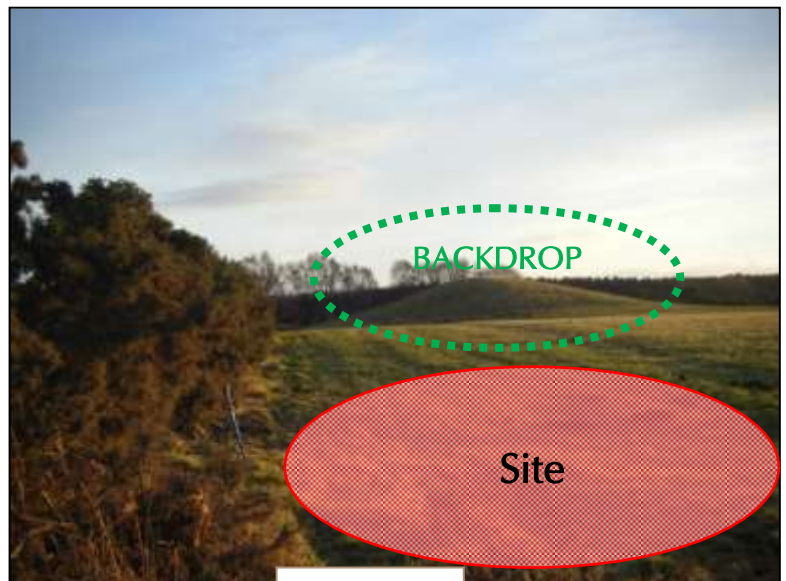


Plate 1

7. When viewing the site from the westerly direction (Refer to Plate 2 –Right), the proposed tree planting realised as part of this development (shown on Drawing 090193.SUTHERLAND.01 – Appendix CMD002), in association with the existing substantial strip of planting along the site eastern extent and Hardmuir Wood located further east, provides the site with a sufficient immediately mature backdrop.

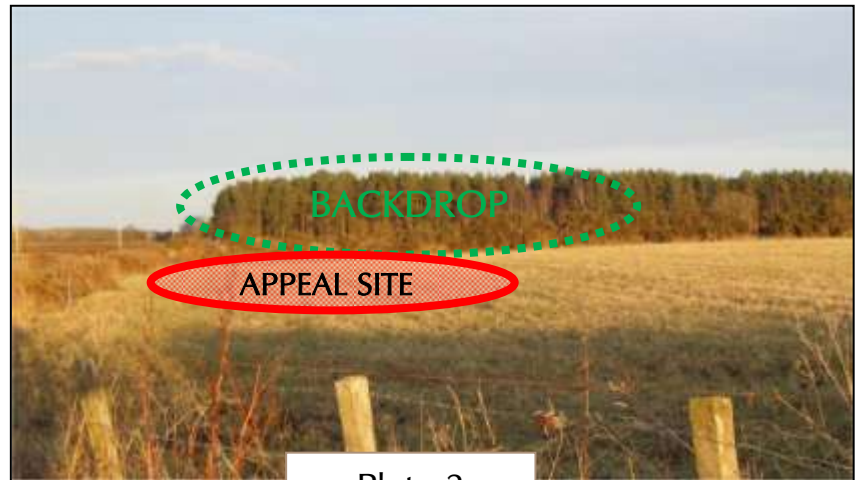


Plate 2

8. Moray Council Housing in the Countryside Supplementary Planning

Guidance (Page 17) expresses the importance of assessing “prominence” from where the site can be viewed and how often it will be viewed. In this instance the only public viewpoint is the U74E minor public road. This road is extremely lightly trafficked; with the appellants own traffic assessment demonstrating that less than 20 vehicles pass the site in each direction on a daily basis. (Appendix CMD010). The visual intrusion on the wider landscape and public perception is therefore assessed to be extremely limited and is considered to be negligible due to the infrequency of viewing.

9. MLP Policy H8 also states those artificially elevated plots are an inappropriate form of development within the rural setting. However in this instance, the site has been carefully selected and designed, so that the house sits on the same contour as the public road, thus resulting in a slight reduction in the current level of the site and creates a development where the house nestles into the landscape. This integration is further improved by Macbeth’s Hillock which lays only a short distance from the site and the proposed landscaping to the rear of the house and along the site boundaries (Refer to Drawing 090193.SUTHERLAND.01 – CMD002).

10. The site was specifically chosen as it is not in the centre of the field or on a skyline (locations advised against in MLP Policy H8) and is instead located tight into a corner of a field, with mature boundaries along the eastern and northern extents. These existing boundaries make up more than 50% of the site boundaries and therefore, the appeal site is considered compliant with the third strand of MLP Policy H8. The only boundary to be established is to be formed with a new native beech hedge and post and wire fencing, this form of boundary treatment is widely consider to be acceptable in the rural locale.

11. Having demonstrated that the appeal site meets with the siting requirements of policy H8, it is also necessary to review the proposed house design and determine if the design also conforms to the current policy.

12. The proposed house design has been architecturally designed to have a fairly simple active frontage facing the public roadway. This frontage incorporates traditional features, such as, natural stone gable, traditional dormer windows, vertical emphasis to the windows and a tradition roof pitch and roof covering.

13. Additionally, the design conforms to all specific design criteria outlined in MLP Policy H8, namely:

- Roof pitch between 40-55 degrees
- A gable width of no more than 2.5 times the height of the wall from ground to eaves level.
- Uniform finishes, including slate or slate effect roof tiles.
- Vertical emphasis and uniformity to all windows.

Corollary, the applicant asserts that the house design is entirely compliant with policy H8 and wider MLP policies and Supplementary Planning Guidance.

14. In concluding, the above statement has demonstrated that the appeal site conforms to both the siting criteria and design criteria outlined in MLP Policy H8 and, as such; the appellant respectfully asks for this appeal to be duly permitted and we therefore look forward to the Local Review Board considering this Review.