



**Town and Country Planning (Scotland) Act 1997
as amended**

**Appeal against refusal of Planning Permission for the
Erection of dwellinghouse and garage at The Maltings, Adjacent to
Cairnvonie Farm, Archiestown**

(Planning Ref: 19/00318/APP)

by Moray Council ("the Council")

For: Mr & Mrs Whitecross ("the Appellant")

■ **Karine Suller B.Sc, M.Sc, MRTPI**
Scoutbog Steading, Oldmeldrum
Aberdeenshire AB51 0BH

Telephone: 07742 613 598
karine@sullerandclark.com

■ **Karen Clark B.Sc (Hons), MRTPI**
Mayriggs, 69 Brechin Road
Kirriemuir DD8 4DE

Mob: 07930 566 336
karen@sullerandclark.com

Background

An application for Planning Permission was submitted and validated on 22 March 2019 and refused by Moray Council on 10 May 2019.

The planning application sought Planning Permission for the Erection of a Dwellinghouse and garage at The Maltings, adjacent to Cairnvonie Farm, Archiestown.

The Appellant wishes to Appeal against the refusal of this permission.

The Decision Notice reads:

“The proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the proposal would contribute to an inappropriate build-up of development that would be detrimental to the rural character of the surrounding area, contrary to Policy H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance in Housing in the Countryside.

This is further supported by the Moray Local Development Plan Supplementary Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside, whereby the site is located in an area where a build-up of housing (built and consented) is considered to have an adverse impact on the character of the surrounding rural area. The development of a house on this site would further exacerbate this.

Whilst limited weighting is given to it, the proposal is also contrary to the Proposed Moray Local Development Plan 2020 - policies DP1 (Developer Requirements) and DP4 (Rural Housing).”

Grounds of Appeal

The Appeal will focus on three issues:

- The appellant accepts the need for developer obligations and would pay this contribution should the application be successful
- The appellants personal circumstances which require a house at this location
- That due to the location of the appeal site, the rural character of the area is not compromised and the surrounding rural landscape can incorporate this additional house.

1. Developer Requirements.

The appeal raised the issue of Developer Obligations to mitigate the impact on healthcare (reconfiguration of Aberlour Health Centre and an additional dental chair). It is noted in the Report of Handling that

“As this application has been recommended for refusal, these obligations were not pursued,.....”

Response - The appellant confirms his acceptance of this principle and agrees to the payment should the appeal be successful.

1. The appellants personal circumstances.

The appellants wish to build on a site which they own and on which they keep their much-loved horses. They live and work locally as a local assistant distillery manager and a council employee with their young family well settled into local nursery and schools.

Whilst currently living in distillery owned property, this does not provide sufficient space, is too far removed from the horses and provides no security for the future. They have attempted to buy housing locally, but run into legal and technical difficulties, hence the need to consider their own land, which was always only intended for horse grazing and now only for a well-considered and sensitively designed family home. We note that there were no public representations made at the time of the application.

Response - Their circumstances are set out in the accompanying letter. In addition, there is support for rural housing to meet the needs of local residents from the Scottish Government. PAN 72 Housing in the Countryside seeks to provide widespread good quality rural housing. The document recognises that more people want to live and work in rural areas. The PAN seeks to ensure that potential sites are accessible and well designed. Further, PAN 73 Rural Diversification the Scottish Government confirms its commitment to supporting rural life, rural communities and the rural economy. **The PAN recognises that** a one size does not fit all and a flexible approach is often required, the document confirms

“It should also be recognised that new housing in rural areas can play an important part in wider economic regeneration and environmental renewal especially in remote areas. The provision of appropriately located, well designed homes, suitable for a range of incomes can help to stem depopulation, keep young people and skills in the area and help to attract new people and entrepreneurs.”

Recently the Scottish Government & UK Government agreed a new £65 million Moray growth deal to help economic growth in Moray. Cabinet Office Minister David Lidington was quoted to say:

“This transformative package of support will boost the region’s economy by helping to attract and retain people to live and work in the area”

2. The rural character of the area.

The area is characterised by open agricultural land with large pockets of forestry plantation. The village of Archiestown lies to the west, the hamlet of Robertstown to the south, with the B9102 road linking the two to the south and running in an east-west direction. Archiestown is characterised by its rectangular and linear form, formed at the intersection of the B9102 road and Moss Street which runs north-south, with the village having expanded eastwards over time. The eastern edge of the village is marked by the burn at the Bridge of Burnroy. The hamlet is Robertstown, quite separate from Archiestown is characterised by three roadside properties, with a further property to the east, Cairnvonie.

