

CONTENTS

1.0	INTRODUCTION	PAGE 3
2.0	THE APPLICATION SITE AND PROPOSALS	PAGE 3
3.0	POLICY REVIEW	PAGE 4
4.0	CONCLUSION	PAGE 17

APPENDIX

APPENDIX 1	PLANNING SUPPORTING STATEMENT
APPENDIX 2	LOCATION/ BLOCK PLAN, ELEVATIONS, FLOOR PLANS
APPENDIX 3	SITE SECTION

1.0 INTRODUCTION

- 1.1 This Local Review Statement of Case has been prepared to support a recently refused detailed Planning Application, proposing a new dwellinghouse on an area of ground in the ward of Urquhart.
- 1.2 The planning application was registered on 8th July 2019 and was refused on 13th September 2019 under delegated powers. This Review has been prepared and lodged within the statutory 3 months period from the date of the decision notice.
- 1.3 The application was refused for the reason below 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 appendix constitutes the appellant's submission

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 because:

1. *It would be prominently and obtrusively sited in an open area of agricultural ground with no natural backdrop, nor any long established boundaries that would enable it to be adequately integrated without detriment to the rural character of the area. This is contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside; and*
2. *its close proximity to the settlement boundary of Urquhart, along with its inappropriate siting (as outlined above) would be detrimental to the clear distinction in place between Urquhart and its surrounding countryside, contrary to Policy E9 (Settlement Boundaries)*

Whilst minimal weighting is given to, the proposal would be contrary to the provisions of the Proposed Moray Local Development Plan 2020 (policies DP1, DP4 and EP6)

2.0 THE APPLICATION SITE & PROPOSALS

- 2.1 The site is to the North of Urquhart and is currently an agricultural ground owned by the applicant.
The field between the proposed house plot and Station road along with the field to the East is owned by the applicant.
- 2.2 The proposal is to erect a new dwellinghouse in the furthest corner of the field to reflect the undulation and the character of the area.
- 2.3 The proposal would be a mixture of roughcast, timber cladding and natural stone to the external walls and flat profiled roof tiles.

3.0 POLICY REVIEW

3.1 Planning Policy H7

Policy H7 New Housing In the Open Countryside

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

Siting

- a) 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;
- b) 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;
- c) 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,
- d) At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways);

Justification

The Plan aims to allow housing in the open countryside that can be easily absorbed into the landscape. New development should be low impact and reflect the character of the surrounding area in terms of the traditional pattern of settlement and the scale and design of housing. The introduction of suburban layouts and house styles and the incremental build up of new houses have the potential to alter the rural character and detrimentally impact on the area's high quality rural environment.

Proposals that add to an existing grouping, such as an established re-use or rehabilitation scheme, will be more satisfactorily integrated where they connect through built form, layout and landscape features. Development that adds to an existing suburban layout should be avoided. Infill development along a road or landscape feature may be appropriate where this does not detract from the character or setting of existing houses.

Innovative modern design and energy efficiency measures are encouraged to promote sustainable development.

The officer notes within the handling report that the design of the proposed house does comply with policy H7.

The officer notes within the Handling report that *"the proposal is considered to be prominently and obtrusively sited within the countryside on the basis the site is located in an open area of agricultural land with no natural backdrop..."*

Policy H7 notes "obtrusive development (i.e on a skyline, artificially elevated ground or in open settings such as the central area of a field"

Its is quite clear from the site and that of the undernoted photos that the items noted within the classification of the policy is not the case with this proposal and therefore conclude that this is not contrary to Policy H7.

In terms of the house location

- The house is located in the lowest point within the overall field with a "hillock" between the house and the main road to the west of the plot. Therefore not on the skyline, nor on artificially elevated ground.
- Plot is within the furthest corner of the field. Therefore not in open settings such as the central area of the field.
- The fields to the North are at a higher level.
- The undulating nature of the adjacent fields provides peaks and troughs and the proposed house location is at the lowest aspect of the surrounding area and provides sufficient coverage to the property.

All these aspects provides a natural backdrop to the proposed dwellinghouse and would enable the house to be sensitively sited within its surroundings.

