



HHL Scotland

Chartered Town Planning &
Building Consultants

6 Cameron Crescent
Nairn
IV12 5DY

Tel. 01667 451334
Mob. 07743 221617
Email. admin@hhlscotland.co.uk
Web. hhlscotland.co.uk

LOCAL REVIEW BODY STATEMENT OF CASE TO SUPPORT

PROPOSED SINGLE DWELLING HOUSE AND GARAGE ON SITE WITHIN GROUNDS OF HILLWOOD CARRON ABERLOUR MORAY

APPELLANT.

MR RUARI WATT

COUNCIL PLANNING REF.

18/01495/PPP

DATE.

10 APRIL 2019

HHL SCOTLAND REF.

19012



HHL Scotland

Chartered Town Planning & Building Consultants

6 Cameron Crescent
Nairn
IV12 5DY

Tel. 01667 451334
Mob. 07743 221617
Email. admin@hhlscotland.co.uk
Web. hhlscotland.co.uk

CONTENTS

1.0	INTRODUCTION	PAGE 3
	BACKGROUND	PAGE 3
	PROPOSED DEVELOPMENT	PAGE 4
	CONSULTATIONS	PAGE 4
2.0	THE APPLICATION SITE	PAGE 5
3.0	PLANNING CONSIDERATION	PAGE 6
4.0	CONCLUSION	PAGE 10

APPENDIX

APPENDIX 1	COUNCIL DECISION NOTICE
APPENDIX 2	REPORT OF HANDLING
APPENDIX 3	APPLICATION DRAWING



1.0 INTRODUCTION

Background

- 1.1 This Local Review Statement of Case has been prepared by HHL Scotland Chartered Town Planning & Building Consultants to support a recently refused Planning Permission in Principle Application, proposing the erection of a single house and garage within the grounds of 'Hillwood' Carron, Aberlour Moray
- 1.2 The planning application was validated on 27th November 2018 and was refused on 22nd January 2019 under delegated powers (Decision Notice – Document 1). This Review has been prepared and lodged within the statutory 3months period from the date of the decision notice.
- 1.3 The application was refused for the following reason:

The proposal would be contrary to policies PP1, E7, H7 & 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:

The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage (Ashgrove Cottage), but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.



HHL Scotland

Chartered Town Planning & Building Consultants

6 Cameron Crescent
Nairn
IV12 5DY

Tel. 01667 451334
Mob. 07743 221617
Email. admin@hhlscotland.co.uk
Web. hhlscotland.co.uk

And after due consideration, the appellant has decided to seek a Review of the decision by the Council Review Body and the following Statement of Case and attached documents constitutes the appellants submission.

Proposed Development

- 1.4 This 'Planning Permission in principle' application seeks to erect a simple 'T-shaped' house and detached garage on a roughly rectangular shaped site. The indicative plans demonstrate that the house would face down the slope in the same orientation as the adjacent properties (Ashgrove Cottage & Speyburn Cottage)
- 1.5 As the application is in 'principle', full details of the house floor levels are not included as part of the submission. Nevertheless, the indicative drawings demonstrate that the land immediately behind the property continue to rise and is heavily wooded thereby providing an immediate substantial backdrop to the site.

Consultations / Representations

- 1.7 As is the norm with this type of application, the Appointed Officer sought consultations from various statutory and non-statutory bodies, including:
- Council Transportation Manager – Raised no objections to the proposal. The site is also large enough to accommodate the required parking and turning provision.
 - Scottish Water – No objection
 - Council Environmental Health Manger – No objection
 - Council Contaminated Land Manager – no objection.
 - Planning and Development Obligations – Financial contribution sought towards a health care provision. Which the appellant is content to settle at the appropriate time.
- 1.8 In addition, the statutory neighbour notification and advertisement processes were followed, with the application being advertised in the local press. Representation was received from one property. All of which are dealt with within the Appointed Officer Report of Handling/Statement of Case below.



