

Upper Birnie View, Wardend, Birnie, near Elgin

proposed erection of dwelling-house with detached garage

Grounds for Review of Refusal of Planning Application
Planning reference - 17 / 01522 / APP







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Introduction / Background to Application

These grounds for review of a decision to refuse planning permission for a house on a site at Upper Birnie View are submitted under section 43A of the Town and Country Plannig (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 22 November 2017.

The Moray Council's reasons for refusal are as below --

The proposal would be contrary to policies PP1, H7, T2 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017) for the following reasons:

- 1. The site is in an area that is subject to significant development build up which has already eroded the rural character of the area. The introduction of an additional would compound the impact of development in this area and add to an unacceptable cumulative build-up of residential development detrimental to the rural character of the area. Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies PP1, H7, IMP1 and associated Supplementary Planning Guidance 'Housing in the Countryside' 2015 and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside 2017.
- 2. In the absence of any viable means to control access to the junction to the east of the site or any mechanism to secure adequate visibility at that junction safe entry and exit to the site cannot be guaranteed and as such the proposal is contrary to policy T2.

The Proposal



The proposal is for a single dwelling-house accessed from an existing track which leads off the U119E minor public road at Wardend, Birnie.

If approved, the site would be served by a private water supply and 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, various velux rooflight arrangements and a general fenestration in keeping with a traditional cottage appearance incorporating a modern feel.

In terms of material use, the walls will be finished with white K-rend or white 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) as noted on the site plan (UPPER-BIRNIE-VIEW / PLANNING / 01).

Strathdee Properties Ltd. 2018

The Site



The proposed site is situated to the south west of Fogwatt and is approximately four miles from Elgin. It is located off an existing access track which connects to the U119E Public Road.

The topography of the site has a slight incline from the south boundary down to the north boundary.

The site is defined and bounded by at least 50% of existing boundaries. These consist of an existing access track, a neighbouring timber fence and a long established post and wire fence to the north boundary.

Strathdee Properties Ltd. 2018

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

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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 predominent 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 critera 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 developement (ie. on a skyline, artificially elevated ground or in open settings such as the central area of field) will not be acceptable.

The site is located adjacent to houses at Glenluce, Brackenbrae and Wardend to the east side. The proposed dwelling-house together with these three existing properties would form a small cluster of dwellings. Nearby, there are a number of existing houses which sit alone or in clusters. Therefore, this dwelling would be no different than these existing arrangements and would be entirely consistent with the settlement pattern in this area. Please see aerial view of the site in context of other nearby houses (page 6).

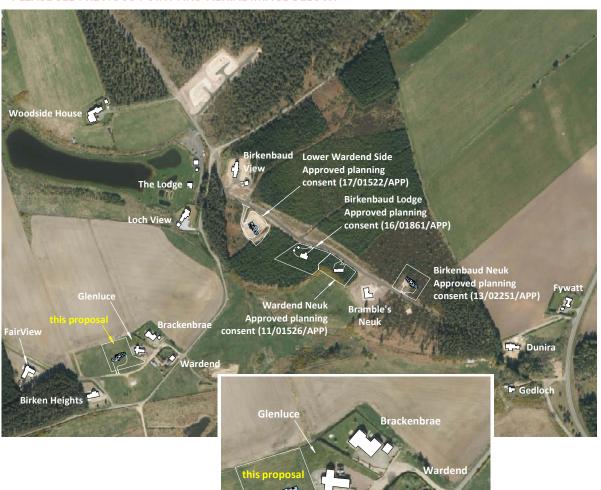
Further, the floor level of the proposed house would be set no higher than the houses nearby to ensure it would not appear overly prominent.



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.

PLEASE SEE PREVIOUS POINT AND AERIAL IMAGE BELOW.



F THE CLUSTER OF DWELLINGS

• 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 given it's setting within a cluster.

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

The site is defined and bounded by at least 50% of existing boundaries. These consist of an existing access track and a neighbouring, timber fence and a long established post and wire fence to the north boundary.

DESIGN

There are a 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 would be contrary to policies PP1, H7, T2 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017) for the following reasons:

- 1. The site is in an area that is subject to significant development build up which has already eroded the rural character of the area. The introduction of an additional would compound the impact of development in this area and add to an unacceptable cumulative build-up of residential development detrimental to the rural character of the area. Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies PP1, H7, IMP1 and associated Supplementary Planning Guidance 'Housing in the Countryside' 2015 and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside 2017.
- 2. In the absence of any viable means to control access to the junction to the east of the site or any mechanism to secure adequate visibility at that junction safe entry and exit to the site cannot be guaranteed and as such the proposal is contrary to policy T2.

