



North Maggiecknockater, Craigellachie, Moray

proposed erection of
dwelling-house with
detached garage

Grounds for Review of Refusal of Planning Application

Planning reference - 15 / 02010 / APP

Prepared by
Strathdee Properties Ltd.



contents

1. Introduction / Background to Application
2. The Proposal
3. The Site
4. Planning Policies
5. **Main Issues answered in terms of planning policy (part A)**
6. **Main Issues answered in terms of planning policy (part B)**
7. **Reasons for Refusal and our justification**
8. Conclusion

Introduction / Background to Application

These grounds for review of a decision to refuse planning consent for a house on a site named North Maggieknockater, near Craigellachie are submitted under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended). This notice of review has been lodged within the prescribed three month period from the refusal of planning permission dated 23 December 2015.

The Council's reason(s) for this decision are as follows: -

The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies H7 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' where, because of its siting/location and when added to other existing and recently approved dwellings, this additional house would result in an incremental but further cumulative build-up and accumulation of dwellings extending along the U64H road. As a result, the proposal would be detrimental to the rural character of the open countryside surrounding Craigellachie, this area having been identified as one in which there has been a significant growth in housing proposals and where further development, such as this proposal, would detract from the amenity and appearance of existing development and irreversibly alter the character of the countryside in this locality.

**The report confirms that there were no technical objections to the proposal from any of the following statutory consultees -
Environmental Health, Contaminated Land, Transportation and Scottish Water**



The Proposal



The proposal is for a single dwelling-house accessed from a minor public road to the north east of the site.

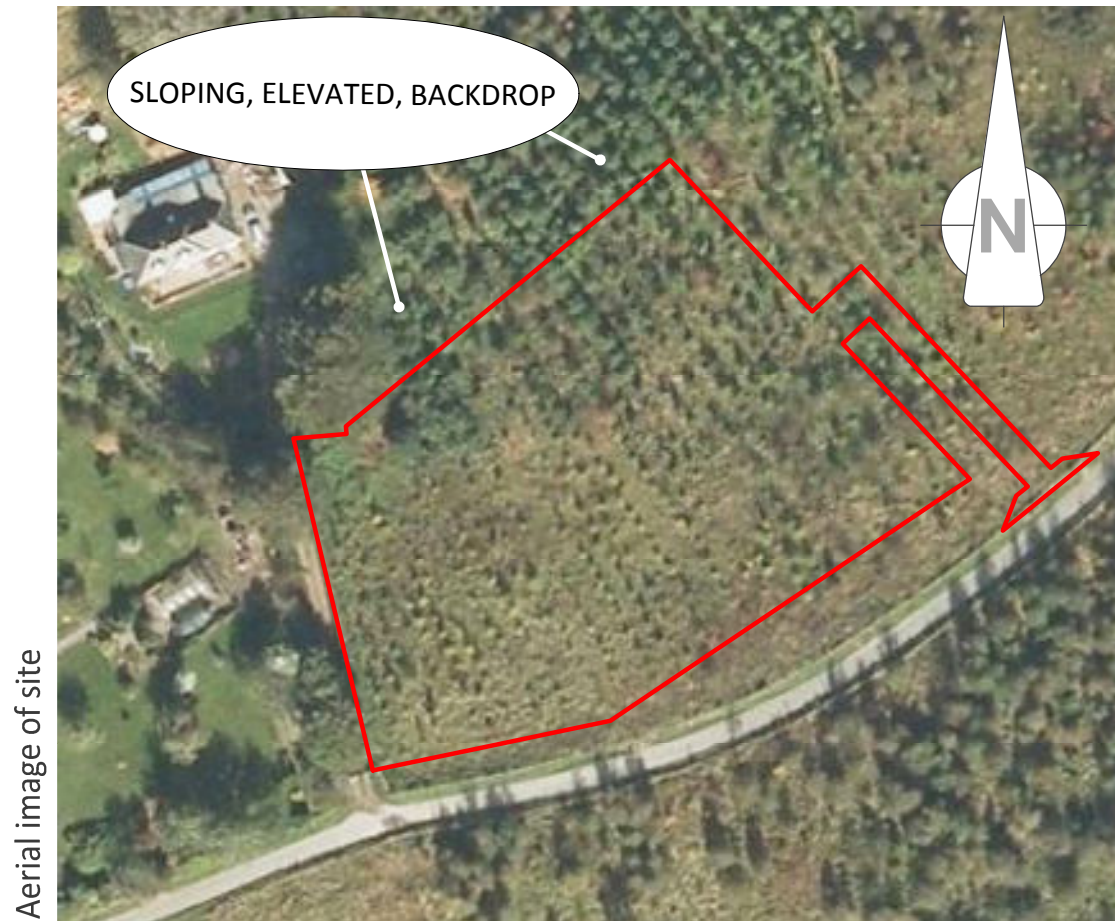
If approved, the site would be served by a public water supply and private drainage system.

