

Application to review refusal of planning permission 22/01594/APP – Change of use to garden ground and erect a garage/storage shed at The Forecourt Cummington Elgin Moray

This statement is lodged in support of our request for review of the decision to refuse planning permission 22/01594/APP in relation to our proposal for change of use to garden ground and erect a garage/storage shed at The Forecourt, Cummington, Elgin, Moray.

The planning application was refused permission on 19th January 2023, with two reasons for refusal. We will address these reasons and forward our own contention, that planning permission *ought* to be granted.

Reason 1 was as follows:- *“The proposals is contrary to Moray Local Development Plan Policies 2020 EP6 and the Cummington Settlement Text as the proposal would introduce a large building at the edge of the village on land that is immediately outwith the existing settlement boundary resulting in additional linear roadside development along the B9040 and increasing the potential for coalescence with surrounding settlements.”*

In reviewing Policy EP6, the Council’s justification/notes states understandably, that it wishes to guide development to the “towns, villages and rural groupings, preventing ribbon development and maintaining a clear distinction between the built up area and the countryside.” The policy itself states that development proposals “outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated “LONG” term development site....”

We can understand and support the concept of avoiding linear roadside development and increasing the potential for coalescence. However, our proposal relates to the development of an *existing* property. It is not disputed that to make our proposals work, then there is a modest incursion beyond the existing boundary, which in real terms extend westwards no greater than the established development of the village on the southern side of the B9040. It would not extend Cummington any nearer to Burghead than the westernmost point of the village as it presently exists. Our proposal does not seek to “grow” the village, rather it seeks to consolidate the existing residential development. Approving this modest domestic extension would not impinge on the policy of maintaining a clear distinction between the built up area and the countryside beyond. Moreover, it is not unreasonable to contend that our proposal does not coalesce the settlement of Cummington with Burghead. We believe that as the proposal seeks to enhance an existing residential property, there is no greater potential for coalescence either. Were a new residential property being proposed then we could appreciate the Council’s reservations. That is not the case with our proposal.

Turning to the Cummington Settlement Text, the Development Strategy/Placemaking Objectives has the following bullet points-

- *Restrict growth to prevent coalescence with Hopeman and Burghead. Linear extension along the B9040 is not supported.* Our proposal does not threaten that objective, given that it is consolidating an existing residential development. We do not seek to “grow” the village. The proposal is a domestic type extension where the key issue is that to facilitate our proposal we seek to incorporate a strip of countryside. Our domestic proposal does not threaten to undermine the objective of maintaining separation of Burghead and Cummington.
- *To preserve existing linear form and character of the village.* Our proposals do not seek to undermine that objective either. The character of the village would not be impacted by our proposal and it can conceivably be seen as reinforcing the

linear form, since the proposed structure would largely align itself in position with the dwelling house on site.

- Cummington is described as characterised by its linear street pattern with a strong building line onto the road edge, with simple forms and traditional proportions characteristic of the village. In the Report of Handling, our proposal is described as “a large structure” but one where “the height ties in with that of the existing garage and the house is significantly higher. The form and style is not untypical of garages and outbuildings in rural areas but it is acknowledged that it would be prominent in this setting on the edge of the settlement.” By developing in this location, albeit we have to look to modestly extend to the west, we are seeking to reinforce the character of the village. The Report of Handling acknowledges the house is significantly higher than our proposal. We will address the height element in more detail in response to Reason 2 of the refusal.
- *Development proposals in the Special Landscape Area must reflect the traditional settlement character in terms of siting and design and respect the qualities of the designation.* In response, our proposal does reflect the character in terms of its siting. Whereas there remains discussion over the height of our proposal, we would again refer to the Report of Handling and the description of our proposal as being not untypical of garages and outbuildings in rural areas.

Reason 2 was as follows:- *“The proposals is contrary to Moray Local Development Plan Policies 2020 DP1 (1)(a) and EP3 as the development fails to reflect the traditional settlement character in terms of siting and design as the siting of a building of this size in this prominent location would not reflect the character of this part of the village.”*

Policy DP (1)(a) requires *“the scale, density and character”* to *“be appropriate to the surrounding area and create a sense of place...and support the principles of a walkable neighbourhood.”* Our proposal is for an ancillary building to be erected in association with the existing building form on this residential site. The scale of our proposal is quite specifically *lower* than the house to which it relates. It has been deliberately sited in close proximity to the dwelling house, thereby creating a tight knit urban form, maintaining the openness in the rear garden which is a characteristic of many of the properties in Cummington. We are therefore reinforcing the characteristics to be found within the village. It is appreciated that this is a taller than usual garage structure, however we have sought in design terms to minimise its height such that the dwelling house remains the key building of focus yet ensuring the structure can properly function for its intended use. We would argue that the siting is in accord with the settlement character, with the design (and materials) chosen to reflect that this is a taller structure than a standard single garage. Were we to adopt an alternative approach, brick or render finish for instance, arguably this would give a greater appearance of bulk to the building than what we have sought to do. The location is prominent, which is why the building has been sited in alignment with the dwelling house, which would remain the key building on the site were this review to be upheld.

Policy EP3 (1) relates to Special Landscape Areas (SLA's) and Landscape Character. It states *“Development proposals within SLA's will only be permitted where they do not prejudice the special qualities of the designated area.....”* Our proposal fundamentally does not seek to undermine the principle of this policy. It is doubtful that our proposal could do that, since it is sited and designed in such a way as to be seen in context with

the existing larger structure that is the dwelling house on this site. It is an ancillary building, where the external execution has been chosen to seek to mitigate its relative scale. As outlined above the siting has been chosen to *reflect* the traditional settlement character and if anything seeks to consolidate the linear development of the village. The design has been chosen to accommodate the needs of the proposal yet reflect a country style characteristic in its external appearance.

Conclusion

In conclusion, we have sought to bring forward a proposal, which, while acknowledging the modest extension westward of the existing boundary line of the village, seeks to harmonize this with the western most extent of development on the southern side of the road at this location in the village. The proposal is not intended to undermine the policy objectives relating to coalescence and we are confident that it doesn't. This is not a proposal for a new build property, where concerns regarding potential for coalescence could be understood. This proposal, very clearly, is for an ancillary building to serve the existing dwelling house on site.

Our proposal seeks to reinforce the linear characteristics of the village and while it is accepted that our proposal is not a typical single garage, that was never its intention. Instead we've sought to craft the proposal in a manner which reflects similar buildings to be found in the countryside, yet keeping its scale to a degree such that the dwelling house on the site would remain the principal feature should the appeal be upheld and the building permitted.

It is respectfully requested that the Council reconsider the original decision to refuse the planning application, and instead grant planning permission for our proposal.