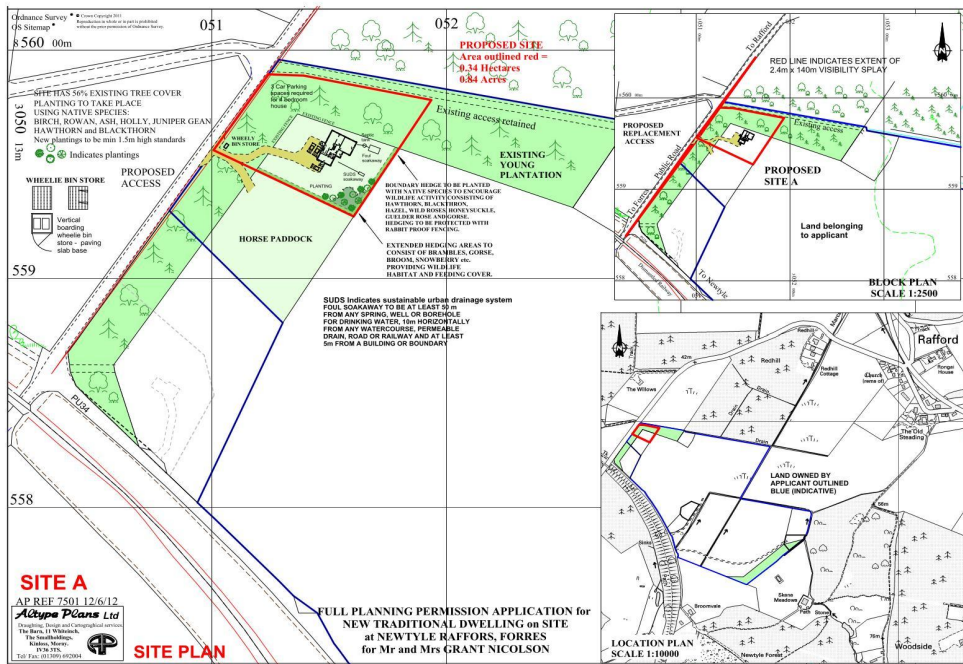


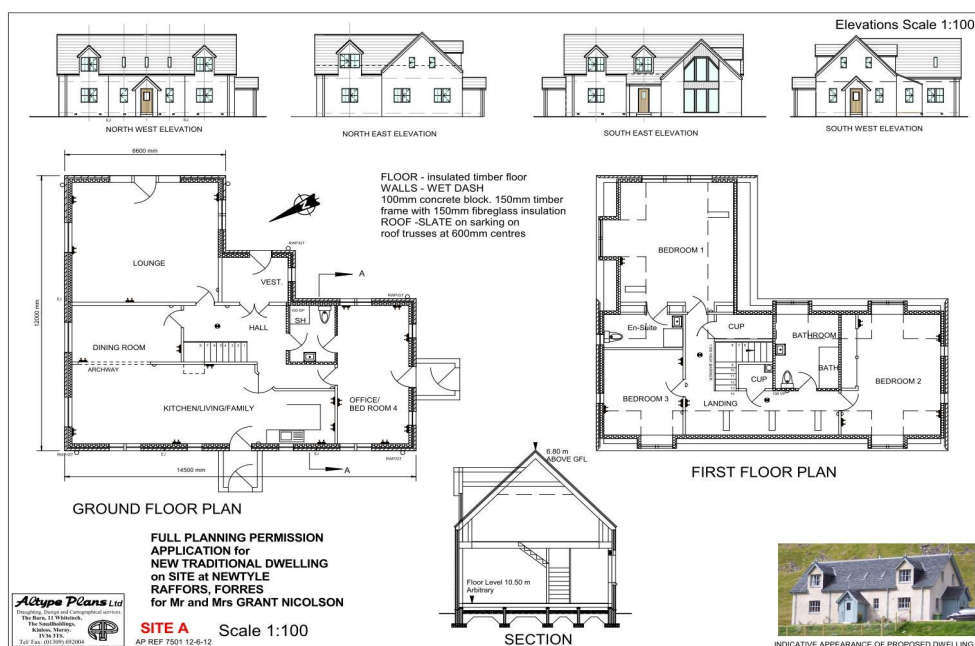
14-12-12
Supporting Document
Appeal against refusal of Planning Permission in Principle
for Site at Newtyle Rafford, Mr & Mrs Grant Nicolson
Application ref 12/01268/app
refused 5th Oct 2012

Proposal

The proposal is to build a traditional style dwelling in the corner of a field behind a mixed woodland plantation within a small settlement by the roadside between Rafford and Dallas Dhu Distillery. If planning permission approved, there is a family very keen to purchase the site and live in the same community as one of their good friends.