Careful consideration has been given to the individual house layout / fenestration / detail and the resultant design is one of a contemporary style with traditional characteristics including vertically proportioned windows, gables with 40 - 45 degree'd pitches, gable widths no larger than 2.5 times the ground to eaves height, well placed velux rooflights doubled up in many instances to accentuate traditional openings and a general fenestration in keeping with a traditional cottage appearance. In terms of material use, the walls will be finished with white or cream roughcast and natural stone with grey concrete tiles specified to the roof to imitate traditional natural slates.

The proposed house will be cut into the hillside without any unnecessary build-up to integrate with the contours of the land.

Within the cutilage of the site itself a mixture of Birch, Larch, Rowan & Scot Pine trees and bushes at approx. 1.5m centres will be planted out to give a 25% foliage cover. All these trees will be at least half standard (approx. 1.5m in height) as noted on the site plan (NORTH-MAGGIE / PLANNING / 01).

The Site



The proposed site is situated to the north of Maggiecknockater. It is located beside two existing properties, Tanzie and Morven on a minor public road.

The topography of the site is such that it slopes from the north west to the south east direction.

The site is defined and bounded by at least 50% existing boundaries. These consist of the following - an existing, long established post and wire neighbouring fence to the south west boundary, an existing minor public road to the south east boundary and existing tree / shrub growth to the north west and north east boundaries.

Planning Policies

- Moray Local Plan 2015
The Local Plan assumes in favour of an application for a new house in the countryside provided certain criteria are met.
- Policy H7 sets out requirements on the siting and design of new houses in the open Countryside which;
 - a) reflect the traditional pattern of settlement in the locality and are sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field) is not acceptable;
 - b) do not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;
 - c) do not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and,
 - d) have at least 50% of the site boundaries as long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).
- As regards design policy H7 also requires;
 - a roof pitch of between 40 and 45 degrees, a gable width no more than 2.5 times the height of the wall from ground to eaves, uniform external finishes including slate or slate effect roof tiles, a vertical emphasis and uniformity to windows, additional planting and boundaries sympathetic to the area.

Moray Local Development Plan 2015

[Policies including Introduction and Contents](#) (90 page pdf 3.74 MB)

[Settlement Statements](#)

[Action Programme](#)

[Supplementary Guidance](#)

[Proposals Maps](#)

Main Issues answered in terms of planning policy (part A)

Having set out the policy background we would like to now consider the main issues that arise from the proposal in relation to this policy context. The main issues are considered to be ;

- Principle of the site
- Design
- Infrastructure and servicing
- Loss of Woodland

• PRINCIPAL OF THE SITE

The Moray Local Plan in line with National Planning Policy is committed to the principle of well sited and designed new housing in the countryside.

Policy H7 (New Housing in the Open Countryside) is the predominant policy in terms of the acceptability of a new house in the countryside and states that new development should be "easily absorbed" into the landscape and should be "low impact and reflect the character of the surrounding area in terms of the traditional pattern of settlement."

The application is for a single house and is in accordance with the main thrust of this policy.

There are four specific criteria under the heading "siting" which have to be met for the principle of a site to be acceptable.

