



East Troves, Troves, near Elgin, Moray

proposed erection of
dwelling-house with
detached garage

Grounds for Review of Refusal of Planning Application

Planning reference - 16 / 01468 / APP



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Introduction / Background to Application

These grounds for review of a decision to refuse planning consent for a house site named East Troves which is located within the Troves farm area, 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 10th November 2016.

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

The proposal would be contrary to policies E10, H7 (c) and IMP1 in the Moray Local Development Plan 2015 for the following reasons:

- (i) Although within a defined woodland area the site is attractively rural and considerably contributes to the general rural character of the overall area.
- (ii) the proposals would contribute to a build-up of development (in this case new development), with the development having the effect of changing the rural character of the area (H7).
- (iii) None of the exceptions provided for under policy E10 (Countryside Around Towns) apply to the site, and the proposals would erode the distinction with the built-up area.

This document will set out the reasons why we feel the proposal should be approved but in summary the following key points are the basis for why we feel this way -

- The site is located on the edge of the CAT and will not impact on the setting of Elgin;***
- The site is a natural clearing (as described by the officer) and has a lawful established residential use following its use as a travelling persons' site since 2008;***
- The site has previously been used as 'brownfield' and currently detracts from the attractive rural nature of the area;***
- The development of this house together with application no.16 / 01469 / APP (West Troves) in the location is entirely inkeeping with the surrounding small clusters of housing found in the area.***

The Proposal



The proposal is for a single dwelling-house accessed from the unclassified Troves / Elgin public road.

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

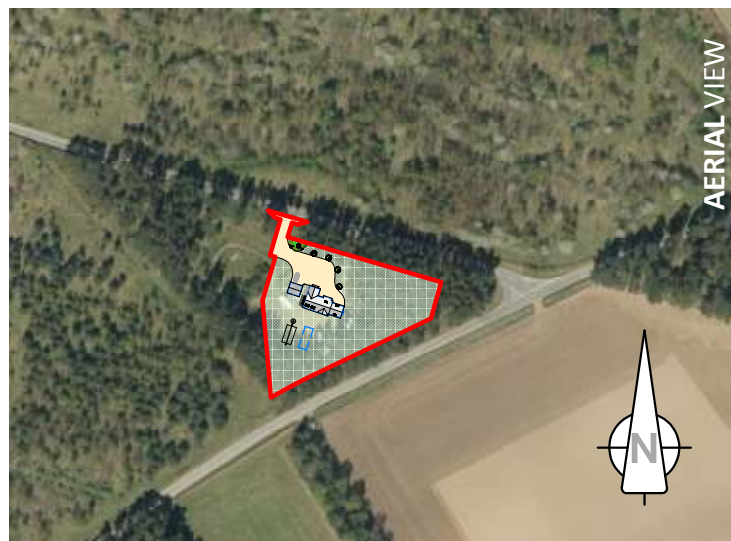
Careful consideration has been given to the house layout / fenestration / detail and the resultant design is one of a contemporary style with traditional characteristics including vertically proportioned windows, gables with 40 - 45 degree pitches, gable widths no larger than 2.5 times the ground to eaves height, well placed velux rooflights doubled up to imitate 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 Site



Photo of site



AERIAL VIEW

The proposed site is situated within a defined woodland area close to the Troves / Clackmarras road junction approximately 1 mile south of Elgin.

The access is located on the unclassified Troves / Elgin public road.

The proposal is within a natural clearing area and the topography of the site is such that it is generally flat.

The site would be defined and bounded by at least 50% existing boundaries. These boundaries would consist of post and wire fencing and mature tree growth to the north east and south east boundaries as well as a public road along the north east boundary.

The site is not subject to any statutory landscape, cultural or heritage designation.

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 prominence of a proposed dwelling. 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 or artificially elevated ground and is not in the centre of a field. The dwelling-house, if approved, would be nestled within woodland and would have a backdrop of mature trees. This dynamic would ensure the proposal would be "easily absorbed" within the rural character of the Troves area and would not in any way appear prominent. 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 (please see aerial image : green circles = single houses, yellow circles = 2 or more houses, blue circle = small residential area).

If the proposal were to be approved it's difficult to see how it would not "fit" with the existing random nature of the housing pattern within the Troves area (see pink circle on aerial image).

We feel this layout demonstrates that the proposed dwelling would be no different than other sporadically located buildings within the vicinity and would be entirely inkeeping.

- 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 and would be "easily absorbed".

- 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 post and wire fencing and mature tree growth to the north east and south east boundaries as well as a public road along both of these boundaries as well.