In response to the above we are keen to articulate our reasons why we feel this proposal would be acceptable. Please see below. -

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

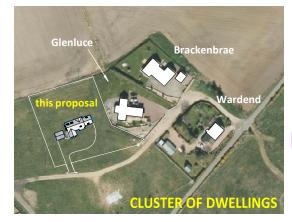
The site is located adjacent to houses at Glenluce, Brackenbrae and Wardend to the east side. The proposed dwelling-house together with these three existing properties would form a small cluster of dwellings. Nearby, there are a number of existing houses which sit alone or in clusters. Therefore, this dwelling would be no different than these existing arrangements and would be entirely consistent with the settlement pattern in this area (please see image below).

CUMULATIVE BUILD UP

In terms of build up we acknowledge that the introduction of this proposal would contribute to the further build-up of development in this locality however we cannot see at all how the character, appearance and amenity of the open countryside would be undermined in anyway.

ACCESS

The second reason given by the Moray Council for refusing the application is in regard to there being an absence of any visible means to control access at the junction to the east of the site however the intended access / egress point is the more obvious access point to the west. We have explained this to the roads department and have offered to erect a locked gate between this proposal and Glenluce next door. This would be entirely possible since SM + FA Strathdee own the whole track and further to this the 3no. houses to the east (Glenluce, Brackenbrae and Wardend) are legally bound to use the easterly access point at present.



Conclusion



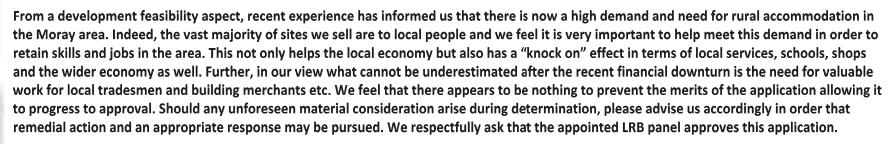
We very much feel that we have shown how the proposed dwelling-house is acceptable under the criteria set out in the relevant local plan policies.

The reasons for refusal suggest that the proposal would lead to a development that would detract from the charcter of this part of the countryside however we feel that when the proposal is considered within the overall context of the nearby buildings and properties it would integrate well.



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.

In terms of access we have demonstrated to the Moray Council that the intended access / egress point is the obvious access point to the west. We have explained this to the roads department and have offered a means of alleviating any potential confusion.





Yours sincerely,

S.Reid Strathdee Properties Ltd.







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



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 01343 563 501 Fax: 01343 563 263 Email: development.control@moray.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE

100068753-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application	
What is this application for? Please select one of the following: *	
Application for planning permission (including changes of use and surface mineral working). Application for planning permission in principle. Further application, (including renewal of planning permission, modification, variation or removal Application for Approval of Matters specified in conditions.	al of a planning condition etc)
Description of Proposal	
Please describe the proposal including any change of use: * (Max 500 characters)	
Proposed erection of dwelling-house with detached garage	
Is this a temporary permission? *	☐ Yes ☒ No
If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * Has the work already been started and/or completed? * No Yes – Started Yes - Completed	☐ Yes ⊠ No
Applicant or Agent Details	
Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)	☐ Applicant ☒ Agent

Agent Details			
Please enter Agent detail	s		
Company/Organisation:	Strathdee Properties Ltd		
Ref. Number:		You must enter a Bu	uilding Name or Number, or both: *
First Name: *	Stewart	Building Name:	Viewfield Farm
Last Name: *	Reid	Building Number:	
Telephone Number: *	01340 881784	Address 1 (Street): *	Craigellachie
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberlour
Fax Number:		Country: *	Scotland, UK
		Postcode: *	AB38 9QT
Email Address: *	stewart@strathdeeproperties.com		
Is the applicant an individ	ual or an organisation/corporate entity? * nisation/Corporate entity		
Applicant Det	ails		
Please enter Applicant de	etails		
Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Viewfield Farm
First Name: *	Gavin	Building Number:	
Last Name: *	Strathdee	Address 1 (Street): *	Craigellachie
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberlour
Extension Number:		Country: *	Scotland, UK
Mobile Number:		Postcode: *	AB38 9QT
Fax Number:			
Email Address: *			