Site and Location plan as applied for



House design as applied for

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: -

The proposed dwelling is contrary to the adopted Moray Local Plan 2008 policies H8 and IMP1 where in terms of its location, the proposal would result in an additional (third) property within the same field area and together with its proximity to other property, both existing and approved, the resultant additional and incremental build-up of development in this location would be detrimental to the rural character and appearance of the surrounding open countryside.

Refusal Points

- a)** the proposal would result in an additional (third) property within the same field area and together with its proximity to other property, both existing and approved,
- b)** the resultant additional and incremental build-up of development in this location would be detrimental to the rural character and appearance of the surrounding open countryside.

Response

- a)** there is a substantial bank of trees between the roadside and the house position which would screen the dwelling from view, an additional (third) property within the same field area would have minimal impact on other property and the landscape.



Response

- b)** four new dwellings have been approved since December 2008, all being approved through delegated powers by Planning Officers, the most recent being approved 26th May 2010. The proposed dwelling would be evenly spaced between the existing dwellings and approvals, therefore would not be detrimental to the rural character and appearance of the surrounding open countryside from the air or surrounding land.



H8

Extract policy H8

POLICY H8: NEW HOUSING IN THE OPEN COUNTRYSIDE

This policy assumes against multiple house applications (more than 2) on the basis that these are more appropriately directed to Rural Communities (H6) and applied to the Re-use and Replacement of Existing Buildings (H7).

New dwellings in the open countryside will be acceptable subject to meeting the requirements below:

- a) Siting
 - It does not detract from the character or setting of existing buildings, or their surrounding area, when added to an existing grouping, or linear extension
 - It is not overtly prominent (such as on a skyline or on artificially elevated ground; or in open settings such as central areas of fields). Where an otherwise prominent site is offset by natural backdrops, these will normally be acceptable in terms of this criterion.
 - At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (for example dykes, hedgerows, watercourses, woodlands, tracks and roadways).

Response

The site does not detract from the character and setting of existing buildings or surrounding area, spacings between existing and approved sites are uniform. The site is not a linear extension.

The site is not overtly prominent, screened by existing tree and bush cover along the roadside and up the trackway

More than 50% of the boundaries are existing established fences, and woodland plantings.

This application is for an individual house set within an existing group of houses forming a small community therefore should be considered favourably.

Policy H8 Supplementary Planning Guidance 4(i)

4 POLICY H8: NEW HOUSING IN THE OPEN COUNTRYSIDE

Proposals for new houses in the countryside that do not include the replacement or reuse of an existing building will be primarily considered against policy H8 of the Moray Local Plan 2008. The following sub-sections provide guidance on the key aspects of the policy.

(i) Multiple House Applications

A multiple house application will mean a sole application for more than 2 houses, i.e. 3 houses or more. A sole application for 3 houses or more will be advertised as a departure from policy H8 of the Moray Local Plan 2008. An application for one or two houses situated within or adjacent to an existing group of recently constructed or approved dwellings may be considered favourably subject to compliance with the provisions of policy H8, IMP1, this guidance and any other material considerations the planning authority considers relevant. The impact of successive build-up will be taken into consideration in the determination of an application.

A sole application for 3 houses or more will be advertised as a departure from policy. An application for one or two houses situated within or adjacent to an existing group of recently constructed or approved dwellings may be considered favourably.