2.0 THE APPLICATION SITE

- 2.1 The Review site is currently rough agricultural ground, which sits adjacent to Ashgrove Cottage on the approximate 124m contour, the ground immediately beyond (to the northern) rises in height to the summit of 'Monahoudie Mossll' at 202m in height. With a mature forestry plantation running from approximately the 130m contour up to the summit.
- 2.2 The site is accessed via a private road, which the appellant has the full right of access over. The Council Transportation Section has confirmed that this access will provide a safe and secure access to the public road network.
- 2.3 The existing settlement pattern has developed in recent years with a number of new house approvals within the locale, along with the existing traditional properties. Two of these new houses have been built whilst a third has an extant permission.
- 2.4 To the south of the site lies the Speyside Way, which along this section is lined by mature trees providing an attractive walk and limiting views to the appeal site.



3.0 PLANNING CONSIDERATION

- 3.1 Section 25 of the Town & Country Planning (Scotland) 1997 Act (as amended) advises that planning applications are required to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 The development plan in relation to this Review is noted as being the 'Moray Local Development Plan 2015' (MLDP), with the salient policy being 'Policy H7: New Housing in the Open Countryside'.
- 3.3 This policy '**...assumes in favour...**' of new housing applications on the proviso that a number of 'Siting' & 'Design' considerations are met. As this development is in 'principle' only the Siting Criteria are relevant, these are as follows:
1. The proposal reflects the traditional settlement pattern of the locale, it is sensitively sited and uses natural backdrops to integrate the development.
 2. The proposal does not detract from the character or setting of existing buildings or surrounding uses.
 3. It does not result/or contribute to a build-up of residential development in an area which has seen 'significant' growth of the number of houses, which thereby changes the character of the area.
 4. The site must have 50% boundary definition with long established boundaries, including, stone dykes and woodlands.
- 3.4 In terms of this Review, the most important consideration of these are points 1 - 3; as the Appointed Officer has suggested that this area has a build up of properties to the detriment of the rural area.
- 3.5 The Council has prepared Supplementary Guidance on the 'Landscape and Visual Impacts of Cumulative Build-Up of Houses In The Countryside'. This document outlines a number of 'Siting' Indicators to help identify where a



build up of houses might become unacceptable. These indicators are as follows:

- *The number of new houses overwhelms the presence of older buildings, such that the new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive.*
- *The incidence and inter-visibility of new houses result in these being a major characteristic of the landscape. There is a prominence of new houses from key viewpoints such as roads, adopted core paths or long distance paths and existing settlements.*
- *There are sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site. The proposal contributes to ribbon development between existing/consented houses contrary to the traditional dispersed settlement pattern.*

3.6 Considering each in turn the appellant contends the following: The first indicator refers to the number of new houses 'overwhelming' the presence of older buildings and the traditional settlement pattern being lost. Considering this Indicator in relation to the overall Supplementary Guidance, the document specifically refers to the build-up of houses within the last 10 years and highlights various 'hotspots' of build up of properties and uses a 'traffic light' system to identify areas where unacceptable build up has occurred and thus protecting these areas against further development.

3.7 The Review site is not located in any of the 'hotspots' and the traffic light system shows that 5-12houses is considered green (an acceptable build up), 13-31 houses is amber



(unacceptable build up being established) and 32-44 houses is red (detrimental build up).

- 3.8 In this instance in the last 17 years only 3 other houses have been approved (2002, 2007 & 2015). The ones approved in 2002 and 2007 have now been built and as these were approved and built over 10 years ago and under different Local Plan Policies, these are considered to be outwith the spirit of the Supplementary Guidance document, as the Document specifically refers to '...The rate of growth of new housing in the countryside in the last 10 years has been significant in Moray...' (Page 1 Introduction)
- 3.9 Corollary, only one single house has been approved in the immediate vicinity within the last 10 years and this property has yet to be built. The appellant therefore asserts that this area doesn't even register on the Council 'traffic light' system controlling detrimental build up.
- 3.10 Therefore, the appellant believes the traditional character has not been overwhelmed, nor has a concentrated development created a suburban cul-de-sac, both of which are specifically defined in the guidance. As such, this proposal satisfies Indicator 1.
- 3.11 Moving onto the second, this indicator highlights damage houses being visible from 'Key Viewpoints' including roads, long distance footpaths and other settlements could create. As the site is removed from any major or more local roads and is instead access via a private road, the site is not prominent in this regard.
- 3.12 As mentioned previously, the Speyside Way runs to the south of the site this long-distance footpath is a major tourist path within Moray and follows (at this location) a former rail line. This path sits lower than the appeal site (on the 110m contour) and is tree lined with mature species along its length, this wooded nature, coupled with the site sitting higher than the path, adequately screens the site from occasional view, thereby the appellant asserts the site is not overly prominent.



