



South Rashcrook, Rashcrook, Birnie, Elgin

proposed erection of
dwelling-house with
detached garage

Grounds for Review of Refusal of Planning Application

Planning reference - 15 / 02019 / APP

Prepared by
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Introduction / Background to Application

These grounds for review of a decision to refuse planning consent for a house site named South Rashcrook which is located at Birnie, near Elgin 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 would be contrary to policies H7:New Housing in the Open Countryside, E9:Settlement Boundaries and IMP1 Developer Requirements for the following reasons :

- (i) The proposal would contribute to a build-up of development (as an addition to the two houses permitted to the south) and would establish a ribbon form of development around the southern and western sides of the extensive field areas involved.
- (ii) The two houses approved to the south of the field area are considered the limit of what can be accommodated in the landscape without an increasingly detrimental impact on the open rural characteristics of the area that would be caused by ongoing residential development and the greatly extended access roadway.
- (iii) The site is immediately outwith the Thomshill settlement boundary and therefore would effectively involve expansion of that settlement which is contrary to policy E9.

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

The Proposal

The proposal is for a single dwelling-house accessed from an existing access track which connects to a minor road.

If approved, the site would be served by a private 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 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 sit comfortably on the site.

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).

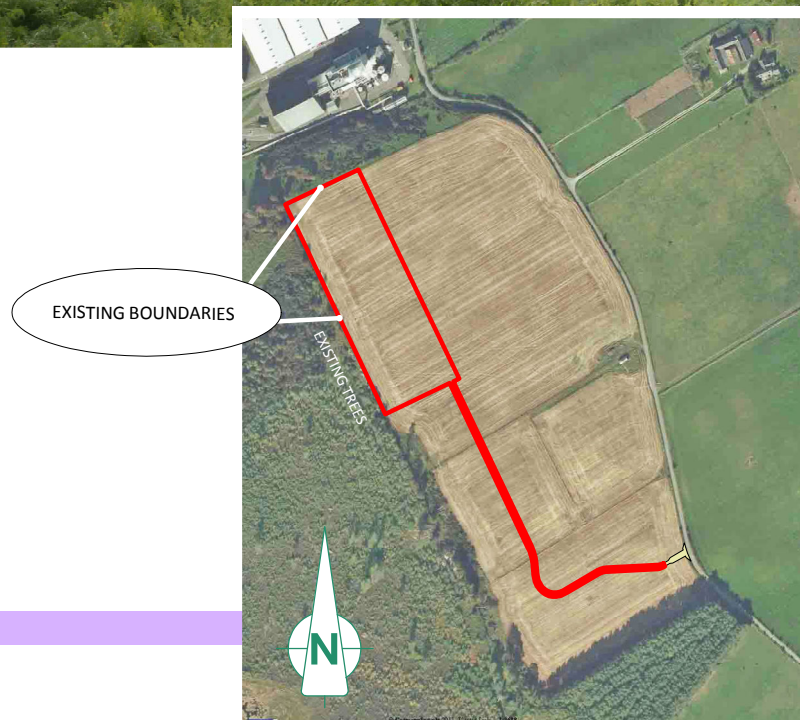


3d image denoting proposal

The Site



Photo of site (looking from east)



Aerial image of site

The proposed site is situated near Birnie and is approximately 5 miles from Elgin. It is located off an existing access track which connects to a minor road.

The topography of the site is such that it gently undulates and drops lower toward the north west boundary.

If approved, the site would be defined and bounded by at least 50% of existing boundaries which would consist of existing, long established post and wire fences along the north west and south west boundaries as well as existing tree growth at the south west boundary.

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 an existing tree lined backdrop behind it 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 prevailing pattern of settlement within this part of the countryside is characterised by both small clusters of housing and individual houses. Please see the aerial image to the right of this page. Cluster 1 consists of two house plots to the south while the introduction of this plot would extend cluster 2 which would consist of this proposal plus four house sites to the west (Plots 1 to 4, Thomshill Heights).

With this in mind we feel that when viewed onsite the proposed plot would be well placed here to blend in with the existing settlement pattern. Further, we feel that the proposal would not detract in any way from the character of the Rashcrook 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.

If this plot were to be approved, the Rashcrook fields owned by SM and FA Strathdee would have a total of 3no. approved dwelling-houses across an area of approximately 99050 sqm (24.40 acres). Taking this fact into consideration and also including the Thomshill Heights plots owned by others we do not see how the over-development point has been reached or that the rural character of this area has been changed.

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

The site would be defined and bounded by at least 50% existing boundaries.

These boundaries would consist of existing tree growth along the south-west boundary as well as long established post and wire fencing to the both the south west and north west boundaries.