The development is proposed to the north (rear) of Kalithea, utilising grazing land which the family own and on which they keep their horses, with the area characterised by a ménage and stables, which already bring activity to the site. Although the properties at Robertstown are described as road-side, each are set well back from the road frontage. By virtue of their landscaping and setting, only glimpsed long distance views of the new development would be possible, and these are only from the east. There are no views into the site from the west from the road by virtue of the landscaping provided by the three properties, to the west, these being Newlands, Old Croft and Kalithea

See photographs below:



View of site from East, from B9102 road.



Close-up of same view to appeal site.

In considering the appeal, it should be noted that all technical matters were satisfactorily resolved, no objections were received to the application, and no issues were raised with regards, layout, siting and design, with the Report of Handling noting:

“.....the design of the house itself is suitable for the rural location.....”

Planning History

This site has not been the subject of any previous planning applications.

Site description

The appeal site is a small area of grazing directly behind (to the north) of the Property Kalithea, a double gabled modern property, which faces on to the road (the B9102) to the south, set back in generous gardens. The site lies within the cluster of 4 properties which comprise the hamlet of Robertstown and comprise 3 traditional properties: Cairnvoonie, Oldcroft and Newlands, with the newer build property Kalithea. The site is used by the family for keeping horses and there is a ménage on site with small store/stable, so that the area is characterised by activity. Access would be taken to the site utilising an existing access and no objections have been received from the Roads Service.

Proposed development

The appeal seeks planning permission for the erection of a single house and garage to meet the needs of a local family. The applicants live and work within the area and support the local services and facilities. The house would be one and a half storey with traditional proportions and features including dormer windows in the roof. The incorporation of traditional materials such as natural slate finish, timber linings in

certain areas and locally sourced reclaimed sandstone to the main front elevation will give a clean, crisp contemporary appearance whilst respecting the character and heritage of the area. The Council raised no concerns regarding the layout, siting or design.

See Site Layout Plan below:



Development Plan Policy

Scottish Planning Policy 2014

The SPP published June 2014 provides an overview of the key components and overall aims and principles of the planning system in Scotland. In general terms the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality development in sustainable locations.

The SPP encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. It goes on to advise that in the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a range of policies that provide for additional housing requirements, economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan. Plans should make provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities.

Moray Local Development Plan 2015

The following policies are considered relevant to the determination of this appeal:

H7: New Housing in the Open Countryside

In turning to the principle of a house in this location, Policy H7 – New Housing in the Open Countryside, as contained in the Moray Local Development Plan 2015 applies. This policy assumes in favour of an application provided the following requirements for siting are met:

- Reflects traditional pattern of settlement and is sensitively integrated
- Does not detract from character or setting of existing buildings or their surrounding area, or create inappropriate ribbon development
- Does not contribute to a build-up, where the number of houses has the effect of changing the character of the area
- At least 50% of the site boundaries are long established and capable of distinguishing the site from the surrounding land.

Response – The site has long-established boundaries to 3 of its 4 sides, with the neighbouring property to the south, and as established field boundaries to east and west. The siting reflects the traditional pattern of development in this area, being set back from the road and masked by the existing roadside pattern of development with the proposed development continuing the pattern of organic growth of the area. By adding to the north of the built road-side development at Robertstown, it clearly integrates into this cluster of development and does not in any way contribute to ribbon-development. It is the appellants view that the proposal does not add to build up, being sensitively sited and well designed, and this development does not alter the rural character of this area.

In order to consider the matter of “build-up” the SG Housing in the Countywide, and its Guidance Note on Landscape and Visual Impacts of Cumulative Build Up of Houses in the Countryside October 2017 to provide further advice on the landscape and visual impacts associated with the build-up of new houses in the open countryside, must be examined. The Guidance Note focuses on 8 study areas, including Archiestown. It notes that *“it is impossible to provide a singular definition of what constitutes unacceptable build-up.”*

In order to assess build-up, it identifies a number of factors to identify:

Siting

- The number of new houses overwhelms the older, new houses are predominant in the landscape, the traditional settlement pattern is not easy to perceive
- The Incidence and inter-visibility of new housing result in these being a major characteristic of the landscape, with a prominence of new housing from key viewpoints.
- The sequential visual effects of build up when travelling on roads. The proposal contributes to ribbon development between existing/consented houses contrary to the dispersed settlement pattern.