- 3.13 Furthermore, given the site location, it would not be visible from any other settlements and therefore, taking all the above into consideration, the appellant again believes his proposal satisfies Indicator 2.
- 3.14 Finally, with regards to Indicator 3, as previously noted the site is removed from any public roads and is instead accessed via a private road. Given this the house would not be viewed by road users. Nor would the development create ribbon development.
- 3.15 Consequently, this proposal also does not contravene the final indicator.
- 3.16 As the above has demonstrated that the development will not result in a residential build-up and the traditional residential character of the locale has not suffered detrimentally, the appellant asserts that this Review complies with the strands 1-3 of policy 'Policy H7 (New Housing in the Open Countryside).
- 3.17 The remaining strand of this policy states that the site should have 50% of its boundaries defined with long established boundaries, including, stone dykes and woodlands. In this instance, the eastern boundary is defined by the residential curtilage of Ashgrove Cottage, whilst the northern boundary by a long-established access roadway. Consequentially, the application site therefore deemed to comply with this final strand.
- 3.18 In concluding, as policy H7 '**...assumes in favour...**' of all housing developments in this locale and as the above has demonstrated that the detailed siting criteria has been fulfilled, the appellant asserts that this proposal is acceptable in this regard and looks forward to this being accepted by the Review Board.
- 3.19 Finally, in terms of the design and detailed house siting on site, as these would be subject to a 'reserved matters application', my client would be content to acceptable any conditions the Board felt necessary in this regard.



HHL Scotland

Chartered Town Planning & Building Consultants

6 Cameron Crescent
Nairn
IV12 5DY

Tel. 01667 451334
Mob. 07743 221617
Email. admin@hhlscotland.co.uk
Web. hhlscotland.co.uk

4.0 CONCLUSION

4.1 In concluding, based on all the above and the enclosed documents, the appellant believes that their proposal represents an acceptable form of development and, as such, respectfully asks the Review Body to uphold this Review.

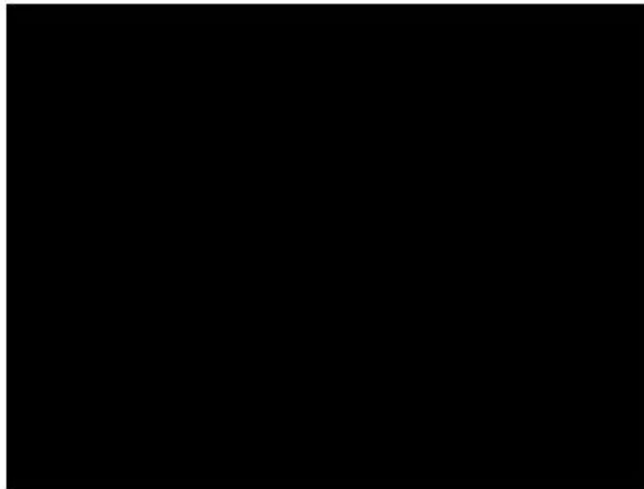


MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet]
Planning Permission in Principle

TO



With reference to your application for planning permission in principle under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron Aberlour Moray

and for the reason(s) set out in the attached schedule.