IMP1

Extract policy IMP1

POLICY IMP1: DEVELOPMENT REQUIREMENTS

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

JUSTIFICATION

The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, power, facilities. Particular emphasis is placed on providing pedestrian, cycle and public transport access to the development, and the use of sustainable urban drainage systems and the incorporation of renewable energy equipment and systems, and sustainable design and construction into the development in order to promote sustainability within Moray. Flooding is an important consideration particularly within the Laich of Moray and needs to be adequately addressed. Similarly, pollution issues in relation to air, noise, ground water and ground contamination must be adequately addressed to provide proper development standards.

IMPLEMENTATION

74

Implementation

IMP1

Development to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area

Response.

The proposal complies with siting, design and servicing which are all priority requirements of IMP1

The site integrates with surrounding landscape and existing & proposed dwellings. The design is of traditional appearance and complies with H8.

Sustainable urban drainage system and renewable energy systems can easily be incorporated into the design

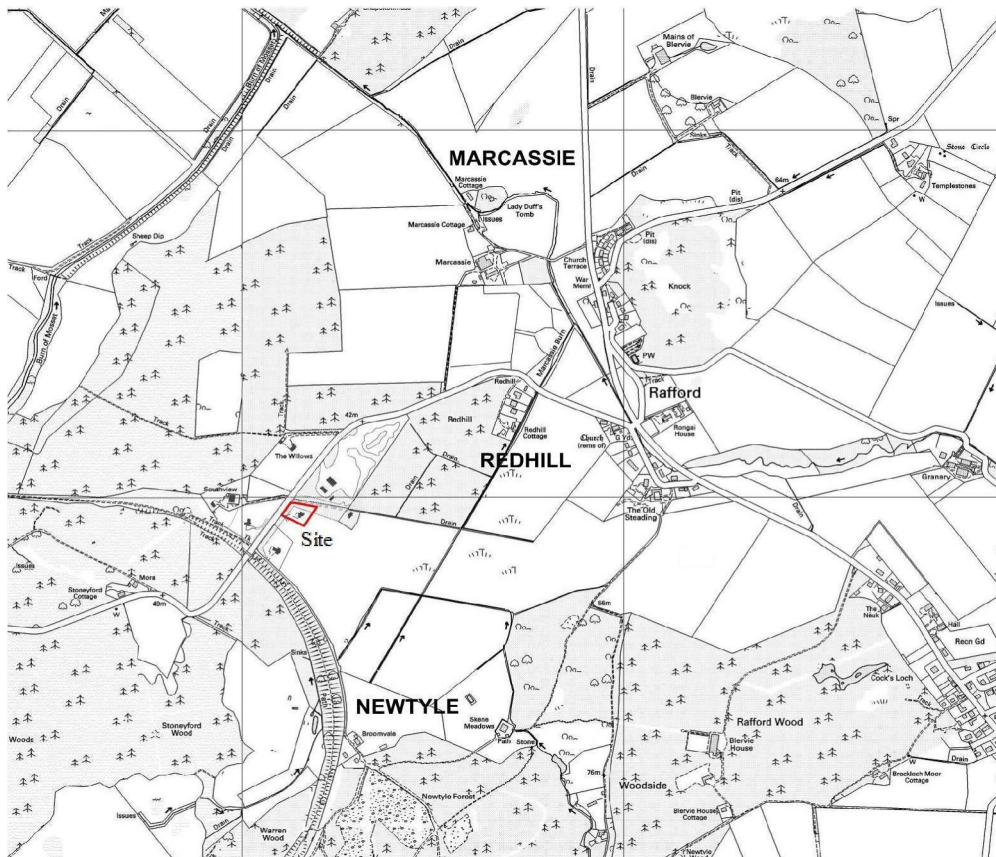
Local Communities

Generally - Local Communities

The general landscape of the Rafford and further outlying areas is that of mixed arable land dispersed woodland pockets around which clusters of houses have been built to suit the life requirements of the working environment over the years.

