

Issue 4	Rural Housing	
Development plan reference:	Development Policy DP4 Rural Housing (Volume 1, pages 44-52)	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>Robertson Group (8)</p> <p>Royal Society for the Protection of Birds Scotland (285)</p> <p>Dr Janet Trythall (404)</p> <p>Homes for Scotland (1035)</p> <p>Phil Mowat (1806)</p> <p>Woodland Trust Scotland (1818)</p> <p>Neil Grant (1860)</p> <p>Mr and Mrs Robert Ince (2006)</p> <p>Dougie Fraser (2221)</p> <p>Grant Russell (2228)</p> <p>John Wills (2229)</p> <p>Nicola Fraser (2230)</p>		
Provision of the development plan to which the issue relates:	Development Policy DP4 Rural Housing	
Planning authority's summary of the representation(s):		
<p><b>Restrictive Nature of Policy</b></p> <p><u>Robertson Group (8/3/5)</u></p> <p>The policy is very restrictive to smaller developments, rural housing in appropriate locations should be supported.</p> <p><u>Dougie Fraser (2221/1/1)</u></p> <p>The proposed amendment to the rural housing policy is similar to moving the goalposts halfway through a game of football. How can people be expected to make plans, not knowing what changes are going to be coming forward? Rural housing proposals that are acceptable under the terms of the current Local Development Plan will not meet the terms</p>		

of this revised policy. This policy will impact on people with longer term plans to develop houses in the countryside.

#### Homes for Scotland (1035/9/7)

The policy is more restrictive than the current LDP and there are concerns over the negative impact this will have on the delivery of smaller scale development opportunities. DP4 will not encourage more small scale house builders to take up opportunities in Moray.

The policy is long and overly onerous, much of the detail could be removed allowing the policy text to be slimmed down, and the remainder added as guidance. More could be added to the policy to encourage the development of small scale sites which are appropriate to meet a defined need in these rural areas.

#### Phil Mowat (1806/2/001)

The policy restricting development in pressurised and sensitive areas does not allow any flexibility for individuals to build in gapped areas between villages and improve the standard of housing within these areas.

In the recent past building has been allowed within large garden areas, gap sites and village edges for more efficient and eco-friendly houses. The policy should allow for individual house developments within gap sites in rural areas. This representation is supported by mapping identifying a proposed site for housing.

### **Role of Rural Groupings**

#### Neil Grant (1860/3/3)

Recognise that directing new housing in the countryside to areas where existing services can be supported is in the wider public interest. There are however serious concerns regarding lack of effective housing land within groupings.

Aware that the vast majority of sites identified in rural groupings have historic issues and are not effective for other reasons. There needs to be more clarity provided on how these sites have been found to be effective and how this is monitored.

It is unlikely that much of the pressure for housing in the countryside will be absorbed by rural groups in the way envisaged in the plan. Request the Council support the small scale expansion of existing housing groups (not formally identified) in the countryside which respect the character, layout and building pattern of that group and maintain satisfactory levels of amenity. This approach will support the aims of guiding development to existing housing groups, enabling sensitive development in garden ground or infill sites whilst ensuring there is not a reliance solely on the effectiveness of land within each of the rural groupings.

This amendment would be sufficient to enable some limited extremely sensitive residential development in the countryside that cannot be expected to give rise to unsustainable growth and suburbanisation of the countryside.

### **New Houses in the Open Countryside**

Neil Grant (1860/3/3), Grant Russell (2228/1/1), John Wills (2229/1/1) and Nicola Fraser (2230/1/1)

There are several areas within the policy which could be refined but ultimately most of the policy is workable.

Strongly object to the requirement for 75% enclosure, containment and backdrop made up of existing landform, mature trees, established woodland or buildings. Request the percentage is reduced to 50% as prescribed in the existing Local Development Plan. The 25% percent increase inadvertently wipes out the potential for any new housing in the Moray countryside, except in the rarest circumstances. This requirement serves no purpose in promoting good siting over what the current 50% boundary enclosure criterion can achieve. The removal of field drains, ditches, burns and wire fencing, roads and tracks as suitable boundary treatments should serve to remove any prospect of housing which is poorly sited but meets the minimum requirements of the policy.

