



# Drybridge Side, Hilton Farm, near Buckie, Moray

proposed erection of  
dwelling-house with  
detached garage

## **Grounds for Review of Refusal of Planning Application**

Planning reference - 16 / 00052 / 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 Drybridge Side which is located at Drybridge, near Buckie 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 9th March 2016.

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

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 (Policies H7 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance Housing in the Countryside 2015 where, because of its siting/location the proposal would result in an additional dwelling contributing to an unacceptable build up of housing changing the rural character of the area.

**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



3d image denoting how proposal may look when complete

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

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

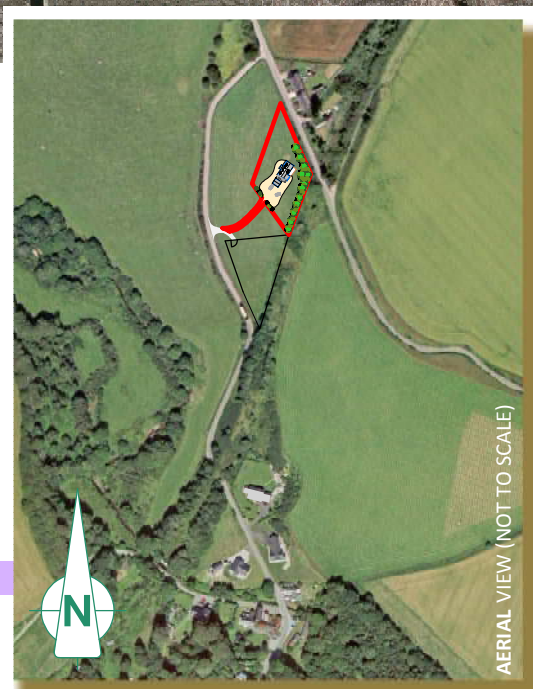
Careful consideration has been given to the individual house layout / fenestration / detail and the resultant design is one of a contemporary style with traditional characteristics including vertically proportioned windows, gables with 40 - 45 degree pitches, gable widths no larger than 2.5 times the 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.

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).

# The Site



Photo of site



AERIAL VIEW (NOT TO SCALE)

The proposed site is situated to the north side of Drybridge and is approximately 5 miles from Buckie. It is located off an existing access track which connects to a minor public road.

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

The site will be defined and bounded by at least 50% of existing boundaries which consists of existing shrubery, post and wire fencing and an ascending public road along the north east 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 artificially elevated ground and is not in the centre of a field. The dwelling-house, if approved, would have an ascending public road (Groal Brae) as a backdrop with vast gorse bush growth to the east to help it to integrate with the housing pattern here. Please see the photomontage below which denotes how the dwelling may look when complete.



# 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.  
As with other areas in Moray the prevailing pattern of settlement within this part of the countryside is characterised by both small clusters of housing and individual houses. This proposal, if approved, would form a cluster of eight properties (see blue line). Nearby, there are a number of similar type clusters (see pink, green and yellow lines). We are therefore of the opinion that the proposed arrangement would be similar to other clusters nearby and would integrate well to the surrounding settlement pattern at Drybridge.
- 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 that it would not change the rural character of this part of the countryside.

- 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 shrubery, post and wire fencing and a public road along the north east boundary.

