

LOCAL REVIEW BOARD

STATEMENT OF APPEAL

*NEW HOUSE ON SITE ADJACENT TO LAVEROCK BRAE,
WESTER GAULDWELL, CRAIGELLACHIE*



Sept 2017

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Our Reference:	17/0036/BAILEY
Local Authority:	The Moray Council
Planning Application Ref:	17/00576/APP
Application Proposal:	New house and associated works
Site Address:	site west of Gauldwell House, Craigellachie
Appellants:	Mr Jonathan Bailey
Date Application Validated:	
Council Decision Notice Date:	9 th June 2017
Reason for Refusal:	<p><i>“The proposal is contrary to the provisions of the Moray Local Development Plan 2015 (Policies PP1, E7, H7 and IMP1) where :-</i></p> <ol style="list-style-type: none"> <i>1) The proposed house, given its prominent location with lack of backdrop or screening will result in an obtrusive development to the detriment of the character and appearance of the Area of Great Landscape Value in which it is located.</i> <i>2) The proposed house when viewed in conjunction with the two existing neighbouring houses will form a ribbon development along the roadside, at odds with the traditional rural development patterns of the area and adversely impacting on the character and appearance of the AGLV”</i>
Application Drawings & Supporting Documents:	<ul style="list-style-type: none"> • CMD Doc 001 – Moray Council Refusal Documents • CMD Doc 002 – Case Officer Handling Report • CMD Doc 003 – CM Design Planning application drawing

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1. Introduction

1.1 The following Statement of Case, submitted by **CM Design Town Planning & Architectural Consultants**, has been prepared to support a Local Review Board submission relating to :

A new house adjacent to Wester Gauldwell House, Craigellachie

1.2 This case relates to the appellants desire to downsize in order to continue to reside next to elderly parents at Laverock Brae. The appellant currently resides in the large house on the corner of the Brae having developed it over many years and family circumstances are such that this house must be sold and a smaller property found.

1.3 In the midst of this Review statement, the appellant wishes to demonstrate that -

- The proposed house site is uniquely able to accommodate a single house development without impacting upon the amenity of the AGLV
- The proposed site does enjoy a back drop, enclosure, screening and topography that only allows a short glimpse of any development on from only a few vantage points
- That the settlement pattern of housing in the immediate area, more than justifies this form of development
- That the concerns relating to “ribbon” development can be suitably negated by existing features and compensated for, where required, by additional features.
- There are material matters that would justify a departure from policy of required.

1.4 It is also worthy of note that only a single public objection was raised to the proposal.

1.5 Whilst the potential for the proposals to represent “ribbon development” is clearly understandable on paper, the appellant would contend that the site topography, the surrounding landscaping and the limited view of the development from any quarter would justify an acceptable departure in this case.

2. Background.

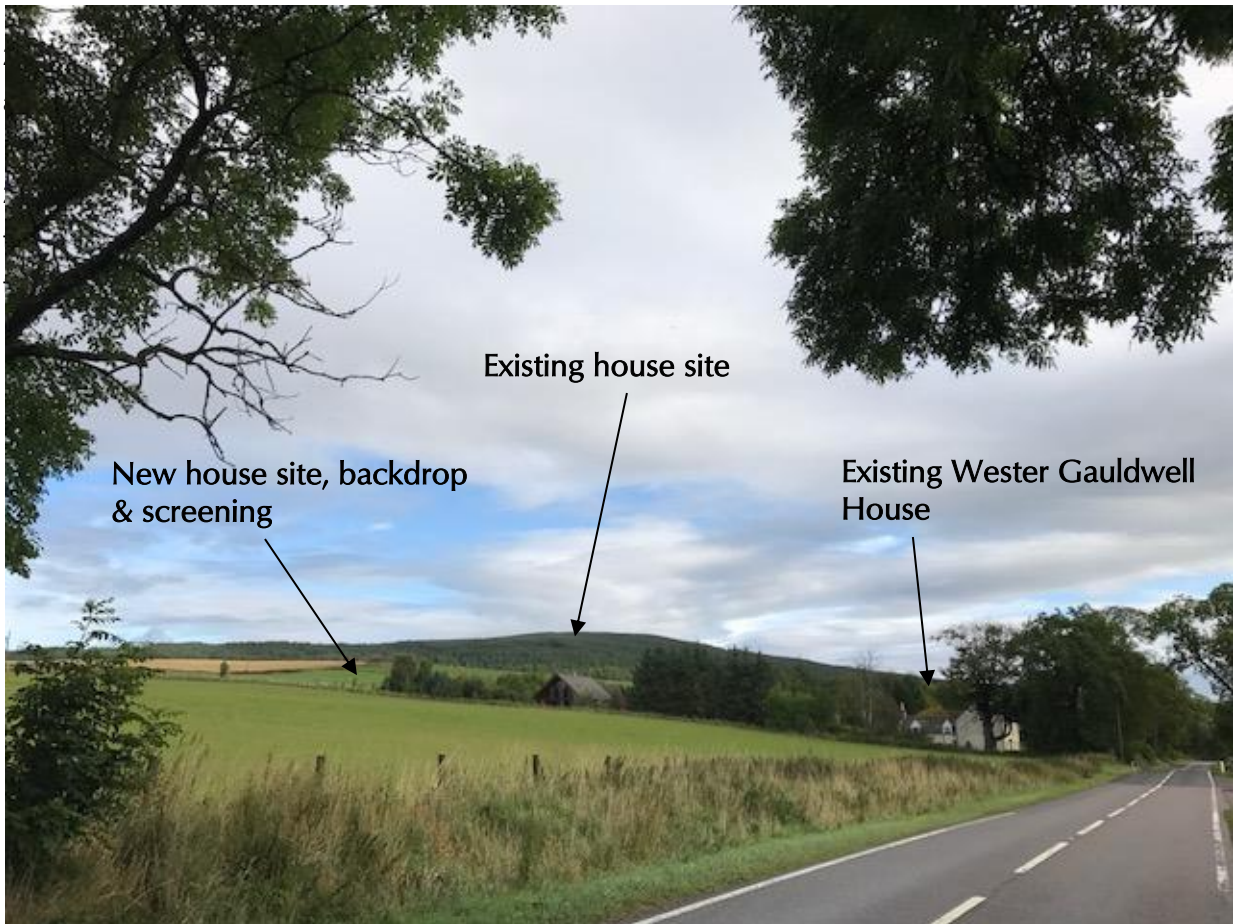
2.1 The appellant bought the large property known as Wester Gauldwell House many years ago and gradually refurbished it over those years to house a young family and from which he also operated a small rural business.