Date of Notice: 22 January 2019



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

By this Notice, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal would be contrary to policies PP1, E7, H7 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:

The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage (Ashgrove Cottage), but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference	Version	Title
LP1/1		
RW1/1		Site plan

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

DETAILS OF MATTERS SPECIFIED IN CONDITIONS

Approval, consent or agreement has been GRANTED for the following matter(s):-

The matter(s) was/were specified in conditions imposed on the earlier grant of planning permission:-

N/A

**NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scot/eplanningClient

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

REPORT OF HANDLING

Ref No:	18/01495/PPP	Officer:	Iain T Drummond
Proposal Description/ Address	Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron Aberlour Moray		
Date:	22/01/19	Typist Initials:	FJA

RECOMMENDATION

Approve, without or with condition(s) listed below	N	
Refuse, subject to reason(s) listed below	Y	
Legal Agreement required e.g. S,75	N	
Notification to Scottish Ministers/Historic Scotland	N	
Hearing requirements	Departure	N
	Pre-determination	N

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	05/12/18	No objections
Contaminated Land	05/12/18	No objections
Transportation Manager	05/12/18	No objections subject to conditions and informatives
Scottish Water	04/12/18	No objections
Planning And Development Obligations	30/11/18	Contribution sought towards

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP1: Sustainable Economic Growth	Y	
H7: New Housing in the Open Countryside	Y	
E7: AGLV and impacts on wider landscape	Y	
EP5: Sustainable Urban Drainage Systems	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
T2: Provision of Access	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	N	
IMP3: Developer Obligations	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received – ten separate representations from one party		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: The application form refers to the site as scrub land however it is agricultural land.</p> <p>Comments (PO): Local Development Plan policy allows for change of use of agricultural land for residential purposes, where proposals are compliant with Local Development Plan policy in all other regards, however, as outlined in the observations section of this report, this application is not considered to comply with policy and is recommended for refusal on this basis.</p>		
<p>Issue: This is the fifth house proposed in this location. Houses 1 and 2 are built. House 3 refused. House 4 looking to renew application. Now house 5 by the same applicant as House 4 and next door. The open ground aspect of the landscape is destroyed by both houses 4 and 5. Why does the applicant need 2 houses? This can only be for the purpose of selling the sites.</p> <p>Comments (PO): Applications for new houses in the countryside must be considered in accordance with Local development Plan policy, where, need or eventual ownership of sites is not a material planning consideration. The build-up of development in this locality is considered in the observations section of this report where it is concluded that the proposal will result in an unacceptable impact on the character of the surrounding area.</p>		
<p>Issue: The proposal, when considered in conjunction with neighbouring existing houses and approved plot, will result in a cul de sac layout, which is not compliant with Local development Plan policy for rural development.</p> <p>Comments (PO): The application is being refused on this basis as outlined in the observations section of this report.</p>		
<p>Issue: Adverse impact on privacy levels</p> <p>Comments (PO): As this application is in principle there are no detailed design of the proposed house under consideration, however, it is potentially possible to accommodate a house on this site without resulting in an unacceptable privacy impact on the neighbouring houses and as such this issue does not form a reason for refusal of this application.</p>		
<p>Issue: The existing access road is substandard to support the proposed house or neighbouring approved house site.</p> <p>Comments (PO): The transportation service has confirmed that they have no objection to the approval of the application. The access serving the site is a private road and therefore its condition and any repairs required following development is a private legal matter to be resolved between the parties who are responsible for the maintenance of the road and is not a material planning consideration that can be taken into account in the determination of this application.</p>		
<p>Issue: There is a history of refused planning application within the area surrounding the site.</p> <p>Comments (PO): Each planning application must be considered on its own merits and in accordance with the Local development Plan policy at that time and no precedent should be taken from nearby recent decisions.</p>		
<p>Issue: In the guidance for the LDP it refers to the 'value of the Moray countryside being of the utmost importance'. The proposed site along with neighbouring houses and approved site 'contributes to the gradual erosion' (taken from the guidance) of the countryside. Today 11 years on, the orientation and position of house 2 would be questionable under today's guidelines.</p> <p>From the guidance: A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area (e.g. open appearance or ambience).</p>		

This applies to the proposed development when considered in conjunction with the neighbouring housing and approved house site.