- In the first instance the house must reflect the traditional pattern of settlement in the locality and must be sensitively integrated with the surrounding landform using natural backdrops, particularly where the site is clearly visible in the landscape. Obtrusive development (ie. on a skyline, artificially elevated ground or in open settings such as the central area of field) will not be acceptable.

The first of the siting criteria within Policy H7 concerns the dwelling not being overtly prominent. Examples of overtly prominent locations given are sites on a skyline, on artificially elevated ground, or in open settings such as the centre of fields. The site is not on a skyline, is not on artificially elevated ground and is not in the centre of a field. In fact the dwelling-house, if approved, would have a sloping, elevated, backdrop with existing tree growth which would help it to integrate with the housing pattern here.

Main Issues answered in terms of planning policy (part B)

- Secondly, it must not detract from the character or setting of existing buildings or the surrounding area when added to an existing grouping or create inappropriate ribbon development.

The site is located adjacent to properties at Tanzie and Morven. Please see aerial view to right of page. If this proposal were to be approved it would form a small cluster of three properties (see pink line). Nearby, there are a number of existing houses which form a part of similar sized clusters (see blue and yellow lines). We therefore feel that this dwelling would be similar to the nearby existing arrangements and would be entirely consistent with the settlement pattern in this area.

- Thirdly, it does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications.

While it is acknowledged the proposal would increase the amount of houses within this area we very much feel it would not change the rural character of this sparsely populated part of the countryside nor would it result in an unacceptable accumulation.

- Lastly, Policy H7 states that the site should have 50% of its boundaries as long established.

The site would be defined and bounded by at least 50% existing boundaries. These boundaries would consist of an existing, long established post and wire neighbouring fence to the south west boundary, an existing minor public road to the south east boundary and existing tree / shrub growth to the north west and north east boundaries.

DESIGN

- There are a series of specific design requirements within policy H7.

They are all met by the proposal as follows -

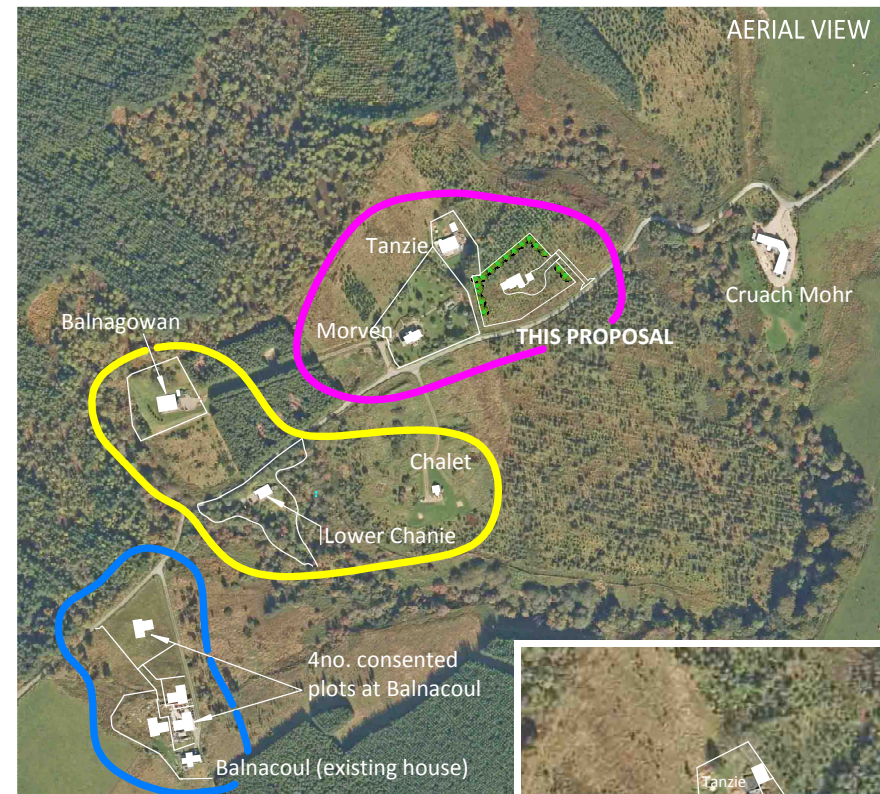
a roof pitch of between 40-55 degrees, gable widths of no more than 2.5 times the height from ground to eaves level, uniform finishes, a vertical emphasis to the fenestration, existing planting within the plot and boundaries sympathetic to the area.

