NOTICE OF REVIEW

Tomnamoon Passive House Application

Planning Application Ref: 24/01056/APP
Applicant: [redacted]
Site: Tomnamoon, Moray

ADDRESSING THE REASONS FOR REFUSAL

Life Construction (Scotland) Ltd.

octopus energy
ZERO BILLS FOR 10 YEARS GUARANTEED

BRITISH HOMES AWARDS
CELEBRATING EXCEPTIONAL DESIGN
2024 SHORTLISTED

HIAA
Highlands + Islands Architectural Association
COMMENDED

A successful example of private housing development which has demonstrated the value of good contemporary design.

TOMNAMOON
AT HOME WITH NATURE

Executive Summary

This Notice of Review Statement is submitted in response to the refusal of the Tomnamoon Passive House application (24/01056/APP). The Reasons for Refusal cite issues with bulk, height, design character and integration with the rural setting. However, we demonstrate that the proposal:

- Aligns fully with the overarching intent of National Planning Framework 4 (NPF4) to support sustainable and contemporary rural housing;
- Adapts previously approved principles and plans previously granted planning permission (21/01873/PPP) for the same site
- Evolves a local, award-winning precedent (Darklass houses), granted planning permission by Moray Council and included as an exemplar in the Moray LDP 2020 (pg 45)
- Reflects the highest sustainability standards through Passive House design;
- Delivers significant net biodiversity gains ecological enhancements in alignment with NPF4 Policy 3 (Biodiversity)
- Poses no material or visual harm to the character or amenity of the surrounding area particularly when considered in the context of the existing wind turbines which already dominate the visual landscape.

We respectfully submit this appeal to the Local Review Body to overturn the refusal and allow this innovative, policy-compliant rural home to proceed.

1. Planning Permission in Principle (PPP) – What Was Approved

Planning Permission in Principle (Ref: 21/01873/PPP) was granted in April 2022. While PPP typically does not determine final layout, appearance, or materials, this approval unusually included a suite of stamped and published documents on the Council portal, including:

- Site and location plans
- Illustrative elevations and floor plans
- Drainage and site investigation reports
- North and south visibility splays

These documents clearly depicted a contemporary home using black cladding and minimalist architectural language—similar in intent and massing to the current proposal.

The site is located on the Altyre Estate, south of Forres. This Estate is advancing the **Dallas Dhu development,** a key project at the edge of Forres, in collaboration with **Moray Council** and **Grampian Housing Association**, as part of the Moray Growth Deal. This development is focused on delivering a pioneering approach to **rural edge design, low-carbon construction**, and **sustainability**, with a mix of **120 affordable and private homes**. The Tomnamoon Passive House serves as a **testing ground for Passive House principles**, specifically for their application in the upcoming **Dallas Dhu development**, positioning it as an **innovation in rural sustainable design.**

2. Height & Bulk – Passive House Requires a New Standard (Appendix A)

The first reason for refusal **"The contemporarily designed dwelling house fails to respond to its rural setting by virtue of its height (in excess of 9m), its bulk, and flat roof wrap around with roof deck feature."**

However, a number of important factors need to be considered:

- **Precedent:** The Darklass House—also a contemporary rural home—was approved at 8.2m height and sits in a similarly open rural location. It was cited by Moray Council in the 2020 Local Development Plan (p.45) as an exemplar: "Designs are a modern interpretation of farm buildings using contemporary materials." **Appendix A**
- **Practicality of Passive House Design:** The additional height is not excessive but necessary to achieve the airtightness, thermal envelope, and insulation depth required for certified Passive House performance. A 6.75m "room-in-roof" approach is incompatible with this level of energy efficiency.
- **Flat Roof Wrap Around:** The roof is not flat in the traditional sense; There is no expansive "roof deck feature." The roof (at first floor level) in question is a sedum roof—90% planted with vegetation—providing visual softening, biodiversity gain, and ecological function. A small, modest walk-out section from an upstairs bedroom exists for access to views. It is not an architectural "feature" but a discreet and integrated part of the design.
- The 10 wind turbines shown in the photographic evidence within Appendix A questions the premise of "responding to a rural setting by virtue of height or bulk". The proposed house not only sits well below the wind turbines but also the natural visible treeline directly at its rear. **Appendix A shows the actual house in-situ with its 9m ridge line, next to a measured tree (12m) directly behind the house and beyond taller 15-20m pine trees and 120m wind turbines.**

