



LOCAL REVIEW PLANNING APPEAL STATEMENT OF CASE TO SUPPORT PLANNING PERMISSION IN
PRINCIPLE APPLICATION TO ERECT NEW DWELLINGHOUSE AT WELLSIDE HOUSE, EASTER BUTHILL,
ROSEISLE, ELGIN

August 2012

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Our Reference:	110198/MILLER/mjh
Local Authority:	The Moray Council
Planning Application Ref:	11/01889/PPP
Application Proposal:	Planning Permission in Principle to Erect New Dwellinghouse
Site Address:	Site at Wellside House, Easter Buthill, Roseisle, Elgin
Appellant:	Ms C Millar
Date Application Validated:	29 th November 2011
Council Decision Notice Date: (Appendix CMD001)	4 th July 2012
Reason for Refusal:	<p>1. The proposed development is contrary to policies T2, H8 and IMP1, of the adopted Moray Local Plan 2008 where;-</p> <p>(i) in terms of road safety, a safe and suitable access cannot be provided. The visibility splays at the access onto the public road (B9013) encroach on areas outwith the site, and are restricted by vegetation within garden ground to the south and by the horizontal alignment of the road to the north;</p> <p>(ii) the proposed house, when added to the existing properties in this immediate vicinity, would detrimentally change the character of the countryside and lead to build up of housing outwith a defined settlement or rural community.</p>
Application Drawings & Supporting Documents:	CM Design Drawing 110198.MILLER.P01

LIST OF DOCUMENTS

CMD001	Decision Notice
CMD002	Planning Application Form
CMD003	110198.MILLER.P01
CMD004	110198.MILLER.LRB02

1. The following Statement of Case prepared by CM Design Chartered Town Planners & Architectural Designers has been prepared to support a Local Review submission for the above planning application, which was regrettably refused by the Appointed Officer on the 4th July 2012.

2. In terms of the first sub-section of the reason for refusal, the appellant disputes the assertion that this development will not achieve a safe and suitable access on to the public road network, as the appeal site is located within a rural community of 10 existing houses at Easter Buthill, Roseisle. This existing cluster of houses is already served by a well maintained roadway, which adjoins the B9013 (A96 to Burghead Road) at a junction approximately 1Km west of the appeal site.

3. It is the junction of the Easter Buthill Road and B9013 Road which the appellant understands the first reason for refusal relates to. This reason informs that the Council Transportation Section considers this junction to be unsafe due to substandard visibility and is unsuitable for use by vehicular traffic.

4. As part of this Statement of Case, the appellant has undertaken a review of this junction and does acknowledge that the junction does not achieve the visibility splay requirements which the Transportation Section would expect at the formation of a new road.

5. However, this junction has existed for a considerable time period (it appears on 1st Edition of the Ordnance Survey Map published in 1891) and as noted above already serves the a 10 house development at Easer Buthill, which were built in 1994 (Council Ref. 94/00598/FUL refers), at which point the Transportation Section was content with this junction.

6. In addition, two further houses and Inchkeil Farm are all accessed via this junction and if the Transportation Section considers this junction to be substandard for the addition of a single house, it stands to reason that the access is already substandard and a road safety issue for the existing level of traffic. The appellant therefore believes that the Transportation Section, under the Road Scotland Act should have excised its duty to remove obstructions to the visibility at this junction previously, which in this instance they have not done and the appellant understand have no plans to do so.

7. Furthermore, the Transportation Section has provided no evidence that this junction is indeed dangerous; apart from the assertion it does not meet a mathematical measurement. In the preparation of this Review, the appellant has consulted the Road Casualties Map (2000 – 2010) (Document CMD004), which demonstrates that there is no evidence of any road accident injuries at this junction within the last 10 year period, which they assert demonstrates the junction is not in fact a road safety hazard.

8. Based on the above, the appellant therefore concludes that as there is no record of any accidents at this junction and as the Transportation Section has not exercised its power to improve the visibility, the visibility restriction is not such a problem that it should preclude a development of a single residential property.

9. In turning to the second part of the reason for refusal, the Appointed Officer advises that the proposed single house will detrimentally change the character of the countryside and lead to a build up of housing at this locale.

10. The appellant is perplexed by this reason for refusal, as noted above the house site is surrounded by 10 existing properties and the development will not extend the limits of the built development area. As such, they fail to see how this development will change the character of the area, which they contend is already a built rural community.

11. Moreover, they would contend that there is already a build up of houses at this location, which the Planning Authority has previously sanctioned and for consistency in decision making, the appellant believes their proposal should also have been accepted.

12. Based on the preceding paragraphs, the appellant therefore respectfully asks for this Review to be duly upheld and we look forward to the consideration of this case in early course.