Refer to appendix 3 which provides relevance of the cross section is enclosed to indicate how sensitively this sits within the field in question.



photo taken from the C18E looking East towards the site. This shows the "hillock" and an existing farm building which will provide cover to the proposed new house which the house is in a lower section of the field.



photo taken from the C18E looking East to site as you exit Urquhart. There is hedgerow along the full distance bar the area of the field gates. This shows the site in the distance and details the undulating nature of the adjacent fields.



photo is taken from the house location facing West towards the C18E. This shows the farm building sitting upon the "hillock" which both will provide the backdrop to the site.



When you travel South along the C18E towards Urquhart the levels from the fields to the north and the hedgerow block any views of the new house.

Policy H7 point b) notes that *"it does not detract from the Character or the setting of the existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development"*

Our proposal does not affect any of these policy requirements as stated earlier

Policy H7 point c) notes that *"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."*

Our proposal is not within the identified "hot spots" of multiple planning applications and therefore complies with this aspect of the policy.

3.2 Planning policies H7 point d)

At least 50% of the boundaries are well established, in fact concrete posts are utilised in this section of the boundary fields.

The map from 1970 identifies that the field boundaries which are at least 50 years old and this therefore provides evidence that *"boundaries are long established and are capable of distinguishing the site from surrounding land"*



site

Extract from 1970 Ordnance Survey map

3.3 Planning polices E9 noted below

Policy E9 Settlement Boundaries

Settlement boundaries are drawn around each of the towns, villages and rural communities representing the limit to which these settlements can expand during the Local Development Plan period. Development proposals immediately outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated "LONG" term development site which is being released for development under the terms of Policy H2.

(In accordance with policy H11, for proposals involving Gypsy/Traveller sites, a distance of 1km will be applied as being "immediately outwith")

Justification

Settlement boundaries are defined on the Proposals Maps for the purpose of guiding development to the towns and villages, preventing ribbon development and maintaining a clear distinction between the built up area and the countryside.

The five main towns also have a Countryside Around Town (CAT) designation which further restricts development in the vicinity of the settlement boundary.

extract from Local Plan 2015



The site in question is some distance from the settlement boundary which is clear from the plan above and has no direct connection with the settlement. This would not have a detrimental effect on the distinction of the village to the Countryside.

Policy E9 is not overly prescriptive and is open to individual interpretations as there is no distinction of what is or what is not acceptable as a separating distance between the existing village.

The policy notes "proposals immediately outwith the boundaries will not be acceptable" This is not immediately to the village and in fact some distance away.

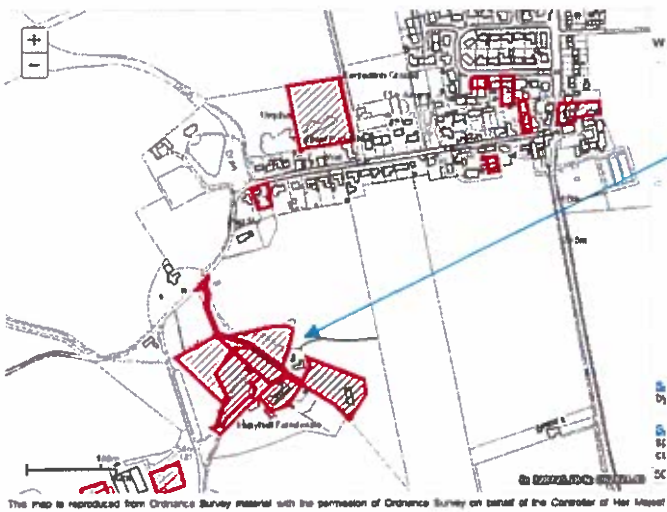
You could claim that physical features could provide an actual location of what the policy is aiming to indicate and propose in terms of the actual northern edge would have been more likely the line of the railway line which our site sits well outside this location.



Photo taken from the site looking towards Urquhart, this shows the distance separating the proposed site from the settlement.

