



29th March, 2016.

Dear Sirs

Ref: 15/02023/PPP

Proposed dwelling house in Garden Ground of Inyanga, Findhorn, Forres, Moray

We refer to the Notice of Review Statement of Denis E Forrest and the Local Authority's Refusal of Application ("the refusal").

We support the Refusal of Application for the reasons given and the purpose of this letter is to point out the deficiencies and contradictions in the Notice of Review Statement. We will address the issues by Policy and category reference as per the Notice of Review Statement.

Policy E5

It is irrelevant whether the proposed development site is public or private. If the development would cause the loss of, or adversely impact on, the areas identified under the relevant ENV designation(s), which in our view this does, the application should be refused in the absence of the limited exceptions, none of which have been met.

Policy ENV6

Loss of part of designated site ENV6

Use of the word 'loss' is not misleading at all. It does not appear to be disputed that the proposed development, irrespective of its design, will be clearly visible from the only road into, and out of Findhorn. The refusal was based on the "loss of part of designated site ENV6". The same paragraph on page 4 of the refusal also refers to the erosion of the existing pleasant and attractive open character of the ENV designation contrary to policies E5, ENV6 and IMP1 of the MLDP. There is no requirement in the policy for 'loss' to be a total loss. Any loss should be sufficient.

In any event, policy E5 is offended if there is an "adverse impact" on ENV6. The refusal's reference to an erosion by the proposed development of what is effectively the green corridor amounts to an adverse impact even if it does not amount to a 'loss' (which is not accepted).

Mr Forest's proposed test of whether what is proposed "will seriously change the nature of the green corridor in that area" is misleading because nowhere in the policy is there reference to there having to be a 'serious change'. Any loss or adverse impact is sufficient to uphold a refusal in accordance with the relevant policy.

Mr Forest's reference to the proposed design of the development is irrelevant to this application.

Introduction of dwelling would consolidate the built form in this area

The Notice of Review Statement admits that the built form will be consolidated by an additional dwelling. That conclusion is inescapable. However, Mr Forest's comparison of the proposed development to the area of Stottfield [sic] in Lossiemouth is misleading and inappropriate as they cannot be compared in any respect. An attempt to replicate or follow the building arrangement of the traditional village in what is an area of deliberately contrasting architecture and design, over half a mile from the original fishing village, is inappropriate and would not be an attraction. On the contrary, it would detract from the suburban nature of the immediate area which is being protected by policy E5 and ENV6.

Erode the pleasant and open attractive character of the ENV designation

The repeated reference to the proposed design of the development is irrelevant to this application. The Local Authority's conclusion that the addition of a property between two existing properties is inappropriate and out of keeping with the surrounding area is correct and something with which we agree.

The visual impact in this regard would be exacerbated by the roadside location being readily visible on the approach to Findhorn

We respectfully disagree with the comments in the Notice of Review Statement. It would be inappropriate to grant permission based on a speculative assertion that the architectural design would overcome any problems. It appears to be accepted that the development will be clearly visible from the road. Policies E5 and ENV are therefore not complied with for the reasons stated above.

Policy H3

The refusal does not imply a judgment on the quality of design of the proposal.

The policy requires the house style to complement the character of the area and the scale of the architecture of the parent and neighbouring properties.

Whilst the proposal may meet the technical specification of H3, a development in the sub-divided plot of this size and position could not complement the character of the area and the scale and architecture of the parent and neighbouring properties. In our view, any design which complies with the technical specification would not complement the scale and architecture.

The policy also requires that the built up area of the application site should avoid overlooking and maintain the amenity of the parent and surrounding properties. The proposed siting of the development would clearly overlook our property and be a significant and unacceptable intrusion on our privacy.

Whilst we have sympathy with the applicant's reasons for requesting planning permission, for the reasons stated above we consider that the refusal of permission should be upheld.

Yours faithfully

F & J Lord