• DESIGN

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

They are all met by the proposal as follows -

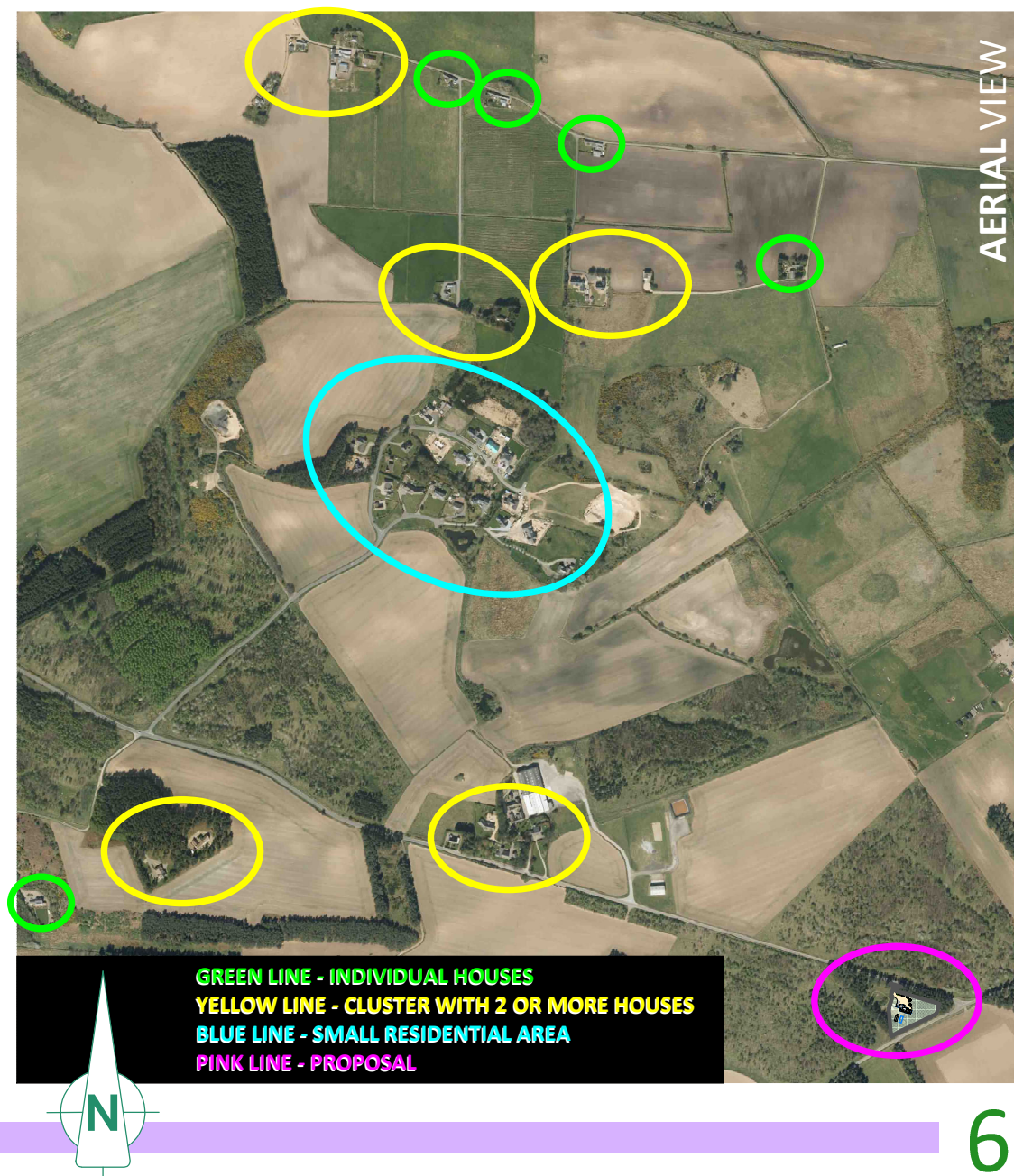
a roof pitch of between 40-55 degrees, gable widths of no more than 2.5 times the height from ground to eaves level, uniform finishes, a vertical emphasis to the fenestration, existing planting within the plot and boundaries sympathetic to the area.

• 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

N/A



Reasons for Refusal and our justification (part A)

- MORAY COUNCIL REASONS FOR REFUSAL -

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

The proposal would be contrary to policies E10, H7 (c) and IMP1 in the Moray Local Development Plan 2015 for the following reasons:

- (i) Although within a defined woodland area the site is attractively rural and considerably contributes to the general rural character of the overall area.
- (ii) the proposals would contribute to a build-up of development (in this case new development), with the development having the effect of changing the rural character of the area (H7).
- (iii) None of the exceptions provided for under policy E10 (Countryside Around Towns) apply to the site, and the proposals would erode the distinction with the built-up area.

- **(i) ATTRICTIVE RURAL AREA - WE FEEL THE PROPOSED DWELLING-HOUSE WOULD ENHANCE THIS DEFINED WOODLAND AREA**

The first reason the Moray Council give against approval for this proposal states "that this defined woodland area is attractively rural and considerably contributes to the general rural character of the overall area". The woodland area here is attractive however the site was used as a travelling persons' encampment for eight years and can therefore only be considered as 'brownfield'. At present it detracts from the attractive rural nature of the woodland and is in an unkempt state with various items of debris scattered throughout and is scarred. Although this can be improved there is no guarantee that the site will remain uninhabited. We feel a stylish, modern dwelling-house with traditional characteristics would be a vast improvement given the history of the site (please see 3no. photos below of the site at present).



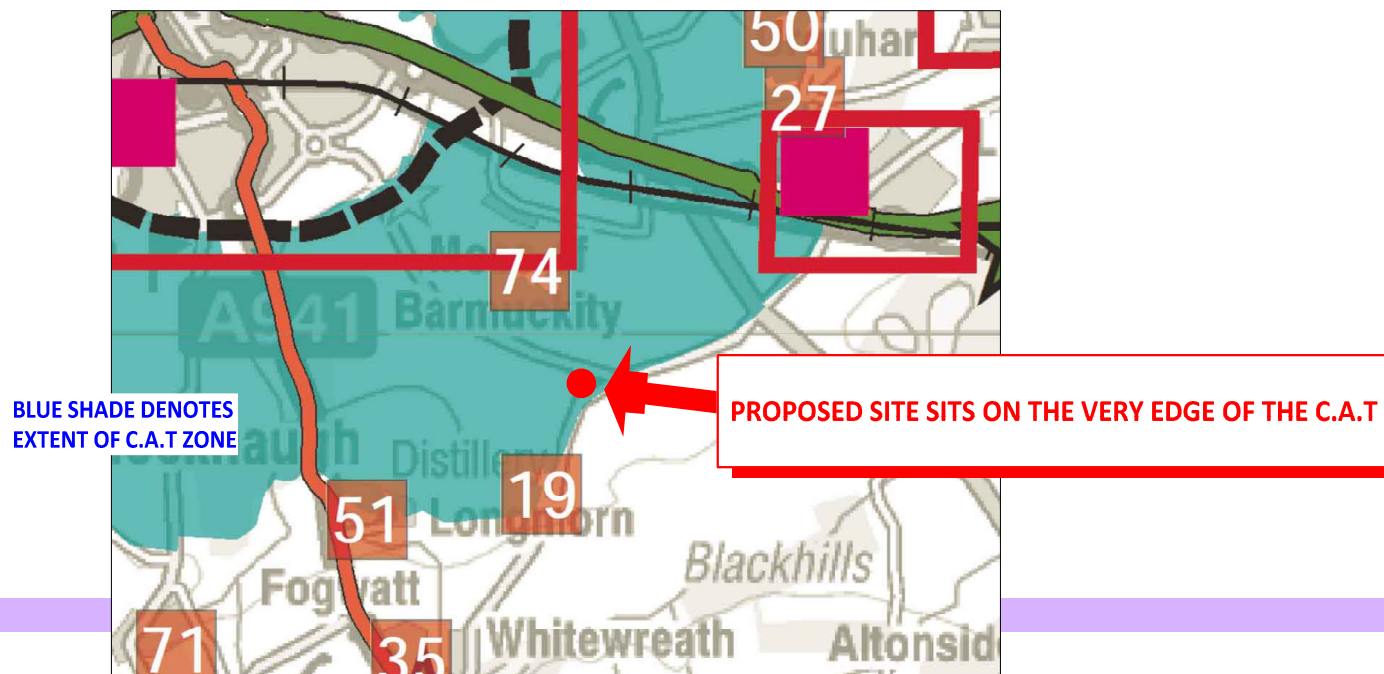
Reasons for Refusal and our justification (part B)