3. Landscape Integration & Context

The second reason for refusal states the proposal is **"out of keeping with the surrounding area given its scale, density and character is not appropriate for its setting and would fail to integrate into the surrounding landscape."** In reality:

- **Setting:** The house is set within approximately 3400sqm which sits within a larger area of land extending to 4 acres which is partially surrounded by pine forest to the rear and side, ensuring it sits comfortably in its environment. The house is a considerable distance from public roads and does not interrupt or dominate any visual corridor or settlement pattern reference **Appendix A.**
- The 10 wind turbines shown in the photographic evidence within **Appendix A** questions the premise of **"out of keeping with the surrounding area and character is not appropriate for its setting and would fail to integrate into the surrounding landscape".** The proposed house not only sits well below the wind turbines but also the natural visible tree-line directly at its rear.
- **Scale:** The overall footprint and scale are similar to numerous farmhouses and rural homes approved locally and across Moray. The area is typified by architectural variety, not uniformity. Reference **Appendix B** for an example of 2 homes approximately 512m2 in size/bulk which are both highly visible from the A940 (2 miles from Forres)
- **Materiality:** The black timber cladding and living roof are low-contrast, natural finishes that enable the home to blend into the landscape through all seasons.
- **NPF4 Policy 3 (Biodiversity):** The design directly responds to NPF4 Policy 3 by introducing a living roof system and habitat enhancement,, which is now a *material consideration* under Moray Council's own recently issued guidance (March 2025).

4. Design & Visual Impact

The third reason for refusal states that the proposal **"would adversely affect the site and the surrounding area due to its dominant impact detrimentally altering the character of the area".** However, a number of design and layout considerations will ensure the house is well integrated into the site and surroundings:

- Site Context: The topography and woodland boundaries naturally mitigate visibility, fully screening the site to the north, south and west. There are no visual receptors that would be adversely affected. The house will only be partially visible from a short stretch of the road some distance to the east, with the lower wall areas not seen from any surrounding point. **Appendix A**
- Proportions and Profile: The home presents a balanced and well-composed form. Its height is functional, not gratuitous. There is no visual clutter or excessive articulation.
- Material Blending: The muted black cladding and green roof reduce the building's visual prominence. These materials are carefully chosen to recess into the natural setting, providing a more sensitive alternative to high-contrast roofing. The standing seam roof has been carefully considered using a non fossil fuel coloured steel Swedish sustainable product.
- Design Integrity: The architecture is restrained and rooted in environmental performance. It is not decorative or overstated, but rather harmonised with its purpose and place.
- **Appendix A** shows the 10 wind turbines which again questions the premise that the proposal **"would adversely affect the site and the surrounding area due to its dominant impact detrimentally altering the character of the area"**
- **A site inspection will hopefully verify these points.**

5. Policy Interpretation & Precedent

Moray Council's Reason for Refusal states **"The development is contrary to Moray Local Development Plan 2020 Policies DP4 Rural Housing and DP1 Development Principles and to National Planning Framework Policies 14 Design, quality and Place and 17 Rural Homes",** however there are precedents most notably;

- **Darklass Precedent:** Moray Council explicitly endorsed the 8.2m-high Darklass House in its own Local Development Plan (2020, p.45), describing it as: "Designs are a modern interpretation of farm buildings using contemporary materials." That house was:
  - Developed by the same applicant.
  - Built in a similar open rural context.
  - Finished in black timber cladding.
  - A contemporary design.

The Tomnamoon proposal follows this very approach, using sustainable colour-coated steel roofing and black timber cladding in direct lineage with Darklass.

- **National Recognition:** The Darklass Development (in Dyke) was not only locally commended but also nationally recognised:
  - **Highlands & Islands Architects Awards:** The Darklass Development was commended as "a successful example of private housing development which has demonstrated the value of good contemporary design."
  - **British Homes Awards 2024:** The Darklass Development was shortlisted for its category—the only Scottish development to be featured—underscoring its design excellence.
- **Design Evolution:** The Tomnamoon proposal builds upon this legacy, evolving toward Passive House standards. These considerations illustrate that the applicant has made significant efforts to achieve a very high standard of house design that has previously been recognised as exemplary by Moray Council.

