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Main Street, Urquhart, Elgin, Moray, IV30 8LG

PPP TO ERECT NEW DWELLING HOUSE AT WARDEND, LONGMORN, BY ELGIN FOR MR DAVID HOWLETT. 10-37

REVIEW STATEMENT.

We refer to planning application 11/00095/PPP which was submitted to the Council on the 15th of February 2011 and was subsequently refused on the 13th of May 2011 by planning officer Maurice Booth. **We feel that the positioning of this proposed house will have a minimal impact on the surrounding countryside and will not be breaching Policies H8 and IMP1 as stated by Mr Booth.**

REASONS.

1. The amount of development in this area, (no actual area has been defined) is not any greater than other areas of Moray where development is still being considered. Mosstowie has a large number of houses approved in that location as does an area at Mulben where the GSD Dogs are located. These areas all have far more houses built than this area in Wardend and the density is also far greater with more houses together at Mulben creating a hamlet feel to it. Mr Booth states in the refusal notice that **“The proposal would begin to have a materially detrimental impact and significantly erode the essentially remaining openness of the setting”**.

We would respond to that by stating that **this house will be set into the trees and will not be seen from anywhere other than when you pass the access gates to the property. This being the case, we cannot see how Mr Booth can be correct in this instance.** Perhaps if the site had been exposed we could have agreed with him but it is quite clear that this is a very secluded site and there is no threat to the countryside in terms of over development.

At Clachbrake near Archiestown, planning approval has been granted for 11 houses in a relatively close area with a further 5 houses just down the road. If 16 houses are considered acceptable in some parts of Moray why not here? We are certain that the amount of development in this locale does not



come close to 16 houses so again, we would have to disagree with Mr Booth's opinion.

2. The second reason for refusal given is that by allowing this house to be passed, this would encourage further such development. Mr Booth actually confirms in his reasons for refusal that **"Policy H8 is relatively permissive"**. We agree that the Policy is relatively permissive which is why people apply for new housing in the countryside. The fact remains that our client's proposals conform to the Council's policies for housing in the countryside in terms of the Local Plan and it is only the officer's opinion that this house would not **"be absorbed into the rural character of the area"**. Again, we would have to disagree with his opinion as this house will be completely obscured from view from any local road network and because of the carefully selected position within the site for the house, it will not be seen from anywhere. This being the case, Mr Booth is wrong to say that this house will not be absorbed into the natural countryside.

This house is not proposed to be in full view from the roads or from any other area where it might be exposed. We refer to our emails dated 27th and 28th April 2011 to Mr Booth where we tell him that the couple looking at buying the site love it because it has the Hansel and Gretel appearance and being in the wood really was what attracted them to it. The couple are friends from the Peterhead area to avoid any conception that our client was being presumptuous about gaining planning consent and marketing the site before any planning approval had been obtained.

SUMMARY.

It is unusual for us to disagree with Mr Booth. In this case, he has in our opinion, assessed the application on an opinion which is not consistent with other areas of Moray. This house will not intrude upon the landscape or the countryside and there is nothing to suggest that by approving this application that it will create a precedent to encourage further such development. The proposal conforms to Moray Council's Local Plan policies for housing in the countryside and that only leaves the officer's opinion if by allowing this application to go through it will not be absorbed into the rural character of the area.



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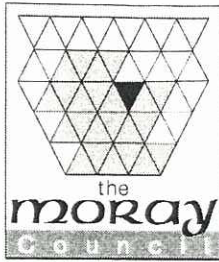
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We respectfully suggest that the proposed house will blend into the countryside as it will be virtually invisible due to the tree coverage around the site and by the very nature of its location. The house position has been carefully selected to ensure that the proposed new dwelling will not be seen from the road network.

In view of the above, we would ask you to reconsider the planning officer's decision and grant our client planning permission for this house.





**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT
1997, as amended**

REFUSAL OF PLANNING PERMISSION

**[Fochabers Lhanbryde]
Planning Permission in Principle**

TO Mr David Howlett
c/o Plans Plus
Main Street
URQUHART
By Elgin
Moray
IV30 8LG

With reference to your application for planning permission in principle under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Planning Permission in Principle to erect new dwellinghouse at Site At
Wardend Longmorn Elgin Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: **13th May 2011**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

1. The proposal would be contrary to policies H8 and IMP1 for the following reasons :
 - (i) Overall, the amount of new development in the immediate area is considered to have reached a point where further development would not be absorbed into the rural character of the area. The proposal would begin to have a materially detrimental impact and significantly erode the essential remaining openness of the setting. Further development would be encouraged, and although H8 policy is relatively permissive a point has to be drawn in any given locale when further housing would erode the fundamental rural qualities of the setting and in this respect both H8 and IMP1 are breached.
 - (ii) Further such development would be encouraged.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference	Version	Title
		Site and Location Plan

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

Approval, consent or agreement has been GRANTED for the following matter(s):-

N/A

The matter(s) was/were specified in conditions imposed on the earlier grant of planning permission:-

Maurice,

I was giving further thought to this application and in particular to the fact that this application is not speculative. The two recent approvals have been granted on open locations on the opposite side of the road from where the application site lies. There does not appear to be any buyers lined up for these speculative sites.

I would also ask you to consider that our client had a previous application lodged on this site and it is our opinion that the proposal does comply in all aspects in terms of meeting the current Local Plan Policies.

The fact that the site is away from the road, located in a wooded area screened from the road, we feel that our proposals still retains the sporadic appearance of the countryside and by virtue of the proposed house location, does not actually contribute in any way to ribbon development.

Colin

Colin T Keir (Partner)
Plans Plus
Main Street Offices
Urquhart
By Elgin
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07766 315501.

Maurice

I went out to this site again and since my return visit, I feel I should ask you to re-consider your thinking. As you drive along the road the site is so well obscured from the road by the trees that any passer by will hardly see this site. Unlike the two other approvals, this site is not prominent.

The reason that the elderly couple want to buy this site off my client is that they have lived in Peterhead all their lives and the thought of living in a Hansel and gretel style cottage and location really appealed to them for retirement. I am not saying that we are going to build the walls with pancakes or have loaves of bread on the roof but you get the idea of what appeals to them about the site. Both the applicant and the prospective purchasers would be happy to plant more trees between the road and the house to ensure that the house was even more screened than it would be at present. It can hardly contribute to ribbon development if it cannot be seen.

Can I please ask you to reconsider based on this information.

Colin

Colin T Keir (Partner)
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