From the extract for Policy H7 of the guidance for the LDP:

'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,'

This application significantly impacts the rural character of the area.

Three house applications adding to the two recently built in the open countryside (house 4 - 18/01410/APP) is in the middle of the field and this application would demonstrate a growth of 300% in a very small land area.

Comments (PO): As outlined in the observations section of this report, the build-up, density and dominance of development in this locality is the reason that this application is being recommended for refusal.

Issue: From the extract for Policy H7 of the guidance for the LDP:

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;

This application is not:

- sensitively integrated

and does not:

- use natural backdrops

The site is:

- clearly visible from the road out from the village

- an obtrusive development.

Comments (PO): Although unacceptable in cumulative terms when considered in conjunction with the neighbouring houses and approved plot, individually, the proposed house is not considered to represent obtrusive development, in that it would be generally viewed against a mature wooded natural backdrop and although it would be visible in the landscape it is not considered to constitute obtrusive development when assessed in isolation.

Issue: From the extract for Policy H7 of the guidance for the LDP:

'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;'

This application for house 5 substantially detracts from the character of existing buildings. The nearest building (less than one metre from the proposed boundary) is a one bedroom single storey cottage in stone and slate built in 1864.

Comments (PO): As outlined in the observations section of this report the application is being refused on the basis of the dominant impact on the adjacent traditional cottage.

Issue: From the extract for Policy H7 of the guidance for the LDP:

'At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, watercourses, woodlands, tracks and roadways).' The boundary between Ashgrove Cottage and the sheds in the application could not be considered a long established boundary. For this application 0% of the site boundaries are long established.

Comments (PO): The curtilage of the adjacent existing houses is sufficient to provide 50% boundary enclosure as specified by policy and therefore the proposal is considered compliant in this regard

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks planning permission in principle for the erection of a dwellinghouse on a site at Hillwood, Carron.

The Site

The site lies to the south west of Hillwood and immediately to the east of Ashgrove Cottage. Planning permission has recently been renewed for the erection of a house immediately to the east of the site 18/01410/APP, this permission was a renewal of a previous consent granted in 15/02012/APP.

The site comprises an area of agricultural field, which along with the surrounding landscape is designated within the Moray Local Development Plan as an Area of Great landscape Value (AGLV). The Speyside way also runs to the south of the site.

Appraisal

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

Siting and Impact upon Landscape Character

(MLDP 2015 Policies PP1, E7, H7 and IMP1, Supplementary Guidance: 'Housing in the Countryside' MLDP 2015, Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside 2017)

Policy E7: The site lies within an area of the countryside designated in the Local Development Plan for its Great Landscape Value, where there is a presumption against development which would have an adverse effect on the character of the surrounding area and where the highest standard of siting is required.

Policy H7: New Housing in Open Countryside of the Moray Local Development Plan 2015 contains the necessary criteria for assessing new rural housing in the countryside; these include the requirement that new sites

- a) should reflect the traditional settlement pattern of the locality and integrate sensitively with the surrounding landform (i.e. not be obtrusive),
- b) not detract from the character or setting of existing buildings, or their surrounding area,
- c) not contribute to a build-up of development which changes the character of the area (with particular attention being given to proposals where there has been a significant growth in the number of house applications) and
- d) have at least 50% established boundaries.

The policy also contains site-specific criteria requiring at least 25% of plot areas to be planted with trees and design criteria to ensure a satisfactory form of traditional design.

Policy IMP1: Development Requirements seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape. Policy PP1 advocates sustainable economic growth that protects the natural and built environment.

Associated Supplementary Guidance 'Housing in the Countryside' (Moray Local Development Plan 2015) provides relevant advice (pages 13 to 14) in relation to the issue of cumulative build-up of housing which is pertinent to the current application. This states inter alia that, "...A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area (e.g. open appearance or ambience). For example, successive applications for houses in the corner of fields within a dispersed pattern of settlement may be considered to detrimentally alter the character of the locality. Whilst this may reflect the dispersed pattern of settlement the volume of new houses may impact on the open appearance and tranquil qualities of the rural area."