• (ii) BUILD UP - THE PROPOSAL WOULD BE ENTIRELY INKEEPING WITH THE SURROUNDING SMALL CLUSTERS OF HOUSING

The second reason the Council give against approval for this application states "the proposal would contribute to a build-up of development (in this case new development), with the development having the effect of changing the rural character of the area". As stated on page 6, this area and other areas in Moray have a prevailing pattern of settlement which is characterised by both small clusters of housing and individual houses. We acknowledge that if the proposal were to be approved it would increase the amount of housing here however we strongly feel the proposal would be entirely inkeeping with the surrounding small clusters of housing in the area and would be easily absorbed without causing concerns in term of "build up" (please see aerial image on page 6). We therefore feel that the character of the area would not be changed to any significant extent and, as previously mentioned, would be a vast improvement.

• (iii) POLICY E10 (C.A.T)

Although the site is located in the CAT it however lies on the eastern edge of this. As mentioned above there are already existing small clusters of houses in the area. CAT policy is to protect the setting of Elgin and this development will not impact on this. Given the circumstances of the site in terms of it's use as a brownfield site we feel on this occasion the CAT policy is being over relied on by the Council.



EXTRACT FROM COUNTRYSIDE AROUND TOWN (C.A.T) MAP

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 build up of development which 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 it would integrate well, either on its own or as part of a small housing cluster, reflective of the existing rural settlement pattern around Troves.



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.

The site is located in the CAT, however lies on the eastern edge of this. As mentioned above there are already existing small clusters of houses in the area. CAT policy is to protect the setting of Elgin and this development will not impact on this. Given the circumstances of the site in terms of its use as a brownfield site we feel on this occasion the CAT policy is being overly relied on by the Council.

As already stated, this area of land was, until recently, occupied by people from the travelling community who lived in caravans on the site. This "land occupation" period lasted approximately eight years (September 2008 - September 2016) without any enforcement action being taken within that time by the local authorities to prompt relocation. The Town and Country Planning (Scotland) Act 1997 contains a mechanism whereby an area of land occupied for more than four years becomes 'lawful'. In our view the site has become residential by prescription and therefore a brownfield site. Given the history of the site we feel this provides a strong basis for the approval of a 'residential' dwelling-house.



Lastly, 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.