Figure 1 - appellants current home

2.2 During that time, elderly family of the appellant moved into the area and secured consent for a log style home within the garden ground of West Gauldwell House to the North.

2.3 The landscaping that currently surrounds this previous new house is a first class example of how a development can be integrated into the locality and moreso to its benefit in terms of creating additional woodland and roadside amenity. The proposed house would be similarly screened.



3. Statement of Case

3.1 Section 25 of the Town and Country Planning (Scotland) 1997 Act (as amended) requires that planning applications be determined in accordance with the development plan **unless material considerations require otherwise.**

3.2 Moreover, it should be recognised that the **principle** of the current local development plan is to **guide** development decisions across Moray but **not to preclude** focussed and **local decision making** which better informs localised development at any given point in time.

3.3 The current Development plan requires that – *“In determining planning applications, the Council will apply appropriate weight to all of the issues and material considerations before reaching a decision”*

3.4 The two main reasons for objection to this proposal focus upon 1) the developments impact upon the AGLV and 2) the “ribbon” nature of the proposals in relation to existing houses nearby.

3.5 The appellant would contend that there are mitigating features on site and material considerations that would permit a departure from Policy in this regard if such a departure was deemed to be required.

3.6 If deemed that the development COULD be accommodated upon the site without detriment to the locale then the principles of the “Vision for Moray” and the Local Development Plan can provide further weight to permit a departure from Policy in this regard and such as

- Attracting new residents into the area from the sale of Wester Gauldwell
- Contribution to housing need in Moray with the acceptable development of a single house
- Employment of renewable energy technologies
- Fostering economic investment and encouraging local business in the midst of a house build.

2. Vision for Moray

- 2.1 Sustainable economic development is a key objective for both the Scottish Government and Moray Council. The economic and employment benefits of business and industrial growth should be a material consideration in any development proposals.
- 2.2 The Vision for Moray is strongly based on that of the Moray Economic Strategy.
- 2.3 It seeks to have:
- A growing population, which retains more of its younger people and attracts new residents to the area.
 - A broad business base with stable, well paid employment; a focus on high quality jobs in engineering; science and technology; growth of established tourism, food, drink sectors.
 - Sufficient housing land to meet the Housing Need and Demand Assessment, that will facilitate the provision of affordable housing, and to ensure high quality residential developments.
 - Attractive, sustainable environments where people will wish to live and work, which incorporate high quality design; green and blue corridors and open spaces.
 - A policy context which supports growth and development, whilst at the same time protecting and enhancing the natural and built heritage, which are amongst Moray's prime assets.
 - Good, efficient transport links to the rest of the country, with the encouragement of active travel and enhancement of rail as alternatives to journeys by car and truck.
 - Renewable energy technologies; reduced carbon emissions; embedded within all development
- 2.4 To assist in achieving and delivering this, the Local Development Plan
- Provides an adequate supply of land designated for development
 - Responds positively to economic development proposals
 - Safeguards and enhances Moray's environmental qualities
 - Promotes low carbon, sustainable development, and provides alternative travel options to car use.
- 2.5 The Local Development Plan reflects Scottish Government core principles/objectives as expressed in the National Planning Framework and Scottish Planning Policy, of having a low carbon economy; an increased emphasis on placemaking; respecting and maximising environmental assets; a sustainable approach to growth and development; being a well connected place.