A further guidance note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside was approved by the Planning and Regulatory Services Committee on the 15 August 2017, which identifies hotspots where cumulative build up is prevalent and outlines indicators where

build-up may be present out with these specific hot spots.

In this case the site is bounded to the north by two relatively modern houses and a traditional cottage to the west and an approved house site to the east. The adjacent house plot was originally determined prior to the council's adoption of guidance for the consideration of build up of new housing development in the countryside and the consents subsequent renewal took into account that there was already an extant planning permission granted on the site which could have been implemented. In this case however, there is no such previous planning permission in place.

The proposed site does not lie within any specific build up hot spot, however, there are three existing houses (2 of which are relatively modern) and a further house plot all of which bound this site and as such the build-up of development in this locality is a key consideration of this application.

There are 7 cumulative build-up indicators identified within the guidance which should be used when sites do not lie within the specific hot spots. These are as follows,

siting indicators

- The number of new houses overwhelms the presence of older buildings, such that the new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive.
- The incidence and inter-visibility of new houses result in these being a major characteristic of the landscape. There is a prominence of new houses from key viewpoints such as roads, adopted core paths or long distance paths and existing settlements.
- There are sequential visual effects of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site. The proposal contributes to ribbon development between existing/consented houses contrary to the traditional dispersed settlement pattern.

design indicators

- In order to serve numerous new house plots in any given area, commonly suburban style features are required, such as accesses built to adoptable standards (rather than gravel tracks) and large bin storage areas at the end of tracks. These features erode the rural character of an area.
- The larger scale of new houses contrasts to generally smaller size of older building, cottages and farms results in the development being out of keeping and incongruous within the rural setting.
- There are numerous incidences of open prominent elevations that are visible in the landscape and are orientated for views and in contrast to traditional settlement pattern.
- A new architectural design is prevalent which has overwhelmed the older vernacular style.

With regard to the above indicators the two adjacent relatively modern houses and further approved house plot together result in a relatively dominant impact on the existing traditional Ashgrove Cottage. The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage, but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

For the avoidance of doubt the design indicators are not applicable as this application is in principle and therefore the detailed design of the house is not being considered at this stage.

Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies PP1, E7, 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.

Although the proposal is potentially capable of satisfying policy criteria in relation to boundary treatment, 25% tree planting and house design, these aspects do not override the main policy objection concerning an unacceptable build-up of housing and its associated impact upon the rural character of this particular location.

Access/Parking (T2 and T5)

Following consultation the Transportation Section has raised no objection to the proposal subject to conditions and informatives.

Water Supply and Drainage (EP4, EP10 and IMP1)

Proposed drainage arrangements comprising private septic tank/soakaway and surface water soakaway would satisfy policy EP10 and IMP1. Final details would be addressed under the Building Regulations and had the application been recommended for approval, informative advice in this regard would have been attached to the decision notice.

Scottish water has no objection to the use of the proposed water supply.

Developer Obligations (IMP3)

An assessment has been carried out and a contribution has been identified towards healthcare, which the applicant has agreed to pay in the event of approval being given.

Recommendation

The proposed development is unacceptable in this location, fails to comply with development plan policy and is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

HISTORY

Reference No.	Description		
	Decision		Date Of Decision

ADVERT

Advert Fee paid?	N/A		
Local Newspaper	Reason for Advert	Date of expiry	

DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
---------------	--------------------

DOCUMENTS, ASSESSMENTS etc. *
 * Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc

Supporting information submitted with application?		NO
--	--	----

Summary of main issues raised in each statement/assessment/report

Document Name:

Main Issues:

S.75 AGREEMENT

Application subject to S.75 Agreement		NO
---------------------------------------	--	----

Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)

