



APPLICATION TO REVIEW REFUSAL OF PLANNING APPLICATION REF: 24/00905/APP
AT 'THE FORECOURT', CUMMINGSTON, ELGIN

| **LRB REVIEW STATEMENT**

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I LRB REVIEW STATEMENT

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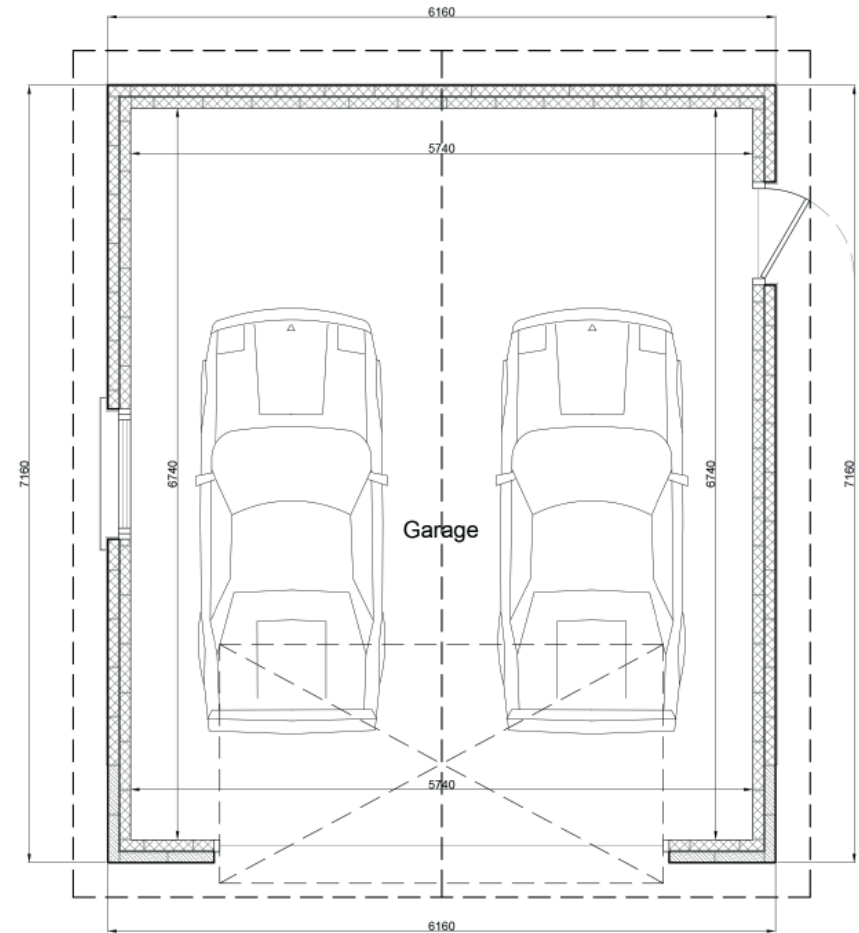


1.0 | INTRODUCTION

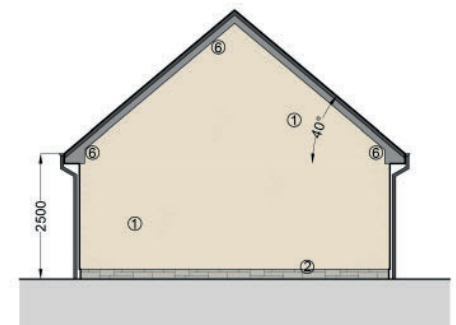
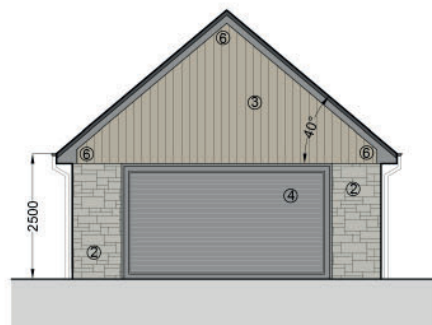
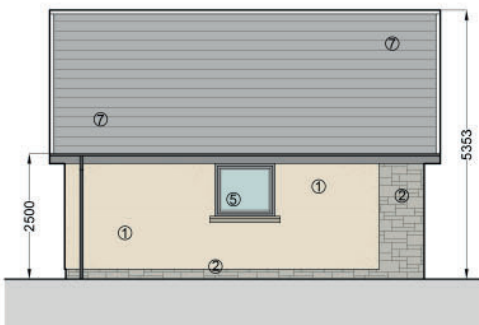
1.1 - Introduction

This statement is lodged in support of our request for review of the decision to refuse planning application 24/00905/APP in relation to our proposal to 'Convert existing garage to living accommodation and erect detached garage' at The Forecourt, Cummingston, Elgin, Moray.