4. Policy Compliance

4.1 Several Policies are listed by the Case Officer for consideration and the appellant responds to each as follows.

4.1.1 **Policy PP1** – is the initial Policy cited within the refusal and requires proposals to comply with general policies and support the contribute toward the delivery of sustainable economic growth.

4.1.2 The compliance with each Policy will be examined later in this Statement but it should be recognised that the proposals do indeed include for a design regime that employs the highest levels of Micro Renewable Energy technology whilst the build itself will contribute to the local economy in terms of retaining the appellant in the locality and providing jobs for local businesses.

4.1.3 **Conclusion** – Full compliance with PP1 can be deemed to be the case after full consideration of the site, its surroundings and the empirical impact of the development on the locale

4.2 **Policy E7** – This Policy seeks to protect certain areas of Moray which are deemed to have particular merit by demanding high quality design and siting.

4.2.1 There are many examples of housing groups in the area, all of which have been accommodated perfectly into the landscape by thoughtful screening and the use of the natural landform.

4.2.2 As will be described under Policy H7, the proposals can be accommodated without impact upon the locale.

4.2.3 The house design in this case, reflects the Gable theme already presented on the adjacent site and employs finishes and features which will age and integrate with the surrounding palette and material over time.

4.2.4 **Conclusion** – compliance with this Policy are more appropriately dealt with in H7 later in this report

PP1 Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Policy E7 Areas of Great Landscape Value (AGLV) and impacts upon the wider landscape.

Development proposals which would have a significant adverse effect upon an Area of Great Landscape Value will be refused unless:

- They incorporate the highest standards of siting and design for rural areas
- They will not have a significant adverse effect on the landscape character of the area, in the case of wind energy proposals the assessment of landscape impact will be made with reference to the terms of the Moray Wind Energy Landscape Capacity Study.
- They are in general accordance with the guidance in the Moray and Nairn Landscape Character Assessment.

New developments should be designed to reflect the landscape characteristics and special qualities identified in the Landscape Character Assessment of the area in which they are proposed.

Proposals for new hill tracks should ensure that their alignment minimises visual impact; avoids sensitive natural heritage features, avoids adverse impacts upon the local hydrology; and takes account of the likely type of recreational use of the track and wider network

Justification:

The aim of this strategically inappropriate design (ref the I guidance) to re of these areas. I shown on the P (Environment).

Moray enjoys a proposals which significant adverse landscape will r creation of new significant impacts appearance of t the drainage ar local area.

4.3 Policy H7 – requires certain criteria to be met to allow approval under this policy.

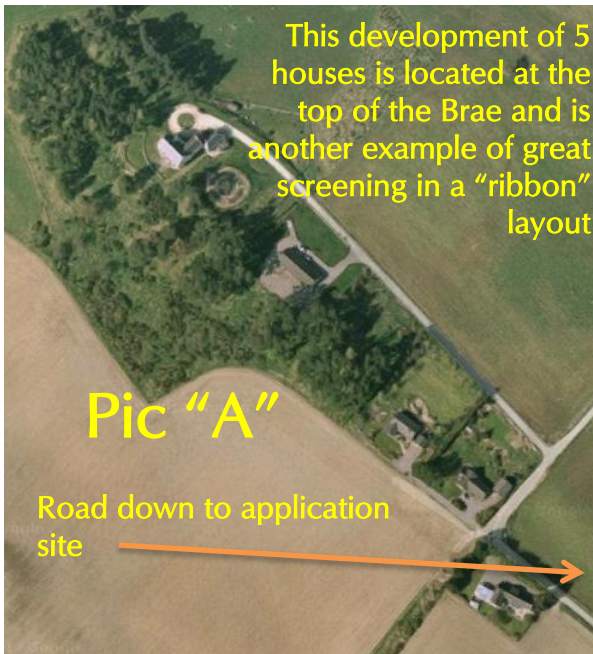
4.3.1 The proposals in this case fully comply with 2 out of the 4 requirements (ie paragraphs c & d) and leave the remaining 2 (paragraphs a & b) open for discussion.

4.3.2 paragraphs a & b require that any proposal reflects the traditional pattern of development in the area and employs natural back drops and limited impact upon the locale.

4.3.3 Taking each requirement in turn, the appellant contends the following:

4.3.4 **Ribbon Development/Traditional pattern of settlement** – there are several pockets of development in and around the Gauldwell area that would suggest that a group of three houses like this would be acceptable in certain circumstances.