Section 30	Relating to EIA		NO
------------	-----------------	--	----

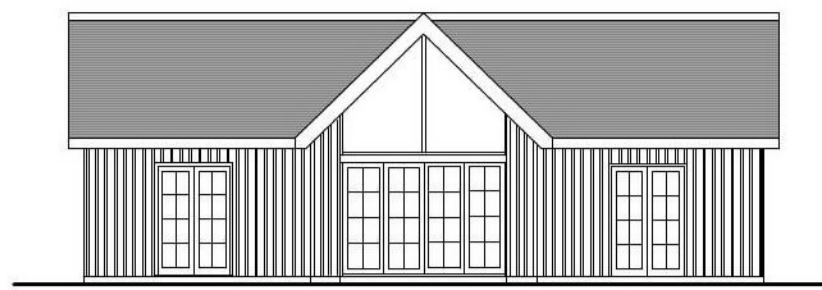
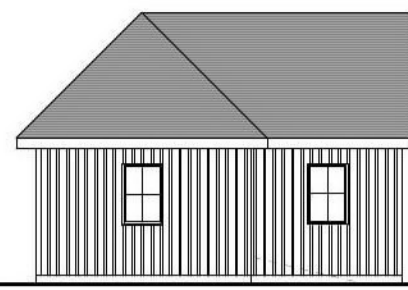
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
------------	---	--	----

Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
------------	--	--	----

Summary of Direction(s)

No works to commence on site until Planning and or Building Warrant Approvals are received. Contractors must visit the site and check site dimensions, roof pitches etc and familiarise themselves prior to ordering and manufacturing components and materials. Do not scale the drawings. These are not Construction Drawings.

Slated roof with larch or cedar cladding dark grey colour, dark grey window and door frames.



INDICTATIVE ELEVATIONS OF POSSIBLE HOUSE STYLE

Town & Country Planning (Scotland) Act, 1997 as amended

REFUSED

22 January 2019

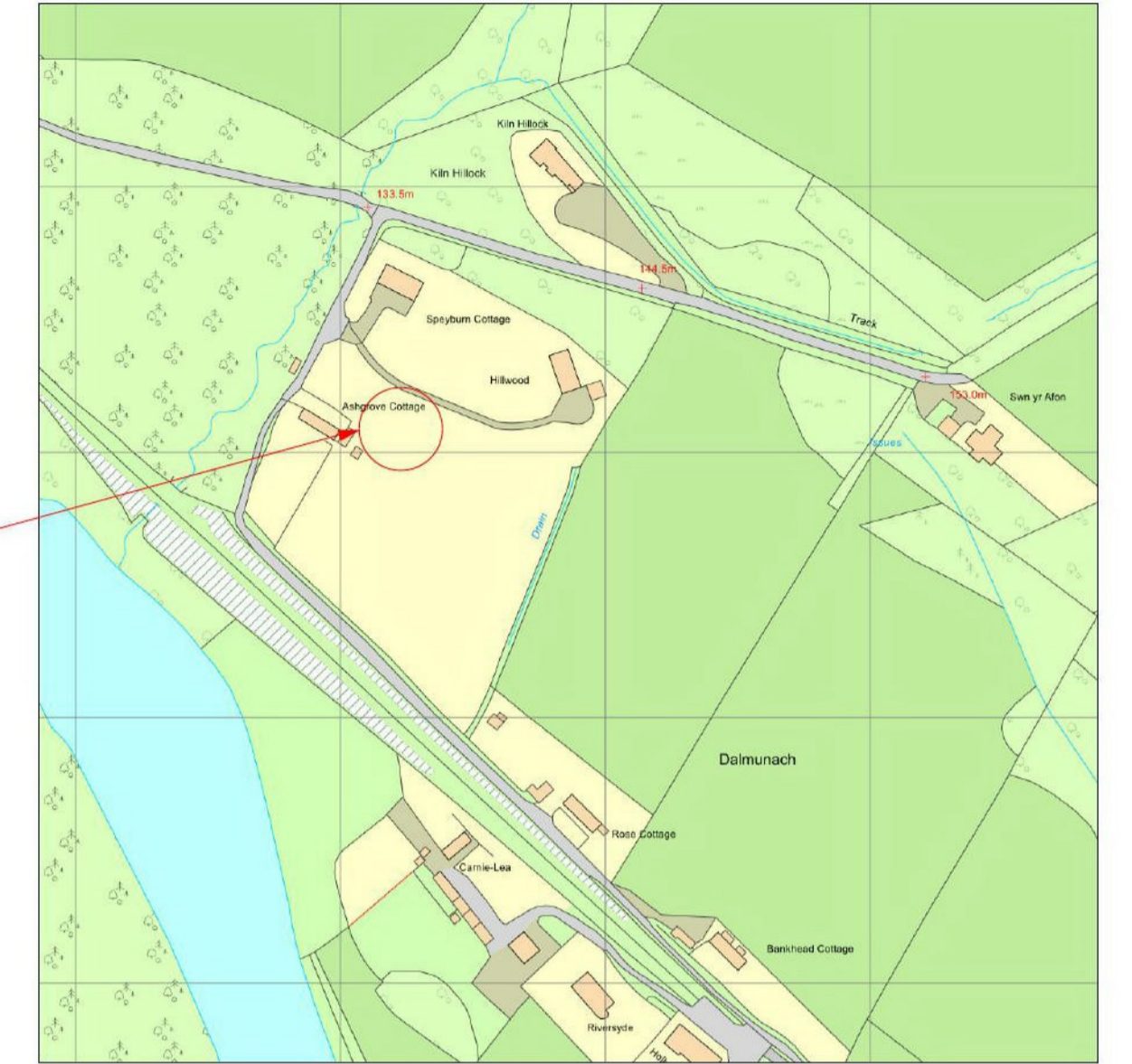
Development Management
Environmental Services
The Moray Council