The planning application was refused permission on 30th September 2024, with two reasons for refusal. We will address these reasons and forward our own contention, that planning permission *ought* to be granted.



Proposed Floor Plan



Proposed Elevations

2.0 | DETERMINATION OF APPLICATION REFERENCE: 24/00905/APP

2.1 - Determination of Planning Application ref: 24/00905

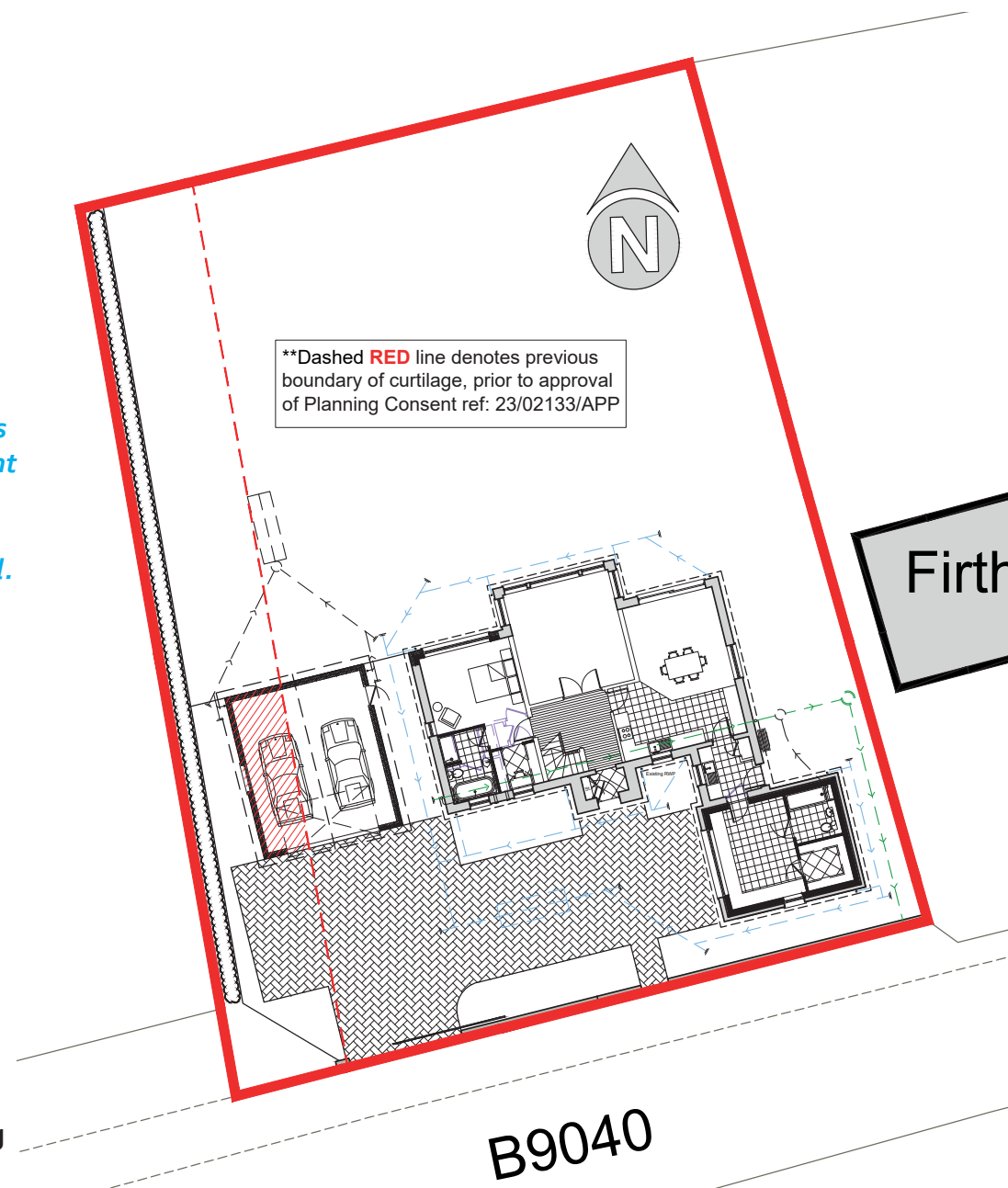
In determining the application, the Planning Officer cited two reasons for refusal within their report of handling.