Site Address D	Details			
Planning Authority:	Moray Council			
Full postal address of the s	ite (including postcode v	where available):		
Address 1:				
Address 2:				
Address 3:				
Address 4:				
Address 5:				
Town/City/Settlement:				
Post Code:				
Please identify/describe the	e location of the site or s	sites		
Northing 85	55628		Easting	322619
Pre-Applicatio	n Discussior	1		
Have you discussed your p	roposal with the plannin	ng authority? *		☐ Yes ☒ No
Site Area				
Please state the site area:		3098.00		
Please state the measurem	nent type used:	Hectares (ha)	X Square Metres (sq.	.m)
Existing Use				
Please describe the curren	t or most recent use: *	(Max 500 characte	rs)	
UNDEVELOPED LAND				
Access and Pa	arking			
Are you proposing a new a lf Yes please describe and you propose to make. You	show on your drawings	the position of any	existing. Altered or new	Yes No vaccess points, highlighting the changes inpact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of acces	s? * Yes 🗵 No
If Yes please show on your drawings the position of any affected areas highlighting the changes you pro arrangements for continuing or alternative public access.	opose to make, including
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	0
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	5
Please show on your drawings the position of existing and proposed parking spaces and identify if these types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	e are for the use of particular
Water Supply and Drainage Arrangements	
Will your proposal require new or altered water supply or drainage arrangements? *	Ⅺ Yes ☐ No
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
Yes – connecting to public drainage network	
No – proposing to make private drainage arrangements	
Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide fu	urther details.
What private arrangements are you proposing? *	
New/Altered septic tank.	
Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage tre	eatment such as a reed bed).
Other private drainage arrangement (such as chemical toilets or composting toilets).	
What private arrangements are you proposing for the New/Altered septic tank? *	
☐ Discharge to land via soakaway.	
□ Discharge to watercourse(s) (including partial soakaway).	
☐ Discharge to coastal waters.	
Please explain your private drainage arrangements briefly here and show more details on your plans ar	nd supporting information: *
Foul water will be taken to a suitable septic tank and then onto an appropriately designed soakaway. to an appropriately designed soakaway.	Surface water will be taken
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *	⊠ Yes □ No
Note:-	
Please include details of SUDS arrangements on your plans	
Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	

Are you proposing to connect to the public water supply network? *	
Yes No, using a private water supply	
☐ No connection required	
If No, using a private water supply, please show on plans the supply and all works needed	to provide it (on or off site).
Assessment of Flood Risk	
Is the site within an area of known risk of flooding? *	Yes No Don't Know
If the site is within an area of known risk of flooding you may need to submit a Flood Risk A determined. You may wish to contact your Planning Authority or SEPA for advice on what is	
Do you think your proposal may increase the flood risk elsewhere? *	Yes No Don't Know
Trees	
Are there any trees on or adjacent to the application site? *	☐ Yes ☒ No
If Yes, please mark on your drawings any trees, known protected trees and their canopy sp any are to be cut back or felled.	oread close to the proposal site and indicate if
Waste Storage and Collection	
Do the plans incorporate areas to store and aid the collection of waste (including recycling)	?*
If Yes or No, please provide further details: * (Max 500 characters)	
Recycled material and general refuse will be collected from the track entrance by the local	al authority collection units.
Recycled material and general refuse will be collected from the track entrance by the local content of the local c	al authority collection units.
	al authority collection units.
Residential Units Including Conversion	
Residential Units Including Conversion Does your proposal include new or additional houses and/or flats? *	▼ Yes □ No
Residential Units Including Conversion Does your proposal include new or additional houses and/or flats? * How many units do you propose in total? * Please provide full details of the number and types of units on the plans. Additional information information in the plans.	
Residential Units Including Conversion Does your proposal include new or additional houses and/or flats? * How many units do you propose in total? * Please provide full details of the number and types of units on the plans. Additional informa statement.	
Residential Units Including Conversion Does your proposal include new or additional houses and/or flats? * How many units do you propose in total? * Please provide full details of the number and types of units on the plans. Additional informa statement. All Types of Non Housing Development — Propose	Yes No Ition may be provided in a supporting sed New Floorspace
Residential Units Including Conversion Does your proposal include new or additional houses and/or flats? * How many units do you propose in total? * Please provide full details of the number and types of units on the plans. Additional informa statement. All Types of Non Housing Development — Proposition Does your proposal alter or create non-residential floorspace? *	Yes No No Ition may be provided in a supporting Sed New Floorspace Yes No
Residential Units Including Conversion Does your proposal include new or additional houses and/or flats? * How many units do you propose in total? * Please provide full details of the number and types of units on the plans. Additional informa statement. All Types of Non Housing Development — Proposition Does your proposal alter or create non-residential floorspace? * Schedule 3 Development Does the proposal involve a form of development listed in Schedule 3 of the Town and Courter the conversion of the conversion of the town and Courter the conversion of the	Yes □ No Ition may be provided in a supporting Sed New Floorspace □ Yes ☒ No Intry □ Yes ☒ No □ Don't Know e area of the development. Your planning