Photograph of plot looking South



SITE PLAN 1:1000



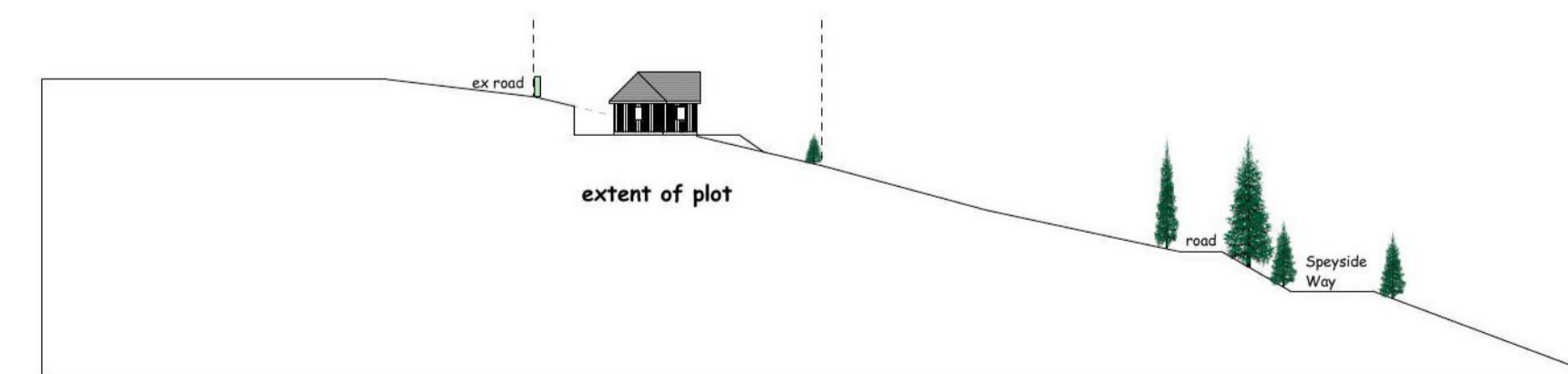
LOCATION PLAN 1:10,000



Photograph of Hillwood access track looking West with plot access



Photograph of access track looking West



CROSS SECTION AT PLOT

Proposed PPP for house plot at Hillwood, Carron AB38 7QP

October 2018

Drwg. RW1/1 scale. as noted
Rev :

IH Designs (Moray)
12 Councillors Walk, Forres IV36 1HA
Tel : 01309 674368
Email : ian54holmes@hotmail.co.uk
Web : www.ihdesignsmoray.co.uk