Reason 1 was stated as follows:

"The proposed double garage would encroach onto land which is currently beyond the MLDP 2020 designated settlement boundary of Cummingston. The introduction of a garage on this area of land would give rise to conditions of ribbon development and a blurring of distinction between the built-up area of the settlement and the surrounding open countryside which policy EP6 and the Cummingston Settlement Statement seek to avoid. This would fail to comply with NPF4 Policy 16 and MLDP2020 Policies DP1 and EP6."

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 ribbon development and the potential for blurring the distinction between the built up area and the surrounding countryside. However, our proposal relates to the development of an existing property, within an *already defined* curtilage.



Proposed Site Layout



View of Proposed Development Site
Image Copyright - Google Maps

It is not disputed that to make our proposals work, then there is a modest incursion of the proposed garage (circa 16m²) beyond the existing 'countryside' boundary, however this is now wholly contained within the existing garden ground and the defined plot curtilage.

This has been reinforced, as can be seen from site where the obvious boundary is now delineated by a garden fence aligning with the boundary previously granted by the Council under [approval ref: 23/02133/APP](#). In real terms, the proposal extends westwards no greater than the established development of the village on the southern side of the B9040. It would not extend Cummingston 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 an existing residential property.



View of dwelling, approaching from West
Image Copyright - Google Maps

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 Cummingston with Burghead.

We believe that as the proposal seeks to enhance an existing residential property, there is no greater potential for ribbon development either. Were a new residential property being proposed then we could appreciate the Council's reservations - *That is not the case with our proposal.*



Existing Streetscape

2.2 - Existing and Proposed Streetscapes

Turning to the Cummingston 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 this objective, given that we are 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, in order to facilitate our proposal, we seek to incorporate a strip of land which is technically outwith the village boundary, albeit is wholly within the boundary of the property itself - Planning permission has previously been granted for its change of use to garden ground. Our domestic proposal does not threaten to undermine the objective of maintaining separation of Burghead and Cummingston.

- *To preserve existing linear form and character of the village.*

Our proposals do not seek to undermine this 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.

- *Cummingston is described as being 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.*

The form and style of our proposed garage is not untypical of garages and outbuildings in rural areas. 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.



Proposed Streetscape

This can be further emphasised by a direct quote from the planning officer within their report of handling:

'In terms of design, the proposed detached double garage is of a scale and design inkeeping with the main existing property and the proposed materials of a cream dry dash render, grey composite cladding and a grey concrete roof tile over the pitched roof would be considered to integrate the building into the existing site successfully. Neither the proposed double garage, nor the alterations proposed to the existing garage would be considered to give rise to any adverse amenity impact to any neighbouring property (including loss of light or loss of privacy). Should an any application be approved, a condition should be applied to any final consent requiring the detached garage to remain ancillary to the main dwellinghouse.'

- *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 proposals wholly reflect the traditional settlement character in terms of its siting.

2.3- Second Reason for Refusal

The Planning Officer cited the following as the second reason for refusal within their report of handling:

"The application would also fail to comply with NPF4 Policy 4 and MLDP 2020 EP3 as it would erode the special qualities of the designated Burghead to Lossiemouth Special Landscape area by creating a built form which encroaches onto land not currently within the Cummingston settlement boundary."