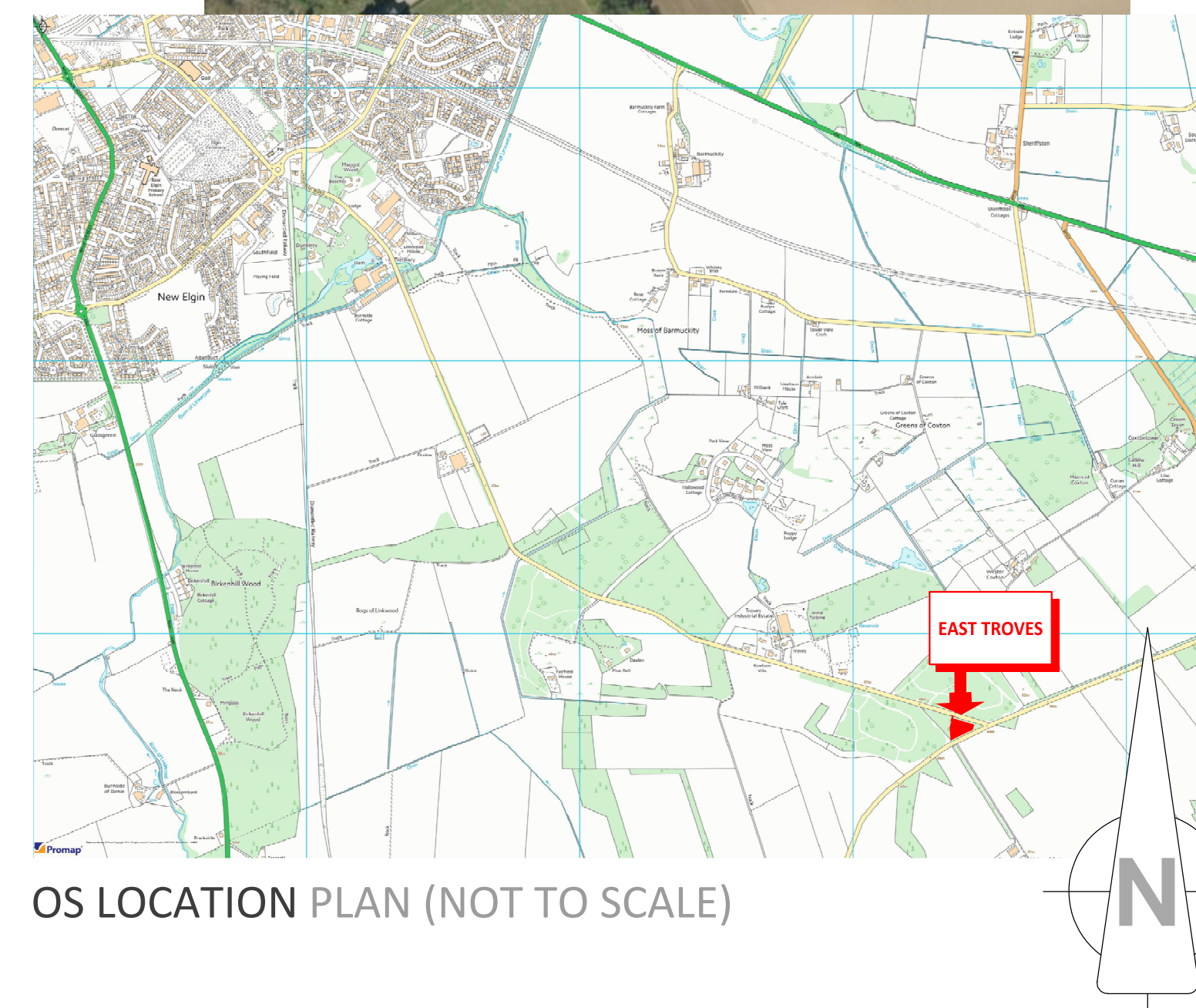
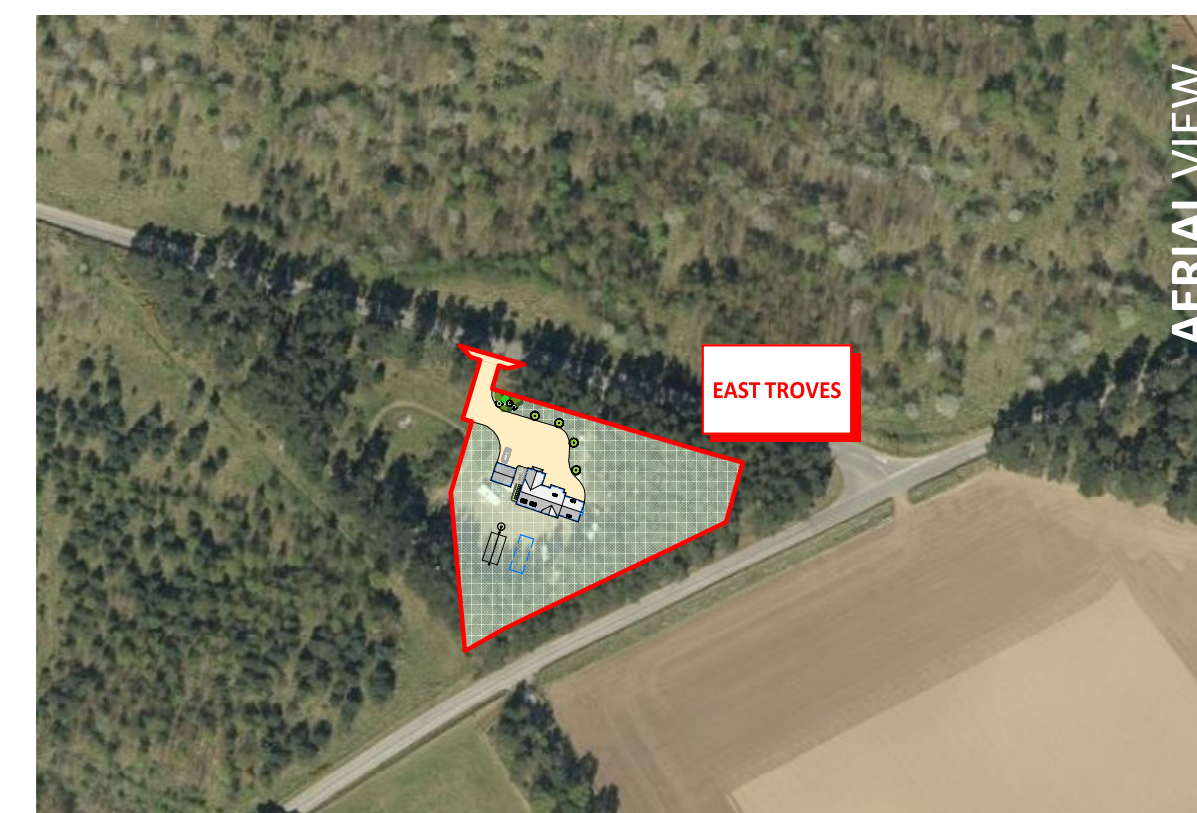
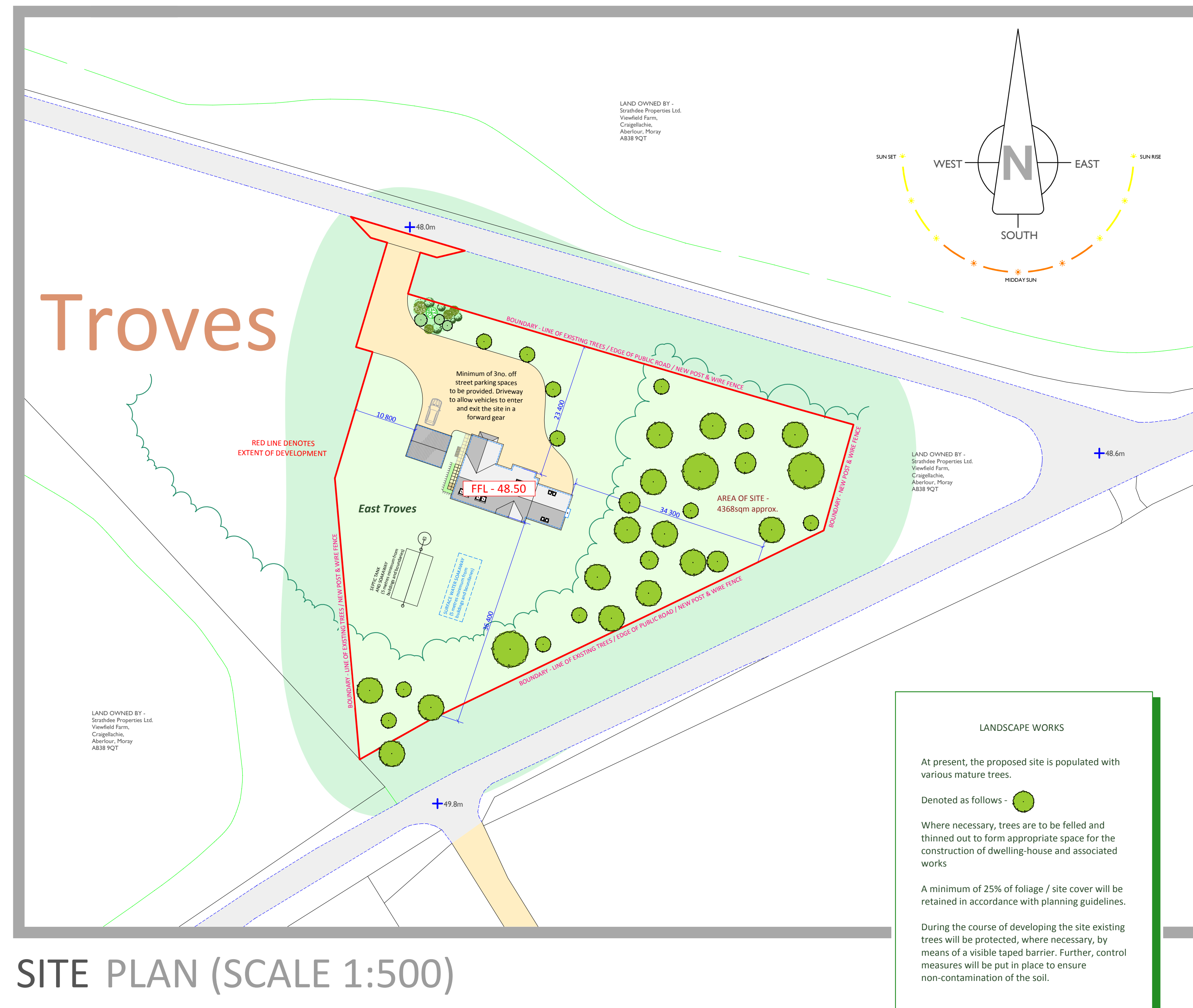
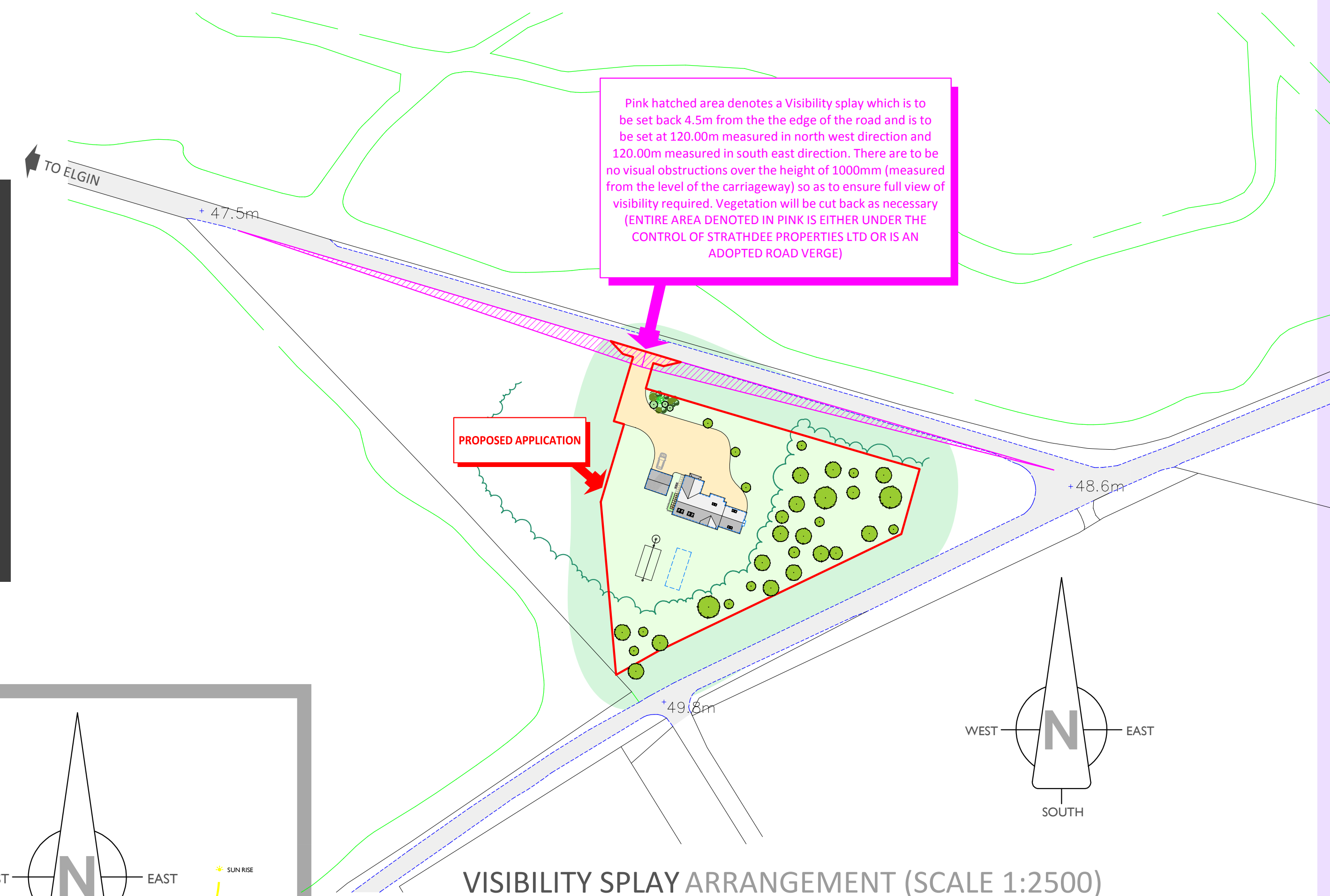
It's our sincere hope that this information helps to demonstrate how the proposal would successfully integrate to the settlement pattern at Troves and we respectfully ask the appointed LRB panel to approve this application.