4.3.5 The following aerial photographs, describe a few of these examples and the final photograph demonstrates how local these examples are to the proposed site.



Policy H7 New Housing in the Open Countryside

This policy assumes in favour of an application for a new house in the open countryside provided all of the following requirements are met:

Siting

- It reflects the traditional pattern of settlement in the locality and is 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) will not be acceptable;
- It does 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;
- 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; and,
- At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).

Justifica

The Plan countryside the land be low in the surr tradition scale and introduc styles an houses f characte area's hi
Proposal such as a rehabilit satisfact through features. existing Infill dev landscap where th characte
Innovati efficienc promote



4.3.6 These photographs perhaps allow consideration to be given to the unique settlement pattern of the area which does suggest pockets of housing, in linear and in group form but always with exceptional landscaping to provide maximum screen and additional visual amenity.

4.3.7 The appellant would content that the principles of avoiding ribbon development are not so applicable on this site as might be the case elsewhere. The site is very secluded, on a minor public road and the linear or ribbon nature of any additional house would be significantly compensated for by the wonderful existing separation of the two existing houses and the landscaping that exists already.

4.3.8 Any concerns regarding the risks “ribbon development” in this case should be seen in context and in particular to this site when viewed on the ground and certainly not on the basis of a 2D paper view.

4.3.9 Impact on AGLV (Area of Great Landscape value) – there are many examples around the immediate area of the proposals site where development of several houses has been accommodated without impacting upon the beauty of the AGLV.

4.4.0 The aerial photographs shown previously demonstrate the merits of high quality landscaping and the use of the undulating topography in this area which provides for almost 360 degree screening by hills and landforms.

4.4.1 The application site enjoys a back drop when viewed from the A95 which is almost the only vantage point from which any new house could be seen and only momentarily.

4.4.2 The application site also enjoys incredible screening from the remaining 360 degrees due to rolling hills, the lack of public carriageways and the pockets of forestry and landscaping that exists in the locale.



Figure 2 - view to West on A95

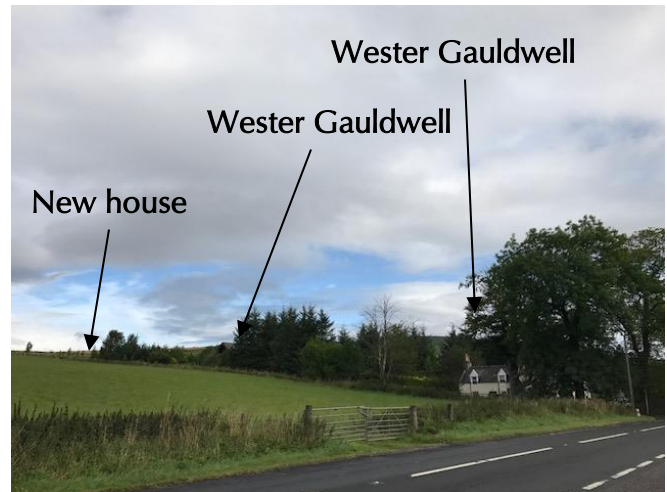


Figure 3 - view to East on A95

4.4.3 **Conclusion** – Whilst the concerns for the impact upon the AGLV are understood and that the need to limit ribbon development has merit, the empirical evidence on the ground is such that neither of these issues will be significant and nearby developments demonstrate the additional amenity that can be derived from the landscaping of new developments in this area.

The appellant therefore contends that the sub-paragraphs a & b of Policy H7 are met in this case.



Figure 4 - view North up the brae and past the application site

4.5 Policy IMP1 – Is an implementation guide which seeks to protect the amenity of an area by ensuring that certain requirements are met.

4.5.1 The appellant believes that in complying with PP1, E7, H7 all the requirements of IMP1 are being met.

4.5.2 Furthermore it is actually suggested this proposal would meet, albeit in a small way, wider aspirations of the Moray Local Development Plan in terms of economy, housing and landscaping.

4.5.3 Conclusion – this proposal complies with the general requirements of IMP1 in all respects

Policy IMP1 Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

5 Conclusion

5.1 This statement of case has demonstrated

- That the proposals reflect the pattern of development in the wider area.
- That the site is uniquely screened, protected and landscaped to limit impact on the AGLV or view from any vantage point.
- That the risk of “ribbon development “ is mitigated by the isolated nature of the site, the minor road that provides access and the considerable separation and landscaping that is available.
- That the backdrop and surrounding hills provide an exceptional and unique opportunity to allow development without impacting on amenity
- That wider aspirations of the Local Plan can be met, albeit in small ways, in terms of housing need, economy, employment and retention and attraction of families to the rural areas of Moray

5.2.1 It is respectfully requested that consideration be given to **upholding this Appeal**.

C.J.S Mackay
Principle Designer & Planning Consultant
CM Design