Response – this is clearly a very subjective principle. The traditional settlement pattern of Archiestown and Robertstown is still easily readable. Archiestown retains a distinct identity characterised by its grid pattern, with its eastern extreme being defined by the Bridge of Burnroy. Robertstown to the east is a separate and defined cluster of development comprising a majority of older traditional properties/croft houses with some newer additions. There is a clear break between Archiestown and Robertstown and the proposed location of this development, to the rear of the existing properties at Robertson does not result in ribbon development, or appear prominent in the landscape, but rather the proposal integrates into the midst of the cluster, therefore being more readily consumed in the landscape. Further, there are

only glimpsed views of the site from the east, but none from the west due to the landscaping provided by the existing properties.

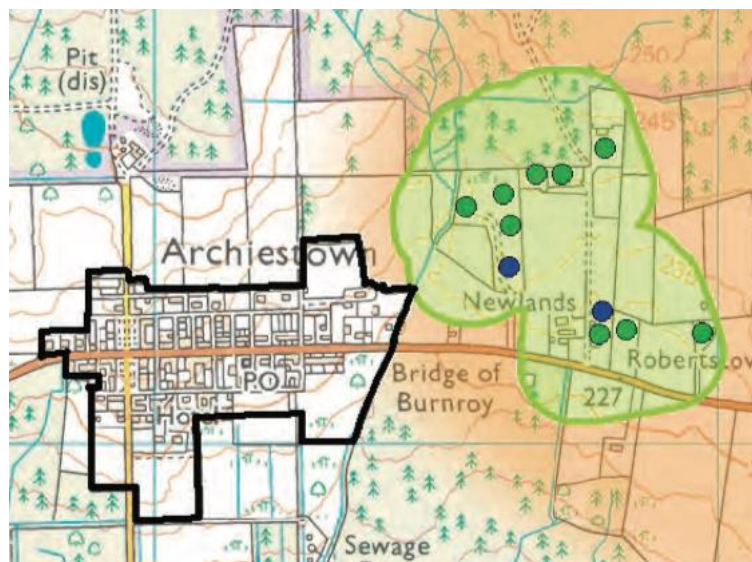
Examination of the Archiestown Statement notes

“There may be some very limited scope for a small number of well-designed houses in parts of this study area although the potential effects on landscape and on views would have be carefully considered.”

This is accompanied by the Plan for the Archiestown,

Response – Examination of the plan shows that there remains a distinct boundary, identity and separation between Archiestown and Robertstown – see extract below:

- This is a well-designed house, with traditional features and proportions and no objections were received regarding the design issue
- That much of the new development is concentrated in or around the conifer woodland belt to the north and the guidance note explains that *“removal of these trees would result in an incongruous loose cluster of houses being revealed.....”*. This is understandable, but not the case in the Appeal case.
- The “Hot Spots” identified are graded green through yellow to red, depending on the density of new build development in that hot spot. In this instance the site lies within a green area, with the lower density, and therefore more able to absorb carefully considered development, as in this case.
- For these reasons the appellant contends that he proposal accords with Policy H7 and its associated Supplementary Guidance and Guidance Note.



IMP1: Developer Requirements requires a number of criteria be met for new development including

“The scale, density and character must be appropriate to the surrounding area.....”

The Report of Handling notes

“The proposal is also contrary to policy IMP1 due to its adverse impact on the character of the surrounding area.”

Response – this again is a very subjective issue. As stated in the consideration of Policy H7 and its accompanying Supplementary Guidance, it is the appellants view that the rural character of the area is not compromised by the addition of a single house in this location, that the site has advantages by being in the midst of established traditional residential development and benefits from the screening around these properties. For these reasons, the appellant considers that the proposal does accord with Policy IMP1.

Discussion

The Town & Country Planning (Scotland) Act 1997 as amended requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise.

The appeal seeks planning permission for the erection of a single house and garage for a local family’s needs. There have been no objections to the application, no technical objections and the design and layout have proved satisfactory. The family have very specific reasons for requiring a house in this location. The issue of its siting and impact upon the character of the rural area is very subjective. The appellants would argue that the site is able to integrate the well-designed dwelling into the landscape without erosion of the special rural features of this area.

The Appellant submits that the Appeal complies with all policies of the Scottish Government and Moray Council and as a result we would respectfully request that the appeal is upheld.

July 2019.