6. National Planning Framework 4 (NPF4) – National Policy Must Guide Local Decisions

NPF4 sets a new standard that explicitly encourages innovation, sustainability, and design quality. It sets out:

"A shift towards net zero and nature-positive places… supporting development that responds to our climate obligations."

Key relevant policies include:

Policy 14 (Design, Quality and Place): Encourages innovation and sustainability in rural design.

Policy 17 (Rural Homes): Supports new homes that enhance rural areas, particularly where they address sustainability.

Tomnamoon is a model for this vision:

- A certified Passive House that radically reduces energy use.
- Biodiversity-positive, low-impact, and future-proofed.
- Endorsed by Saint-Gobain, a global leader in sustainable building technologies.
- Part of the architectural ethos being applied to the Dallas Dhu sustainable community supported by and in Partnership with Moray Council.

The Tomnamoon Passive House provides an exemplar that delivers excellence in sustainable design, meeting the aspirations of NPF4.

7. Passive House – What It Is and Why It Matters

Passivhaus (Passive House) is the world's leading standard for energy-efficient construction. A Passive House:

- Maintains a constant internal temperature (20°C) year-round with minimal heating.
- Uses ultra-high-performance insulation, triple glazing, and airtight construction.
- Requires up to 79% less energy for heating compared to standard new builds. They are a cornerstone of net zero strategy and recommended by the Scottish Government for future rural housing.
- Offers unparalleled comfort, indoor air quality, and health benefits using Mechanical Ventilation with Heat Recovery (MVHR)

Tomnamoon is designed to meet full certification standards.

8. Conclusion

This Statement has highlighted the applicant's commitment to high quality design, excellence in sustainable construction and ensuring that the proposed development sits neatly in the surrounding landscape. The refusal of this application fails to account for key material considerations, including:

- The previously approved design and character on the same site.
- Adaptation of a clear design precedent set by the Darklass Development, recognised by Moray Council as an exemplar.
- Compatibility with national and local policies encouraging sustainable design and biodiversity net gain.
- The need for rural housing to contribute to climate goals.
- NO BILLS FOR 10 YEARS - APPROVED BY THE ENERGY SUPPLIER which we hope to extend into Dallas Dhu both Affordable and Private housing.

This proposal is not an architectural indulgence. It is a responsible, contemporary home that demonstrates best practice in design, sustainability, and rural integration.

The planning process requires the individual merits of any planning application to be weighed against wider policy. In this case, there are numerous factors specific to the proposed house and site that merit a grant of planning permission. This would not set a precedent for proposals elsewhere.

We respectfully ask the Local Review Body to support the Tomnamoon Passive House and allow Moray to lead by example.

Appendix A - Darklass Development

BRITISH HOMES AWARDS
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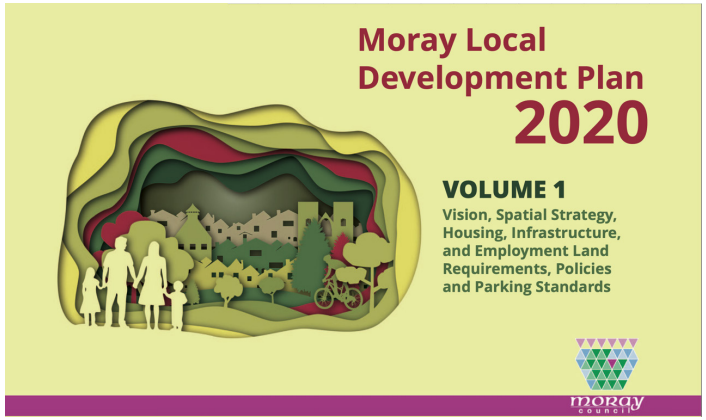
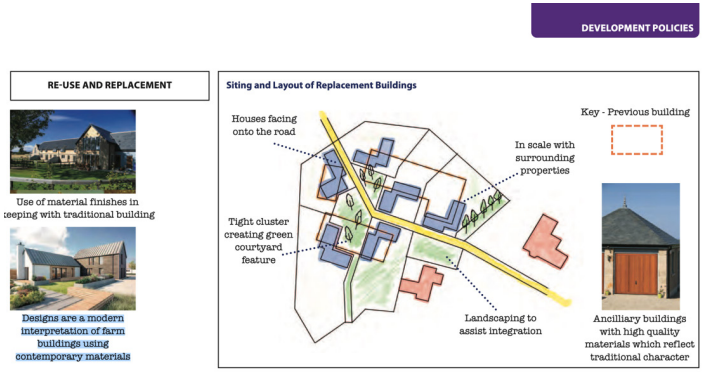




Tomnamoon Passive House Application

Appendix A (cont.)