INFRASTRUCTURE AND SERVICING

Access, parking and drainage are all salient factors pertaining to this application and ones which can be accommodated.

LOSS OF WOODLAND

Any compensatory planting required would be willingly carried out by ourselves.



Reasons for Refusal and our justification

- There is one reason given by the council for the refusal of the proposal and it concentrates on the fact that 'The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies H7 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' where, because of its siting/location and when added to other existing and recently approved dwellings, this additional house would result in an incremental but further cumulative build-up and accumulation of dwellings extending along the U64H road. As a result, the proposal would be detrimental to the rural character of the open countryside surrounding Craigellachie, this area having been identified as one in which there has been a significant growth in housing proposals and where further development, such as this proposal, would detract from the amenity and appearance of existing development and irreversibly alter the character of the countryside in this locality.'

In response to the above we are keen to articulate our reasons why we feel this proposal would be acceptable. Please see below. –

- **THE PROPOSAL FITS IN WITH THE EXISTING SETTLEMENT PATTERN**

The above reasonings state that this proposal would result in further cumulative build-up resulting in a detrimental effect on the area however while it is acknowledged the proposal would increase the amount of houses within this rural area we very much feel that it would not change the rural character of this sparsely populated part of the countryside nor would it result in an unacceptable accumulation. As stated previously on page 6 the site is located adjacent to properties at Tanzie and Morven. Please see refer back to aerial view on page 6. If this proposal were to be approved it would form a small cluster of three properties. Nearby, there are a number of existing houses which form a part of similar sized clusters. We therefore feel that this dwelling would be similar to the nearby existing arrangements and would be entirely consistent with the settlement pattern in this area.

- **SLOPING ELEVATED BACKDROP WITH EXISTING TREE GROWTH**

If approved, the dwelling would have a sloping, elevated, backdrop with existing tree growth which would help it to integrate with the housing pattern here.



- **NO TECHNICAL OBJECTIONS FROM STATUTORY CONSULTEES**

There were no objections from any of the statutory consultees to the application therefore no technical issues exist.

Conclusion



We very much hope that we have demonstrated how the proposed dwelling-house would be acceptable under the criteria set out in the relevant local plan policies.

There were no technical objections to the proposal from any of the statutory consultees.

The reasons for refusal suggest that the proposal would lead to a development that would detract from the character of this part of the countryside; however, we feel that when the proposal is considered within the overall context of the nearby houses and plots it will fit in very well, forming a small cluster of three dwellings reflective of other small clusters in this part of the countryside.

The design of the house meets the specific design requirements of the relevant local plan policy H7. It is also consistent with the criteria for an acceptable scale of house in the area.

From a development feasibility aspect, recent experience has informed us that there is now a high demand and need for rural accommodation, in the Moray area. Indeed, the vast majority of sites we sell are to local people and we feel it is very important to help meet this demand in order to retain skills and jobs in the area. This not only helps the local economy but also has a “knock on” effect in terms of local services, schools, shops and the wider economy as well. Further, in our view what cannot be underestimated after the recent financial downturn is the need for valuable work for local tradesmen and building merchants etc. We feel that there appears to be nothing to prevent the merits of the application allowing it to progress to approval. Should any unforeseen material consideration arise during determination, please advise us accordingly in order that remedial action and an appropriate response may be pursued. We respectfully ask that the appointed LRB panel approves this application.

Yours sincerely,

Stewart Reid MCIAT
Strathdee Properties Ltd.





Strathdee Properties Ltd.
Viewfield Farm,
Craigellachie,
Aberlour,
Moray,
AB38 9QT