Strathdee Properties Ltd.



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

Proposed erection of dwelling-house with detached garage
At East Troves, Troves, near Elgin, Moray For Mr Gavin Strathdee
planning drawing - site information



SPECIFICATION

DRAINAGE
Foul water taken to septic tank.
Surface water taken to soakaway

EXTERNAL WALLS
20mm white / cream roughcast.
Natural stone.
Grey timber cladding.

ROOF
Grey, concrete, interlocking roof
tiles or natural slate finish.
Profiled sheeting to garage roof

WINDOWS / DOORS
Grey Upvc / timber windows



Strathdee Properties Ltd.

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PROJECT
Proposed erection of dwelling-house with detached garage At East Troves, Troves, near Elgin, Moray
For Mr Gavin Strathdee

DRAWING DESCRIPTION
PLANNING DRAWING - SITE INFORMATION

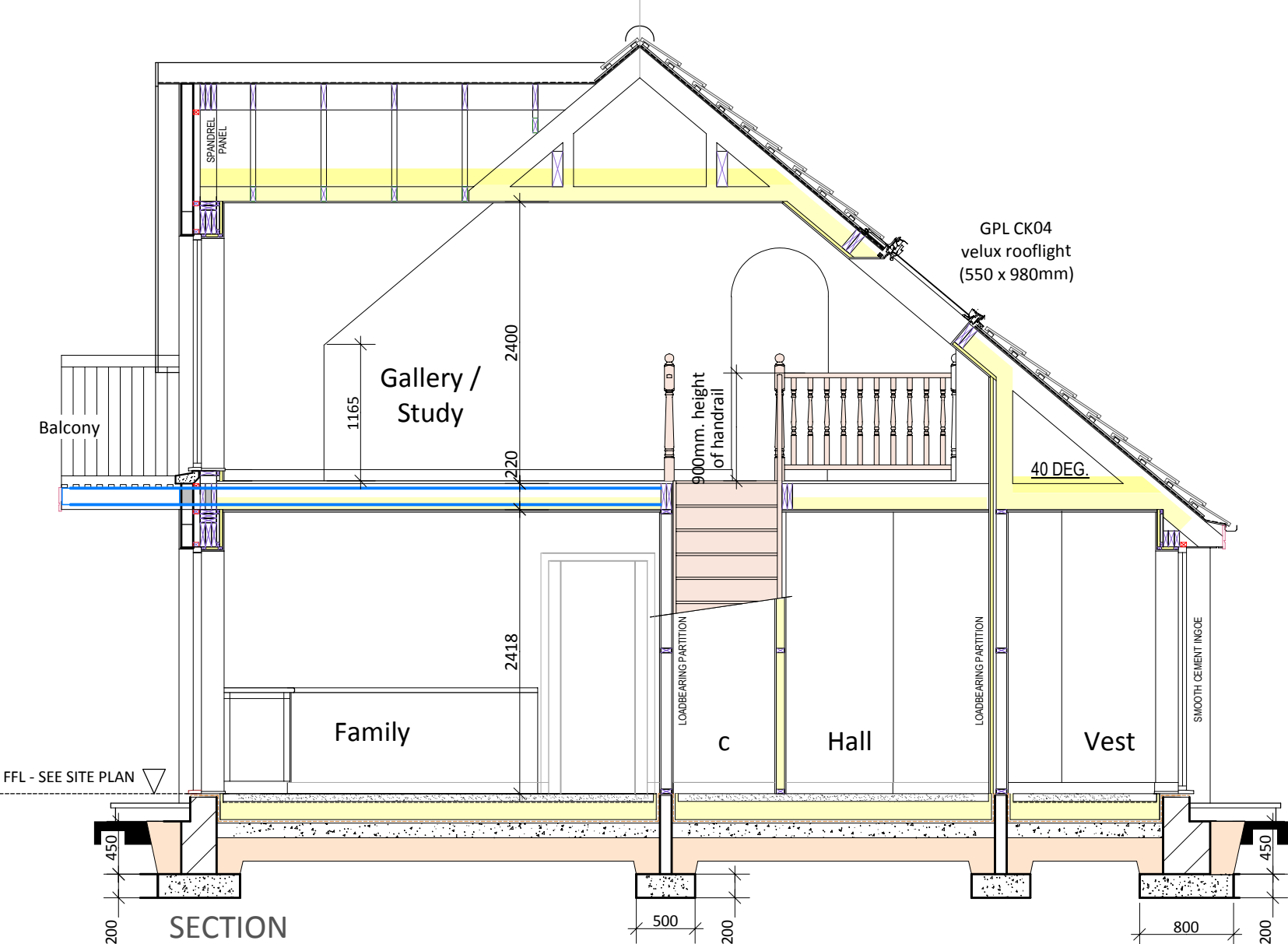
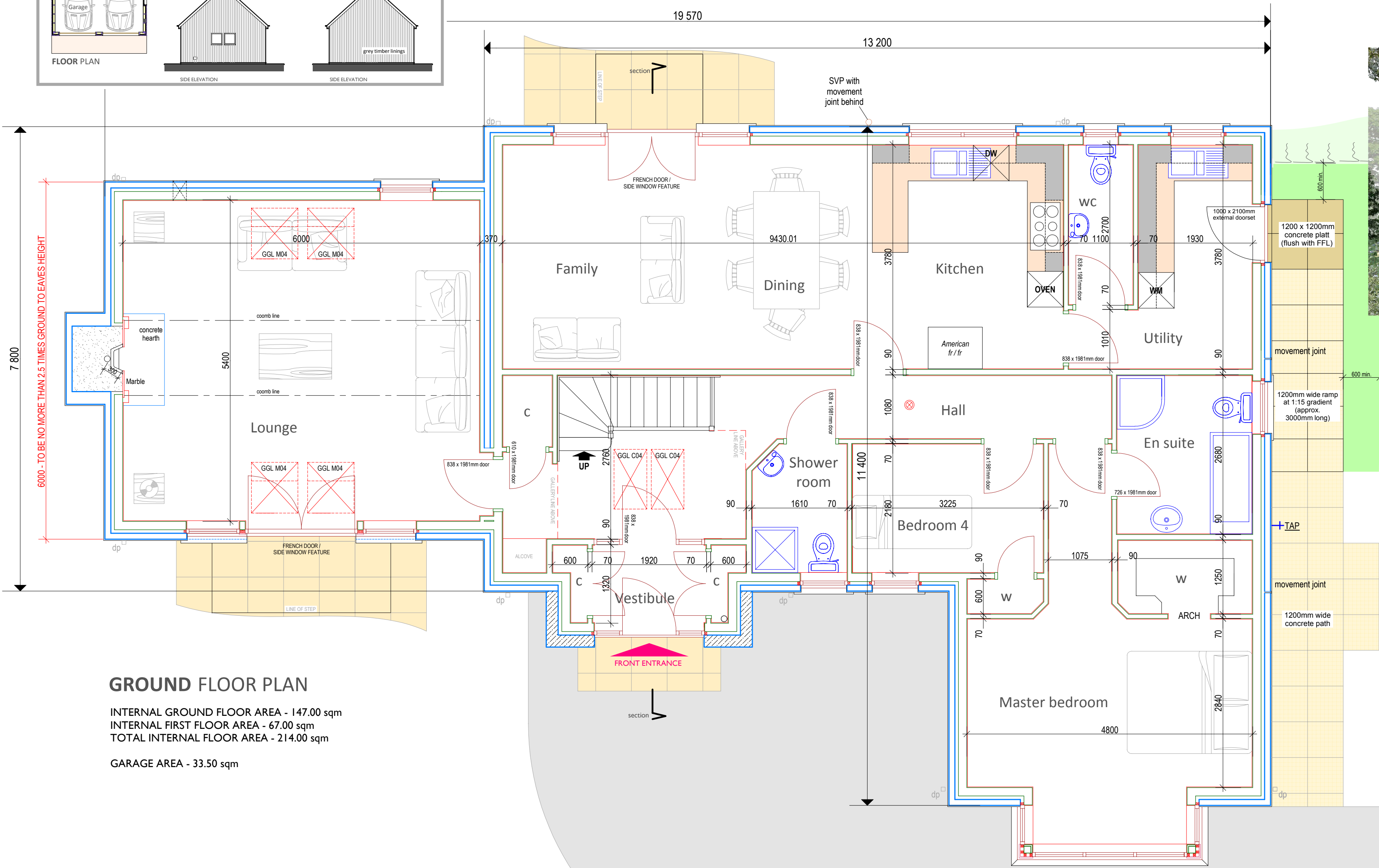
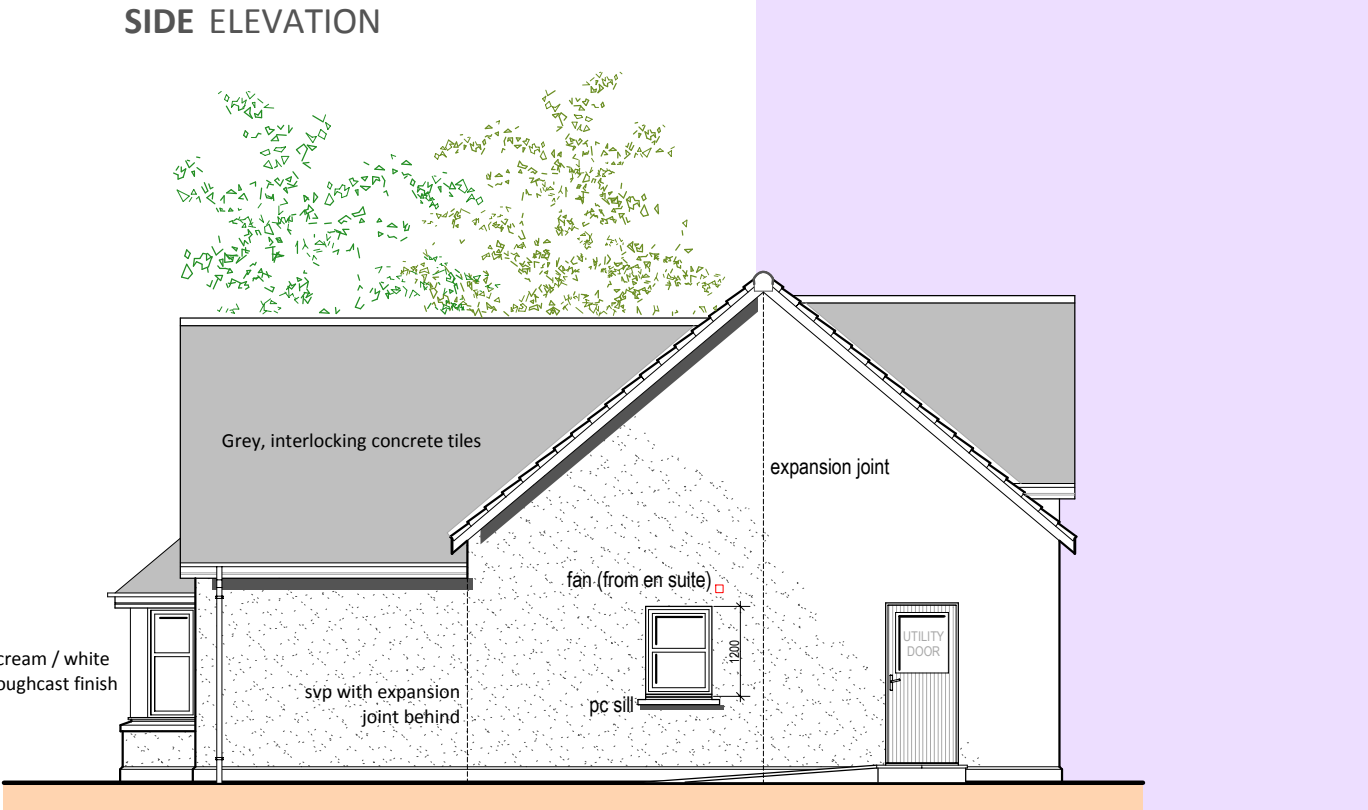
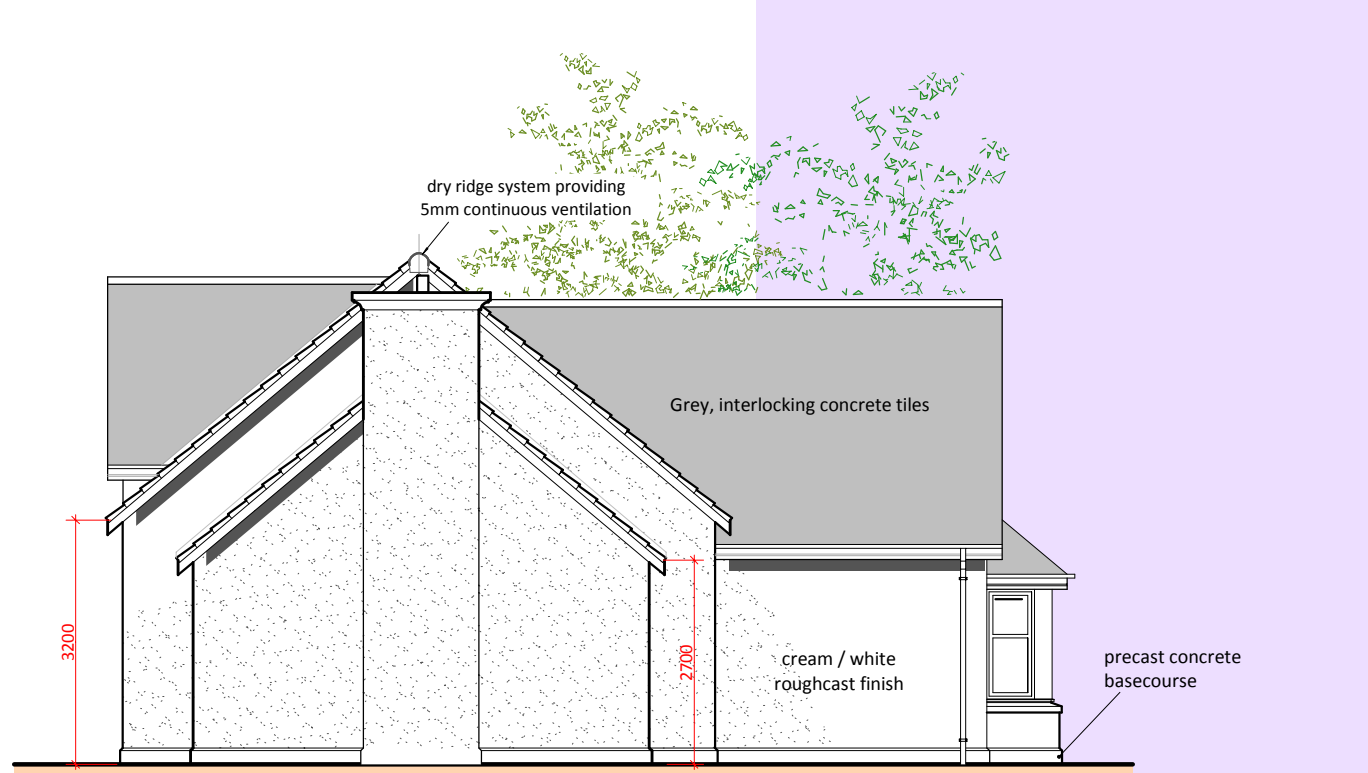
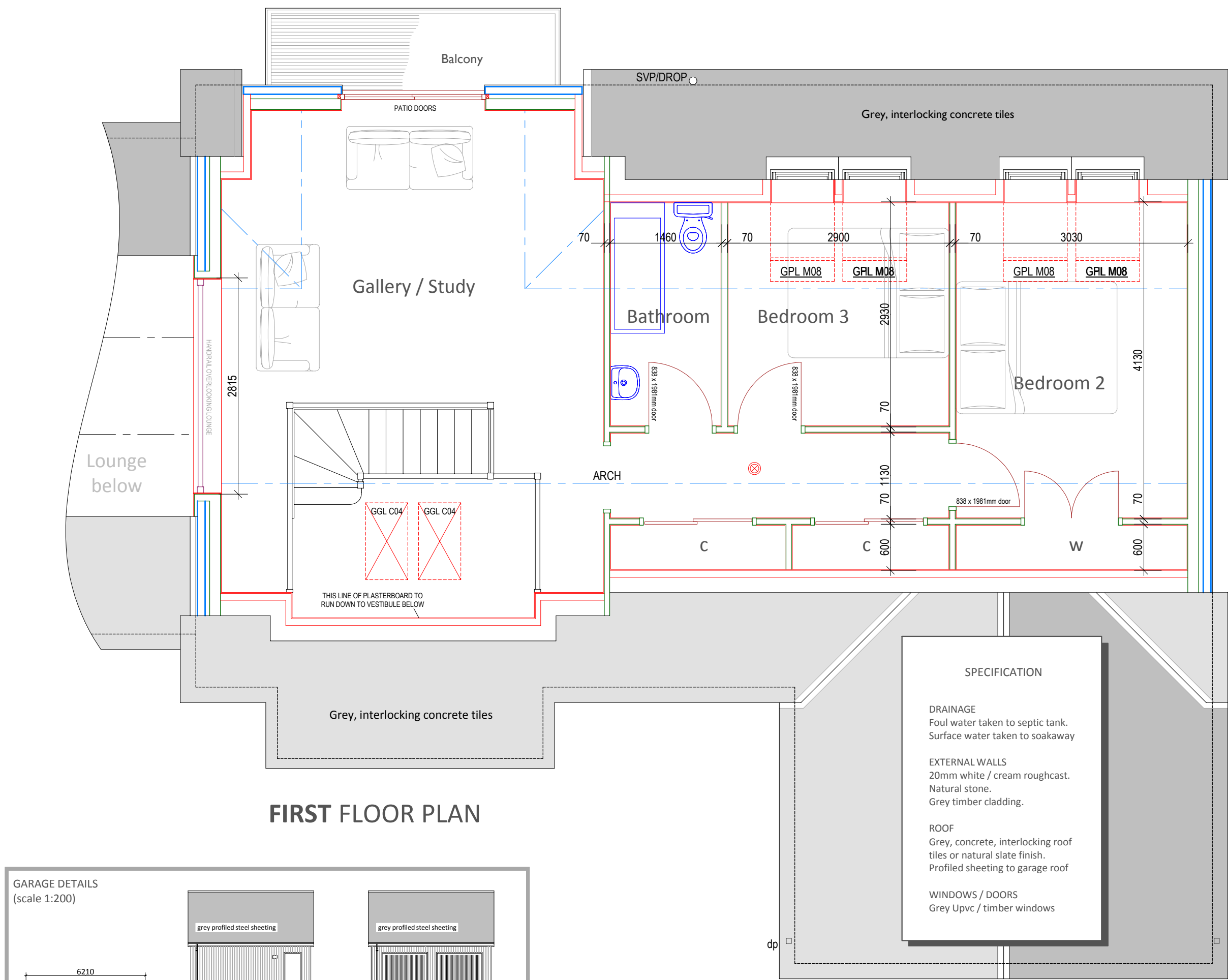
DRAWING no.
EAST-TROVES / PLANNING / 01

SCALE
1:500 & AS
STATED (A1)

DATE
SEP 2016

Proposed erection of dwelling-house with detached garage
At East Troves, Troves, near Elgin, Moray For Mr Gavin Strathdee

planning drawing - general arrangement



Strathdee Properties Ltd.

VIEWFIELD FARM, CRAIGELLACHIE,
ABERLOUR, MORAY, AB38 9QT
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PROJECT
Proposed erection of dwelling-house with detached garage At East Troves, Troves, near Elgin, Moray For Mr Gavin Strathdee

DRAWING DESCRIPTION
PLANNING DRAWING - GENERAL ARRANGEMENT

DRAWING no.
EAST-TROVES / PLANNING / 02

SCALE
1:50 / 1:100 (A1)

DATE
SEP 2016