Visual from site to nearest road

Visual from road to site location
- 10 wind turbines in prominent view

Appendix A (cont.)
Clarification on Height and Visual Impact Including photos as supporting evidence

Visual Impact of Height Difference at 600m:
Regarding the 2.25m height difference (from the approved 6.75m room-in-roof design to the proposed 9m height), the visual impact diminishes with distance due to the Principle of Visual Perspective. This principle states that the further an observer is from an object, the less noticeable differences in height become.

Key Considerations:
At a distance of 600 meters, the 2.25m height difference becomes nearly imperceptible. This can be calculated as an angular difference of only 0.21 degrees.

Visual Perspective: As distance increases, the angular difference (the angle between the observer and the top and bottom of the object) decreases, making the height difference harder to detect.

Calculation:
Using the simple formula for angular difference:

$$\text{Angle} = \arctan\left(\frac{2.25}{600}\right) \approx 0.21^\circ$$

Angle = arctan(6002.25)≈0.21°
This small angular difference means that at 600m, the height difference of 2.25m becomes virtually imperceptible to the human eye.

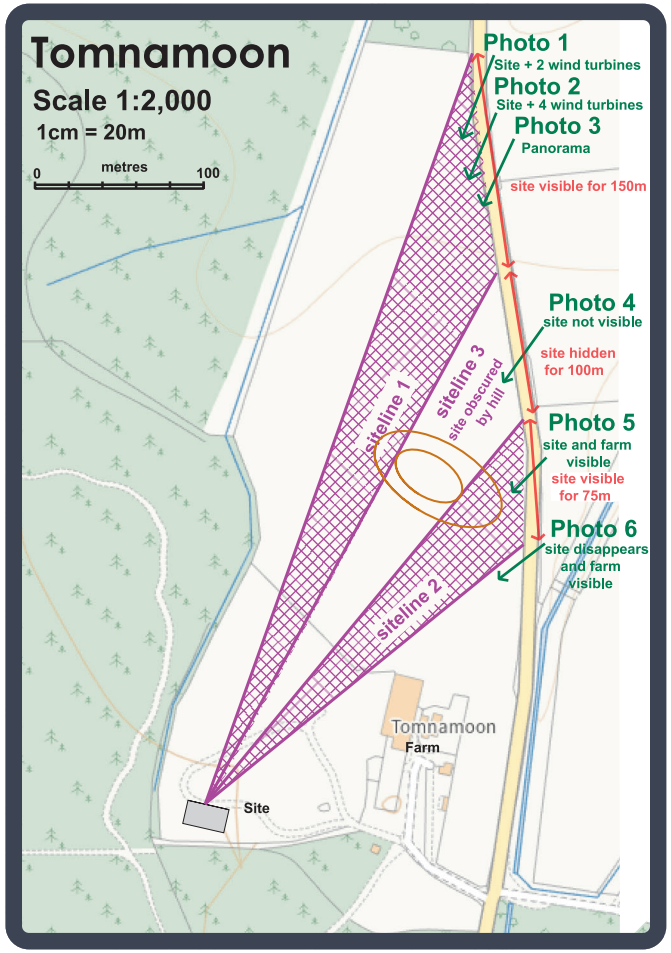
Conclusion:
At 600 meters, the difference in height will have **minimal visual impact,** especially when considered within the larger landscape, including features like the wind turbines. While the height difference may appear noticeable up close, it is unlikely to affect how the building is perceived from a distance. Therefore, the proposal will not dominate the surrounding environment.

This evidence-based calculation removes any subjectivity from the reasons for refusal, providing an objective perspective on the visual impact.

Appendix A (cont.)

The OS map opposite shows the only points visible from the road, these are;

1. Sightline 1 (photo attached) a 150m stretch where the site is visible from the road (6 seconds of visibility at 30mph)
2. Sightline 2 (photo attached) a 75m stretch where the site is visible from the road (3 seconds of visibility at 30mph)
3. In Sightline 3 the site cannot be seen at all due to a large hillock.