If the aim of the policy is to ensure a building has sufficient backdrop or enclosure to guard against inappropriate development in the countryside then the current policy approach has proven sufficient. There are examples of extremely well defined properties in the Moray countryside that would fail the proposed policy test.

If the aim of the policy is to eliminate the possibility of new housing in the countryside then it should not be accomplished through the prescription of an unachievable policy test. This is at odds with Scottish Planning Policy (SPP) and National Planning Framework (NPF) 3 and the objectives of the Proposed Plan itself.

In its current form the rural housing policy is unnecessarily restrictive and detracts from the ability of decision makers to make assessments based on the individual merits of an application.

### **Landscaping Requirements**

Woodland Trust Scotland (1818/2/15)

Welcome the addition that 15% native tree planting must be provided to help integrate a new house into the landscape setting. Provision could be improved by adding wording "At least 15%". Unsure how the figure of 15% was decided upon, and if the percentage is from the total of the trees to be planted, or the percentage of the land use to be occupied by trees. This should be clarified.

Royal Society for the Protection of Birds Scotland (285/10/4)

Planting trees adjacent to wader habitat can have a detrimental impact on the species by allowing predators to overlook nesting and brooding areas and should be avoided.

To address this in section (d) of New Houses in the Countryside bullet point 4 should be amended to add "unless this planting would negatively affect sensitive species or open habitats after "to integrate sensitively."

### **Design, Transportation and Social Interaction**

Mr and Mrs Robert Ince (2006/1/1)

Supportive of new policy. Hardly any houses being built conform to vernacular building style in design or scale, with large houses on plots too small in relation to house size. The number of new houses in the countryside has led to increased traffic and speeding and not created a sense of community.

### **Reuse and Replacement of Existing Buildings**

Dr Janet Trythall (404/4/9)

Existing farm buildings erected through prior notification process must not be used as an acceptable basis for new rural housing. Strongly support the siting, scale, boundaries etc. but they must be taken seriously by developers, planners and Council members.

### **Modifications sought by those submitting representations:**

#### **Restrictive Nature of the Policy**

Robertson Group (8/3/5)

Party not specific regarding change sought.

Dougie Fraser (2221/1/1)

Party not specific regarding change sought.

Homes for Scotland (1035/9/7)

Amend policy to remove detail and make this guidance instead. Promote opportunities for small scale housing development.

Phil Mowat (1806/2/1)

Amend policy to allow for individual house developments within gap sites in rural areas, specifically the land identified within the representation.

#### **Role of Rural Groupings**

Neil Grant (1860/3/3)

Amend policy to support the small scale expansion of existing housing groups not formally identified.

#### **New Houses in the Open Countryside**

Neil Grant (1860/3/3), Grant Russell (2228/1/1), John Wills (2229/1/1) and Nicola Fraser (2230/1/1)

Amend policy to reduce requirement for 75% enclosure, containment and backdrop to 50%.

#### **Landscaping Requirements**

Woodland Trust Scotland (1818/2/15)

Amend policy to require at least 15% native tree planting.

Royal Society for the Protection of Birds Scotland (285/10/4)

Amend policy to add “unless this planting would negatively affect sensitive species or open habitats” after to “integrate sensitively”.

**Design, Transportation and Social Interaction**

Mr and Mrs Robert Ince (2006/1/1)

No change sought.

**Reuse and Replacement of Existing Buildings**

Dr Janet Trythall (404/4/9)

No change sought.

**Summary of responses (including reasons) by planning authority:**

**Restrictive Nature of Policy**

Homes for Scotland (1035/9/7), Robertson Group (8/3/5), Dougie Fraser (2221/1/1)

Scottish Planning Policy (SPP) (CD53, pg. 21) seeks to promote a pattern of development that is appropriate to the character of an area, the challenges it faces and a policy approach tailored to local circumstances. Policies should protect against the growth of unsustainable car based commuting and the suburbanisation of the countryside and most new development should be guided to locations within or adjacent to settlements.