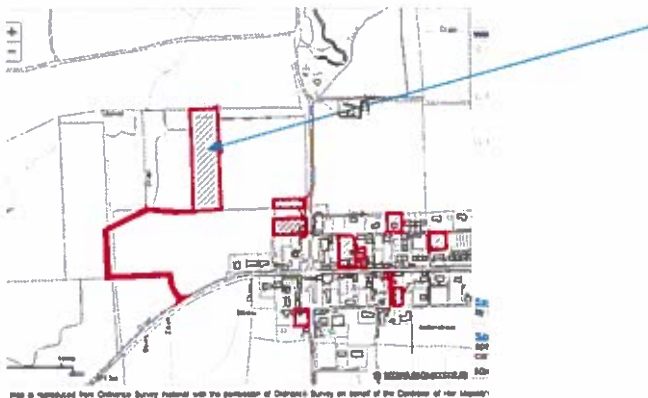
It is our position that this site is not contrary to the policy.

When you review the various villages in & around Moray there is numerous similar examples that have been approved in close proximity with direct comparisons with approved houses adjacent to settlement noted below. These are only a flavour with others that could be provided.

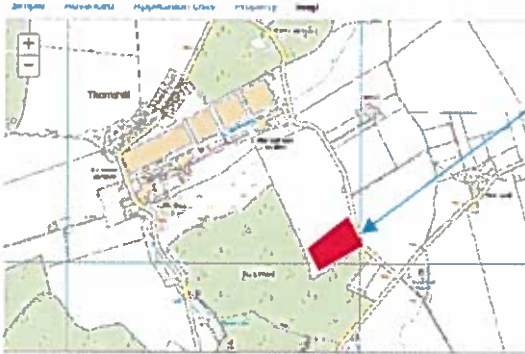


Although the redevelopment at Muiryhall Urquhart is the removal of farm buildings, these extend beyond what was the original footprint.

The main point is that these houses are extremely close to the settlement boundary and this was not an issue on the officer handling report



Planning approval 19/00280 notes that this is in close proximity to Archiestown and in fact is much closer to the settlement boundary than our application.



These plots at Thomshill are in close proximity to the settlement boundary and the extended Amenity site and was approved.

3.4 Planning Policy IMP1

Policy IMP1 Developer Requirements

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

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

Justification

The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance, development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, with particular emphasis on providing pedestrian and cycle access, and any necessary public transport facilities/connections. The use of SUDS and incorporation of renewable energy techniques and sustainable design and construction methods will all help promote sustainability in Moray. Most of the serious flood risks have been addressed by flood alleviation schemes, but there are still areas that are susceptible and these should be avoided. Similarly, pollution issues in relation to air, noise, groundwater and ground contamination, must be adequately addressed to provide proper development standards.

As noted by the Planning officer the house design is acceptable therefore item no a) is in compliance.

item b) as outlined above with the various photos shows the site sits well into the landscape and provides no visual intrusion to the views associated.

Item d), i) is in compliance as per submitted drainage statement and approved by Moray Council Flood team.

Item c), e), f), g), h) are not applicable to single house proposals

The siting and impact on surrounding property (IMP1) require new development to be sensitively sited, designed and serviced. In terms of scale, proportion, material and design, the proposal is in keeping with the character of the existing houses and it will not, in visual terms, have a significant adverse impact on the appearance and amenities of either the existing building or the surrounding area.

This is no different to many approved Houses in the Countryside throughout Moray and examples could be provided as comparisons.

3.5 In terms of the note relative to the MLDP 2020.

The committee report notes " It is therefore proposed that sites which are not subject to Examination are given greater weight as a material consideration in the Development Management process as of 1 August 2019, but none of the policies in the Proposed Plan are given greater weight at this time. Many of the policies will be subject to Examination and as the Plan should be read as a whole, to give policies greater weight at this stage would significantly increase the risk of legal challenge."

Therefore MLDP 2020 is not a material consideration for this proposal.

3.6 In terms Statutory Authority Consultee

- Moray Flood Risk Management – No objections
- Contaminated Land – Informative note
- Transportation Manager – no objection subject to conditions
- Development Plans – These cover the earlier comments on policy

4.0 CONCLUSION

- 3.1 In concluding, based on all of the above, we believe that our proposal represents an acceptable form of development and, as such, respectfully asks that a positive recommendation can be provided.
- 3.2 To enable this aspect the applicant owns the adjacent farm fields and this property will enable them to function their farming of livestock in close proximity.