Planning Service Employee/Elected Member Interest	
Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *	Yes X No
Certificates and Notices	
CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPI PROCEDURE) (SCOTLAND) REGULATION 2013	MENT MANAGEMENT
One Certificate must be completed and submitted along with the application form. This is most usually Certificate B, Certificate C or Certificate E.	icate A, Form 1,
Are you/the applicant the sole owner of ALL the land? *	☐ Yes ☒ No
Is any of the land part of an agricultural holding? *	🛛 Yes 🗌 No
Do you have any agricultural tenants? *	☐ Yes ☒ No
Are you able to identify and give appropriate notice to ALL the other owners? *	X Yes □ No
Certificate Required	
The following Land Ownership Certificate is required to complete this section of the proposal:	
Certificate B	
Land Ownership Certificate	
Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management P Regulations 2013	rocedure) (Scotland)
I hereby certify that	
(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the ap beginning of the period of 21 days ending with the date of the accompanying application;	plication relates at the
or –	
(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beg days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which	
Name: - SM + FA STRATHDEE	
Address: SM + FA STRATHDEEViewfield Farm, Craigellachie, Aberlour, Scotland, UK, AB38 9QT	
Date of Service of Notice: * 28/09/2017	

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;
or –
(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:
Name:
Address:
Date of Service of Notice: *
Signed: Stewart Reid
On behalf of: Mr Gavin Strathdee
Date: 29/09/2017
☑ Please tick here to certify this Certificate. *
Checklist – Application for Planning Permission
Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.
a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? * Yes No Not applicable to this application
b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? * Yes No Not applicable to this application
c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? * Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013
d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? * Yes No No not applicable to this application
e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? * Yes No X Not applicable to this application
f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an
ICNIRP Declaration? * Yes No Not applicable to this application
g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:
 ⊠ Site Layout Plan or Block plan. ⊠ Elevations. ⊠ Floor plans. ⊠ Cross sections. ⊠ Roof plan. □ Master Plan/Framework Plan. ⊠ Landscape plan. ⊠ Photographs and/or photomontages. □ Other.
If Other, please specify: * (Max 500 characters)
Provide copies of the following documents if applicable:
A copy of an Environmental Statement.* A Design Statement or Design and Access Statement.* A Flood Risk Assessment.* A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems).* Drainage/SUDS layout.* A Transport Assessment or Travel Plan Contaminated Land Assessment.* Habitat Survey.* A Processing Agreement.* Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