Rural Housing is identified as a key issue in the 2018 Main Issues Report (MIR). The Council prepared a Rural Housing Topic Paper (CD31) which highlights the issues with the current policy approach. The settlement hierarchy is not operating as intended, in particular in the rural context. The spatial strategy set out within the current LDP seeks to direct development to the main towns, smaller towns and villages, rural groupings and lastly to locations in the open countryside. What is actually happening, as evidenced in Table 1 below, is that there are more houses in the countryside completed each year, than houses built in all of the third tier settlements combined (this is all towns and villages with the exception of Elgin, Buckie, Forres, Keith and Lossiemouth).

Table 1 Average Annual House Completions across Development Hierarchy from 2009 - 2015

Elgin	146
Forres, Keith, Buckie and Lossiemouth	119
Aberlour, Alves, Archiestown, Burghead, Craigellachie, Cullen, Cummingston, Dallas, Dufftown, Duffus, Dyke, Findhorn,	34

Findochty, Fochabers, Garmouth, Hopeman, Kingston, Kinloss, Lhanbryde, Mosstodloch, Newmill, Portgordon, Portknockie, Rafford, Rothes, Rothiemay, Urquhart	
Rural Groupings	10
Houses in the Open Countryside	42

Other issues highlighted include cumulative build up, landscape impact and design quality. To address these issues a new policy approach has been formulated that seeks to reinforce a settlement hierarchy whereby housing in the open countryside is accommodating only a small proportion of rural housing development with the majority directed to identified rural groupings.

In order to achieve this, a more restrictive policy approach is being promoted in respect of new houses in the open countryside, however this is offset by the identification of new groupings with development opportunities in areas of high demand for rural housing and expansion of existing groupings. This approach is considered to continue to provide a variety of opportunities for small scale housing development in rural Moray.

The rural housing policy has been subject to extensive consultation during the preparation of the Main Issues Report and Proposed Plan. It is accepted that fewer sites will meet the criteria however this is considered necessary to improve the siting and design of new rural housing. This approach is not seen as having a negative impact on opportunities for rural housing but instead is directing development to the least environmentally sensitive areas and promoting a more sustainable pattern of growth.

No modification is proposed.

Phil Mowat (1806/2/1)

The site identified for development is located within a rural housing pressurised and sensitive area. These areas are made up of identified housing in the countryside hotspots, landscape designations including Special Landscape Areas (SLA's) and environmental designations including Natura and Ramsar sites. Due to landscape and visual impacts associated with build-up and environmental sensitivities, no new housing will be permitted within these areas.

The principle reason for this site being identified as sensitive is because of its location within the Burghead to Lossiemouth Special Landscape Area (SLA). The request to amend the Rural Housing policy to allow development in gap sites and specifically the site identified will not achieve the desired outcome as the site will still be within the SLA. Any residential development within the SLA is limited to appropriate extensions to or change of use of existing buildings. The identified site is currently located in the Coastal Protection Zone which will be superseded by the SLA, this designation is equally as restrictive in terms of new housing, so there is no real change in circumstance in this location.

It is noted that a separate representation has been made to Policy EP3 Special Landscape Areas and Landscape Character seeking the same amendment. On that basis it is more appropriate for this modification to be considered as part of the Schedule 4 for Issue 6 Environmental Policies, as it is ultimately the SLA policy that has led to the

identification of this land as a pressurised and sensitive area.

No modification is proposed.

### **Role of Rural Groupings**

Neil Grant (1860/3/3)

In recent years the role of rural groupings in the development hierarchy has been undermined by a permissive housing in the countryside policy, where it has been easy to obtain planning permission for individual houses in the countryside. The proposed policy seeks to reinforce the development hierarchy with rural groupings accommodating the majority of development, with new rural groupings identified at Birnie, Boat O Brig, Brodieshill, Buthill, Darklass, Mains of Inverugie, Miltonhill, Rafford Station and Templestones, some with planning consent, others developer led and one with a Masterplan.