## ●DESIGN

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

They are all met by the proposal as follows -

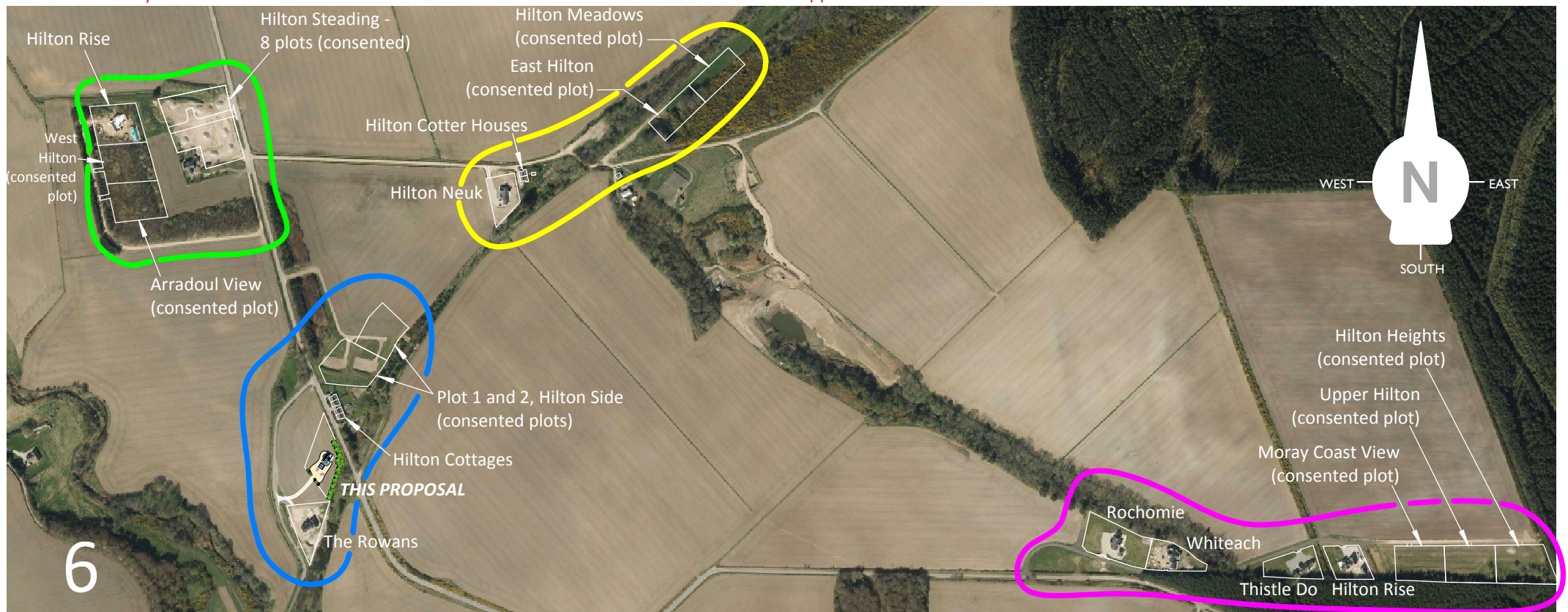
a roof pitch of between 40-55 degrees, gable widths of no more than 2.5 times the height from ground to eaves level, uniform finishes, a vertical emphasis to the fenestration, existing planting within the plot and boundaries sympathetic to the area.

## ●INFRASTRUCTURE AND SERVICING

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

## ●LOSS OF WOODLAND

Not applicable.





# Reasons for Refusal and our justification

- **MORAY COUNCIL REASONS FOR REFUSAL -**

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

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 (Policies H7 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance Housing in the Countryside 2015 where, because of its siting/location the proposal would result in an additional dwelling contributing to an unacceptable build up of housing changing the rural character of the area.

- **THE PROPOSAL FITS IN WITH THE EXISTING SETTLEMENT PATTERN AND WOULD BE ACCEPTABLE IN OUR OPINION**

The council state that "because of its siting/location the proposal would result in an additional dwelling contributing to an unacceptable build up of housing changing the rural character of the area". While it's true that the introduction of this proposal would constitute another unit within the Drybridge area we strongly feel that no detrimental impact would be realised. As stated on page 6, this proposal, if approved, would form a cluster of eight properties with more than sufficient farmland between and around them to ensure a rural dynamic is maintained. With this in mind it's difficult to see how the rural character would in any way be changed. This house plot as with all our house plots has been designed to a generous size and have we endeavoured integrate the proposal within the existing settlement pattern. This design ethos will ensure the finished plot does not form any sense of urbanisation. Evidence of this can be witnessed at our various sites throughout Moray and the Highlands.

Please see aerial view on page 6.

- **ADEQUATE BOUNDARY PROVISION**

The site would be defined and bounded by at least 50% of existing boundaries which would consist of existing shrubery, post and wire fencing and an ascending public road along the north east boundary.

- **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 build up of 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 housing cluster, reflective of the existing rural settlement pattern.

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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