DESIGN

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

They are all met by the proposal as follows -

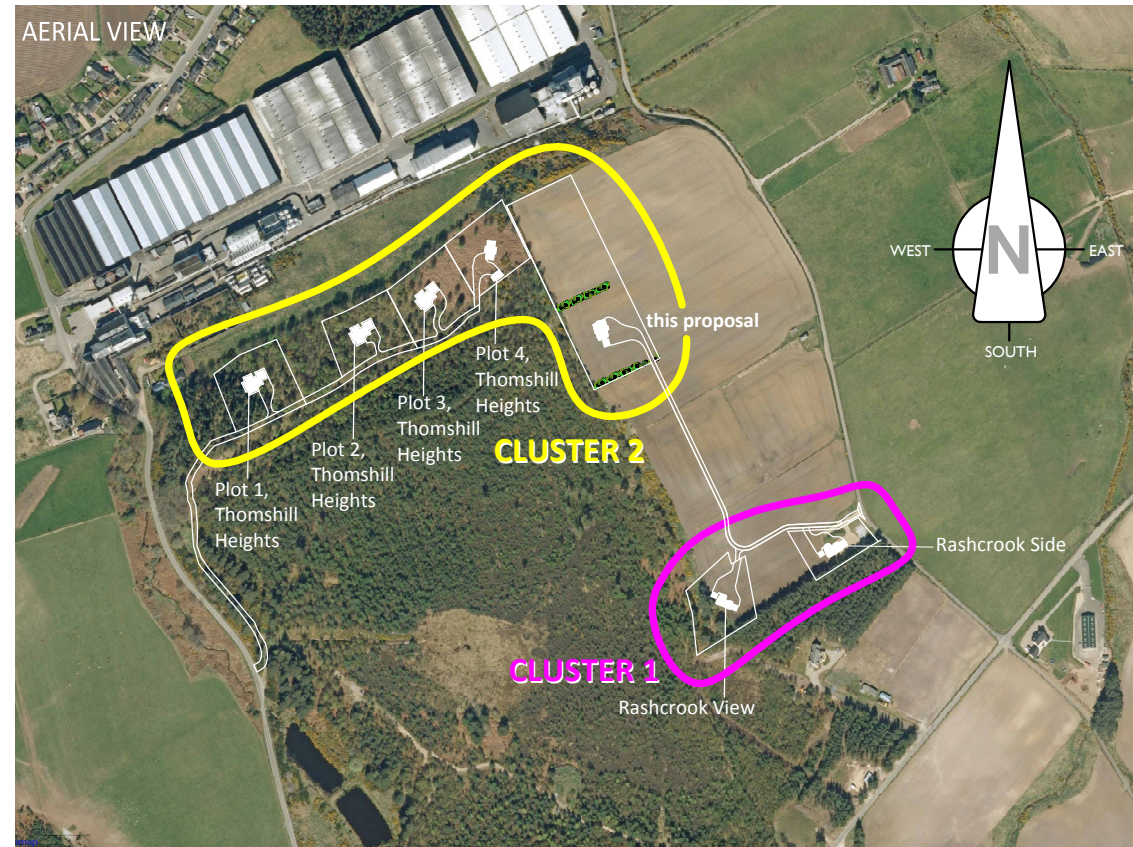
a roof pitch of between 40-55 degrees, gable widths of no more than 2.5 times the height from ground to eaves level, uniform finishes, a vertical emphasis to the fenestration, existing planting within the plot and boundaries sympathetic to the area.

- INFRASTRUCTURE AND SERVICING

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

- LOSS OF WOODLAND

Not relevant in this case.



Reasons for Refusal and our justification

- **MORAY COUNCIL REASONS FOR REFUSAL -**

The proposal would be contrary to policies H7:New Housing in the Open Countryside, E9:Settlement Boundaries and IMP1 Developer Requirements for the following reasons :

- (i) The proposal would contribute to a build-up of development (as an addition to the two houses permitted to the south) and would establish a ribbon form of development around the southern and western sides of the extensive field areas involved.
- (ii) The two houses approved to the south of the field area are considered the limit of what can be accommodated in the landscape without an increasingly detrimental impact on the open rural characteristics of the area that would be caused by ongoing residential development and the greatly extended access roadway.
- (iii) The site is immediately outwith the Thomshill settlement boundary and therefore would effectively involve expansion of that settlement which is contrary to policy E9.

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**

As mentioned on page 6, the introduction of this plot would extend an existing cluster of approved house-sites consisting of this proposal plus four other house sites to the west (Plots 1 to 4, Thomshill Heights). With this in mind, we are of the opinion that the proposal would be well placed here to blend in with the existing settlement pattern and it is difficult to see how a ribbon pattern would be evident with the two previously consented sites at Rashcrook Side and Rashcrook View. These two sites are located on the south east boundary of the SM & FA Strathdee ownership area while the current proposal is located on the south-west boundary. Overall, in our opinion, the proposal would integrate appropriately with the existing settlement pattern and would not look out of place.

- **IF APPROVED THIS PROPOSAL WOULD CONTRIBUTE TO ONLY 3 DWELLING-HOUSES ON 24.40 ACRES OF SM + FA STRATHDEE LAND**

If this plot were to be approved, the Rashcrook fields owned by SM and FA Strathdee would have a total of 3no. approved dwelling-houses across an area of approximately 99050 sqm (24.40 acres). Given this fact and even taking into consideration the Thomshill Heights plots owned by others it is difficult to see how the over-development point would be reached or that the rural character of this area would be changed.

- **EXPANSION OF THOMSHILL SETTLEMENT BOUNDARY**

While we understand that if this proposal were to be approved it would very slightly expand the Thomshill settlement boundary we feel that it would not cause any detriment to the area when the existings consents which have been approved nearby (Plots 1 - 4, Thomshill Heights, Rashcrook View and Rashcrook Side) are taken into consideration.

- **BACKDROP OF EXISTING TREES WILL HELP TO INTEGRATE HOUSE INTO LANDSCAPE SETTING**

A backdrop of existing trees exists along the south-west boundary which will help the proposal blend in to the landscape when viewed from the nearby public road.

- **ADEQUATE BOUNDARIES EXIST TO DEFINE SITE**

The site would be defined and bounded by at least 50% existing boundaries. These boundaries would consist of existing tree growth together with long established post and wire fencing to the south west and north east boundaries.

- **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 is 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 integrate well as part of a cluster with other properties to the west reflective of the existing rural settlement pattern within this area.

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,

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