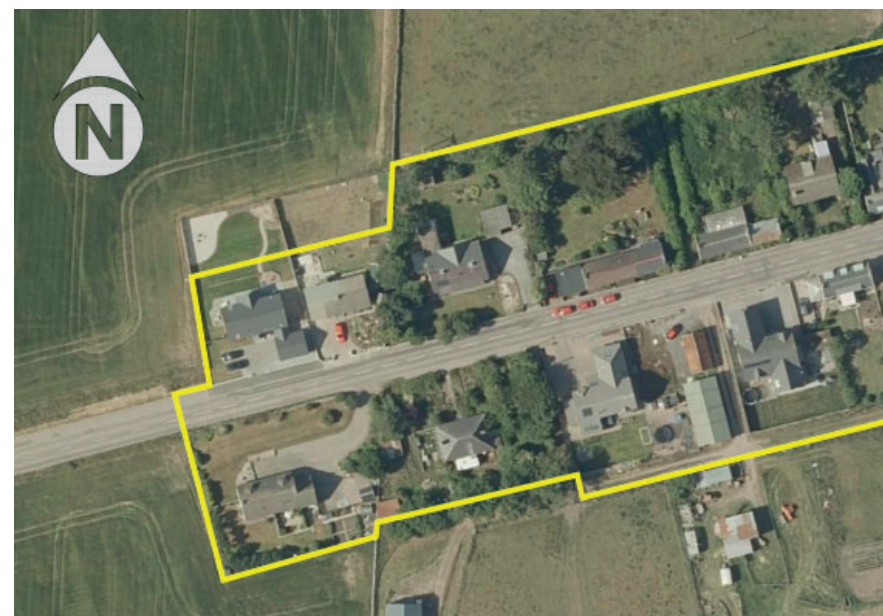
Policy EP3 (1) relates to Special Landscape Areas (SLA's) and Landscape Character. It states *"Development proposals within SLA's will only be permitted where they do not prejudice the special qualities of the designated area....."*

Our proposal fundamentally does not seek to undermine the principle of this policy. It is doubtful that our proposal could even do so, 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 proposals have been designed to accommodate the needs of the Client brief, yet reflect a country style characteristic in its external appearance.



Image Copyright - Moray Local Development Plan



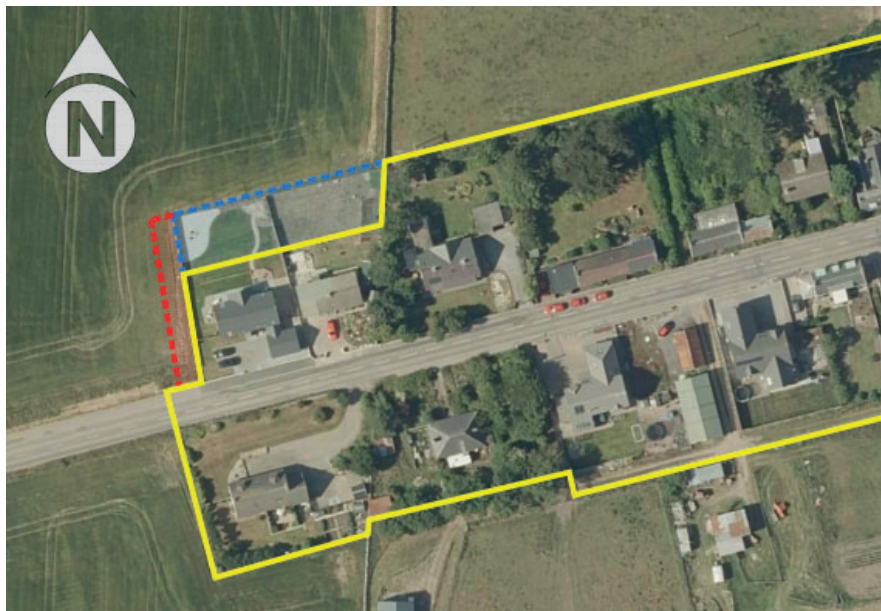
**Western extents of Existing Settlement Boundary*
- As noted in current LDP, albeit now outdated*



Land Subject to Planning Approval ref: 17/00830/APP



Western Settlement Boundary defined by 'ACTUAL' plot curtilages



Land Subject to Planning Approval ref: 23/02133/APP

2.4 - Summary of Consultation Responses

No public representations were received in response to the proposals from neighbouring properties or additional members of the public.

The Statutory Consultee responses can also be summarised as follows:

Moray Flood Risk Management – *No Objections*
 Contaminated Land – *No Objections, subject to informatives*
 Transportation Manager – *No Objections*

It can therefore be asserted that there are no technical considerations relative to the proposals, which would prevent a positive determination.

3.0 | CONCLUSION

3.1 - 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 blurring the distinction between settlement and countryside 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 yet at the same time does not give rise to ribbon development as the proposal is wholly contained within the already defined, garden ground. There is therefore, no erosion to the qualities of the Special Landscape Area.

We contend that our carefully considered proposal complies with the spirit of the policies outlined from the Local Development Plan and by extension the National Planning Framework policies that are highlighted.

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