These new groupings combined with existing groupings are considered sufficient to meet the majority of rural housing need and this approach is in keeping with SPP. This network of rural groupings with development opportunities has been subject to extensive consultation to ensure there are no technical issues preventing them from being developed. The incremental growth of clusters ( not formally identified) during a plan period was considered and discounted in favour of identifying new groupings with identified development opportunities in areas of high demand for rural housing. It also needs to be recognised that there are still a significant number of live consents for individual plots across Moray that will also contribute to meeting demand. As part of the monitoring of the Local Development Plan the implementation and effectiveness of the rural housing policy will be considered.

No modification is proposed.

### **New Houses in the Open Countryside**

Neil Grant (1860/3/3), Grant Russell (2228/1/1), John Wills (22291/1) and Nicola Fraser (2230/1/1)

The recognition that ultimately most of the policy is workable is welcomed. The policy has been formulated from an evidence base set out in the Rural Housing Topic Paper (CD31). It is accepted that the policy is lengthy but this is considered necessary to provide the level of detail required to deliver high quality development in the countryside. The 75% enclosure requirement was specifically developed to ensure sites are contained and can be absorbed into the landscape. It is considered that this cannot be achieved successfully with only 50% enclosure containment and backdrop.

The following illustration from the Proposed Plan provides an example of a house in the countryside that meets the 50% boundary requirement.





The amendment seeking a reduction to 50% enclosure would continue to allow insensitively sited houses that could have a detrimental visual and landscape impact. The Rural Housing Topic Paper (CD31, pg. 4, 5 & 6) highlights that in some areas significant change has occurred in the traditional settlement pattern and its setting. In some locations new houses are so numerous and prominent they have imposed a more suburban character in the countryside contrary to SPP.

It is accepted that the 75% requirement is a significant policy change and a more restrictive policy criteria, however it is contended that the policy is achievable. Policy testing has been undertaken to confirm there are sites capable of meeting the criteria, it is accepted that there will be fewer new houses deemed acceptable than is currently the case. This will support the policy aim to reinforce the settlement hierarchy and direct growth to towns and villages. As illustrated above at present proposals in the corner of a field with post and wire fencing on two boundaries with no substantial containment can be deemed acceptable. Compliance with the new policy will require fuller consideration of siting a house within the landscape taking account of immediately adjoining landform and features resulting in sensitively sited development.

No modification is proposed.

### **Landscaping Requirements**

Woodland Trust Scotland (1818/2/15), Royal Society for the Protection of Birds Scotland (285/10/4)

The landscaping requirements aim to assist new houses to integrate sensitively. The requirement for 15% of the plot to be planted is a decrease from the current policy which stipulates 25%. The decision to reduce the planting requirement is based upon the more stringent siting requirements meaning less landscaping should be required to help screen and soften development. On this basis it is not considered necessary to amend the requirement to state at least 15%.

It is considered that the policy is clear in its intention that it is 15% of the entire plot that requires to be planted and no further clarification is required. The additional text



requested to avoid the negative impact of tree planting on sensitive species and open habitats is not supported. Policy EP2 Biodiversity in the Proposed Plan applies to all development and requires development proposals to retain, protect and enhance features of biological interest. Scottish Natural Heritage and other consultees are able to provide specialist input at planning application stage if there are any specific site issues that require to be addressed.

No modification is proposed.

### **Design, Transportation and Social Interaction**

Mr and Mrs Robert Ince (2006/1/1)

Supportive comments are noted. The rural housing policy seeks to promote high quality rural design and address issues in relation to scale and massing of buildings. The transportation implications of each proposal are considered as part of the detailed planning application process. The policy aims to create a sustainable network of rural groupings with development opportunities that can assist in creating opportunities for social interaction.

No modification is proposed.

### **Reuse and Replacement of Existing Buildings**

Janet Trythall (404/4/9)

The Reuse and Replacement policy only applies to traditional stone and slate buildings. It is unlikely that this type of building would be constructed as part of the agricultural prior notification process.

No modification is proposed.

### **Reporter's conclusions:**

### **Reporter's recommendations:**