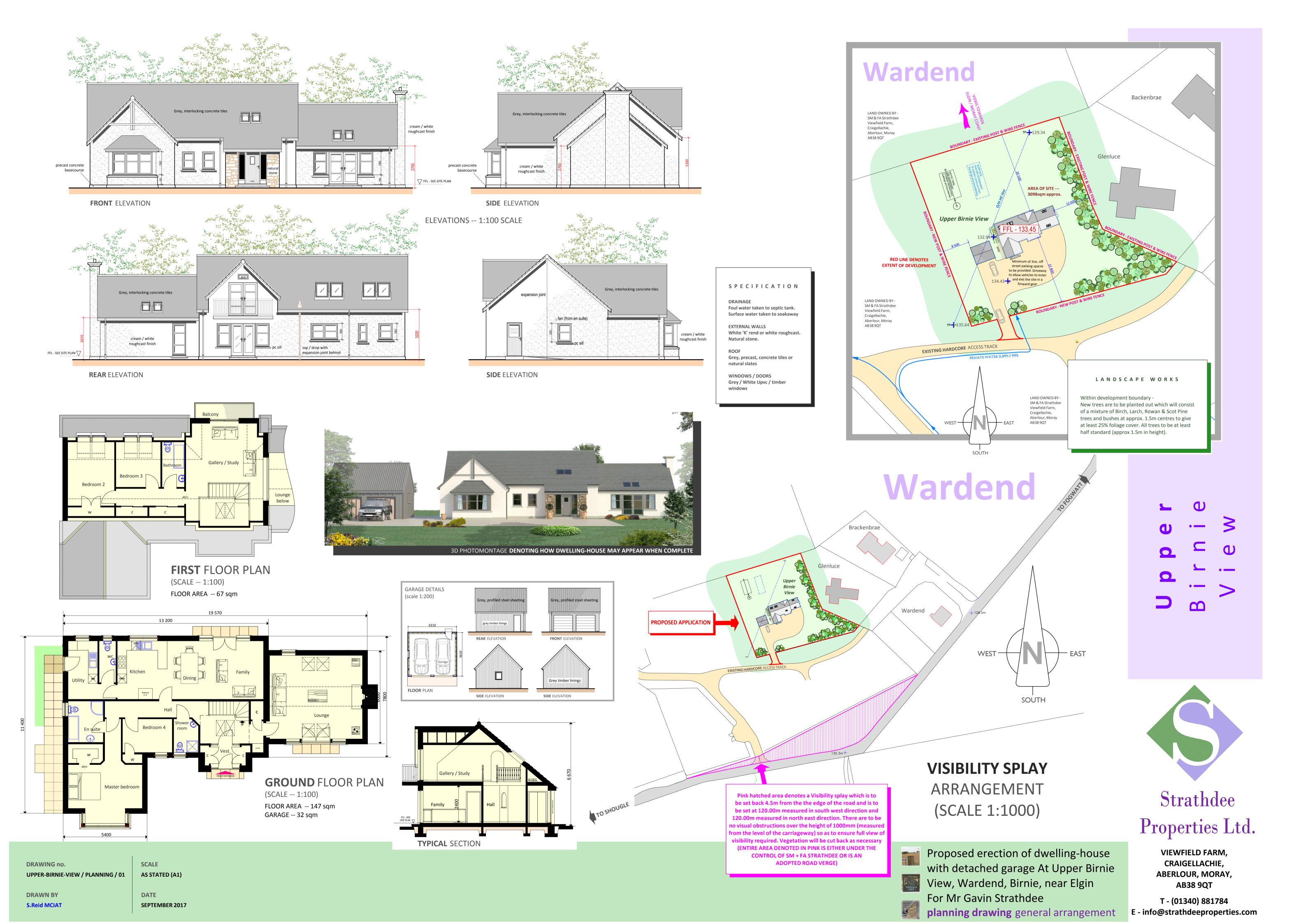
Declaration Name: Mr Stewart Reid

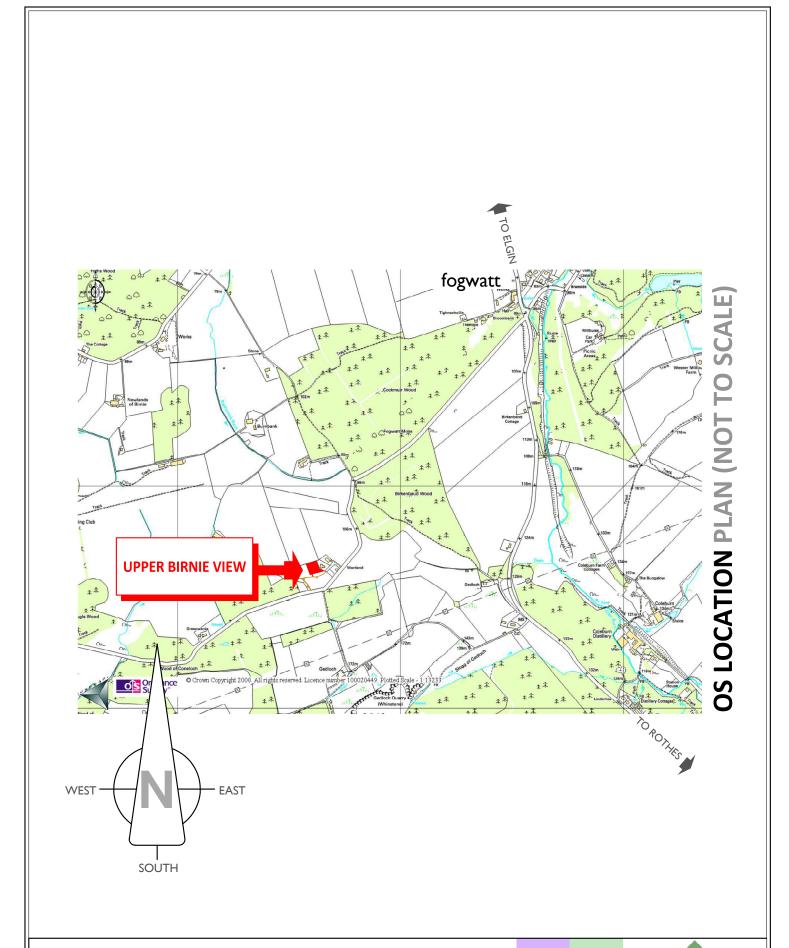
Declaration Date: 29/09/2017

Payment Details

Cheque: SM AND FA STRATHDEE, 100361

Created: 29/09/2017 14:38





Proposed erection of dwelling-house with detached garage At Upper Birnie View, Wardend, Birnie, near Elgin For Mr Gavin Strathdee