There are similar existing clusters of dwellings forming small communities close by at Newtyle, Redhill, and Marcassie

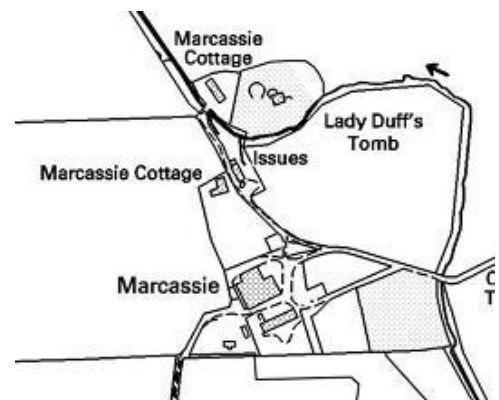
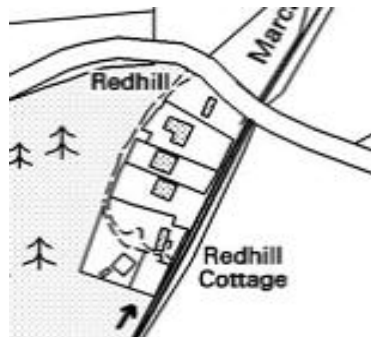
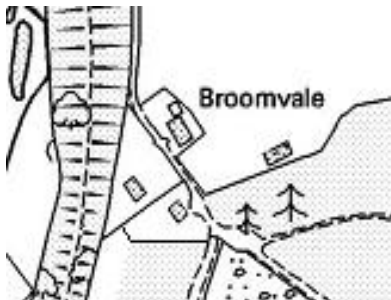
See plan



MARCASSIE

REDHILL

NEWTYLE

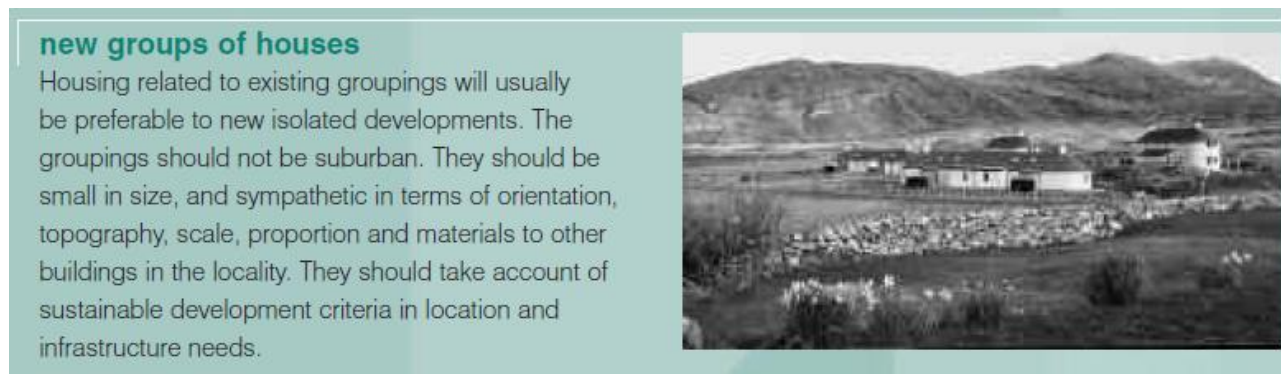


Planning Advice Note 72 (PAN 72)

Housing in the Countryside - New groups of houses, extract as follows

“Housing related to existing groupings will usually be preferred to new isolated developments. The groupings should not be suburban. They should be small in size, and sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality. They should take account of sustainable development criteria in location and infrastructure needs.”

See PAN 72 extract



The site complies with PAN 72, it is located within an existing group of houses, evenly spaced and divided by established tree plantings. The house is of traditional countryside proportions and materials, orientated similar to surrounding dwellings.

The position of the house is beneficial with regard to infrastructure and service providers, mains water and electricity are close by. Postal & other deliveries, waste collection etc already being carried out to the surrounding houses.

Objections

There were no objections from consultees

One comment from neighbour reminding Planning Dept that his site been approved on 1st April 2010 ref 10/00142/app

Conclusion

Taking into account the existing dwellings and surrounding permissions, being approved with regard to Structure and Local Planning policies at Planning Officer level, this should allow for a single proposed site to be permitted at this location, allowing a family to appreciate living in a small community

Please could the Local Review Board consider the application on the above merits



www.altypeplans.co.uk