Appendix A (cont.)

PHOTO 1
SITE PLUS 2 WIND TURBINES
(ENHANCED/ZOOMED IMAGE)

PHOTO 2
SITE PLUS 4 WIND TURBINES
(ENHANCED/ZOOMED IMAGE)

Appendix A (cont.)

PHOTO 3
PANORAMA (ACTUAL IMAGE AT 600M)

PHOTO 4
SITE NOT VISIBLE

Appendix A (cont.)

PHOTO 5
SITE AND FARM VISIBLE

PHOTO 6
SITE DISAPPEARS AND FARM VISIBLE

Appendix A (cont.)

SUPERIMPOSED PROPOSED HOUSE ON SITE TO SCALE

Appendix B - Example of previously approved planning permission

Thistle House, Forres, IV36 2SG and Sentosa both approximately 512M2 HOUSES BUILT ON 2.5 ACRE SITE

VISIBLE FROM A940. Each house is approximately twice the size of proposed Tomnamoon Passive house.

Appendix B (cont.)

Thistle House, Forres, IV36 2SG and Sentosa both approximately 512M2 HOUSES BUILT ON 2.5 ACRE SITE

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Appendix B (cont.)

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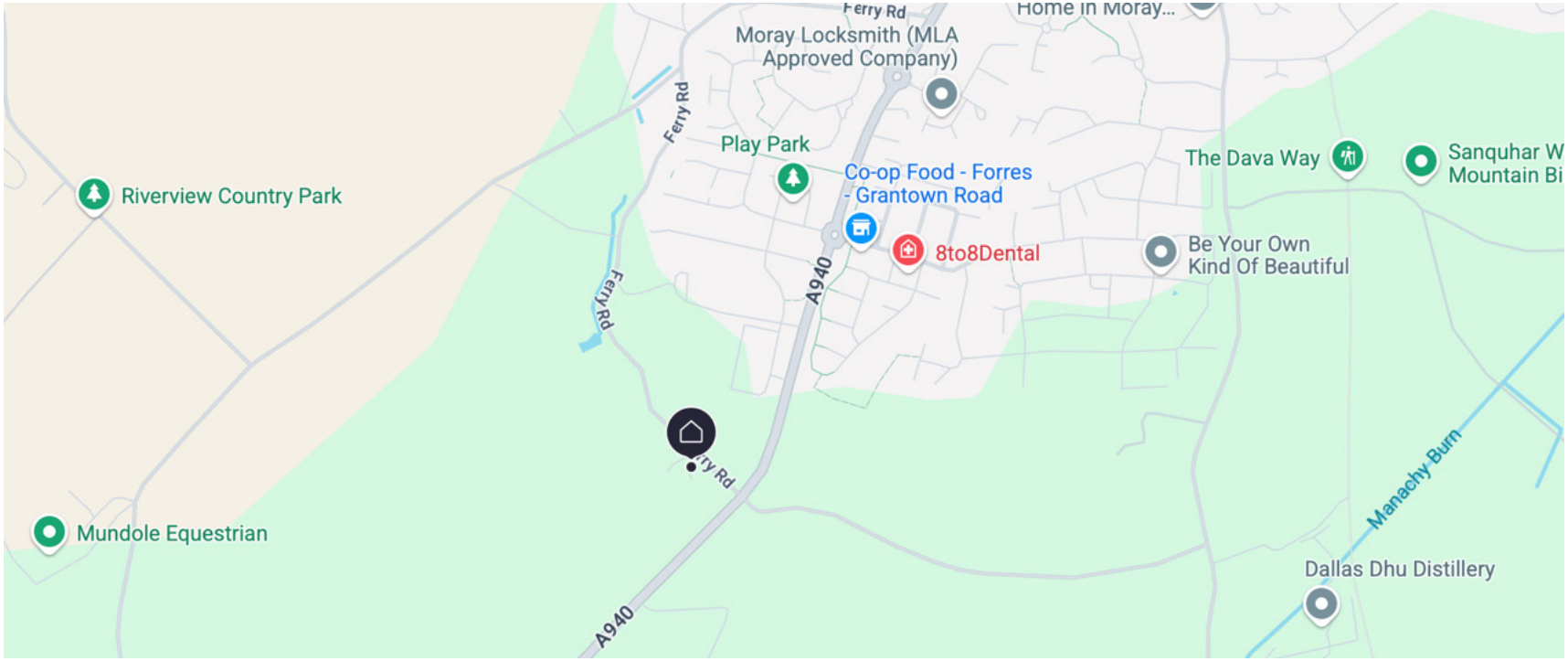
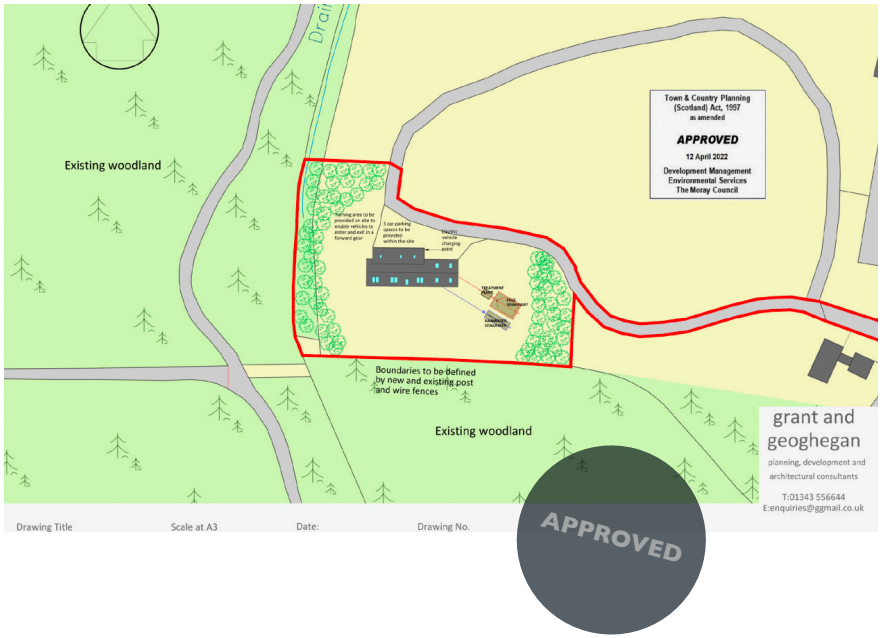
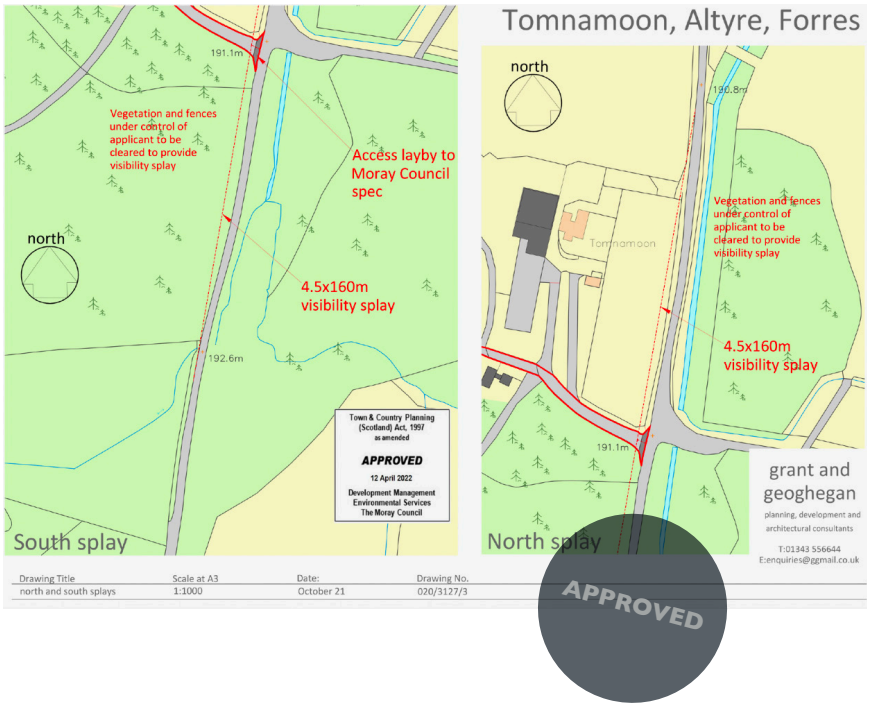


Appendix C

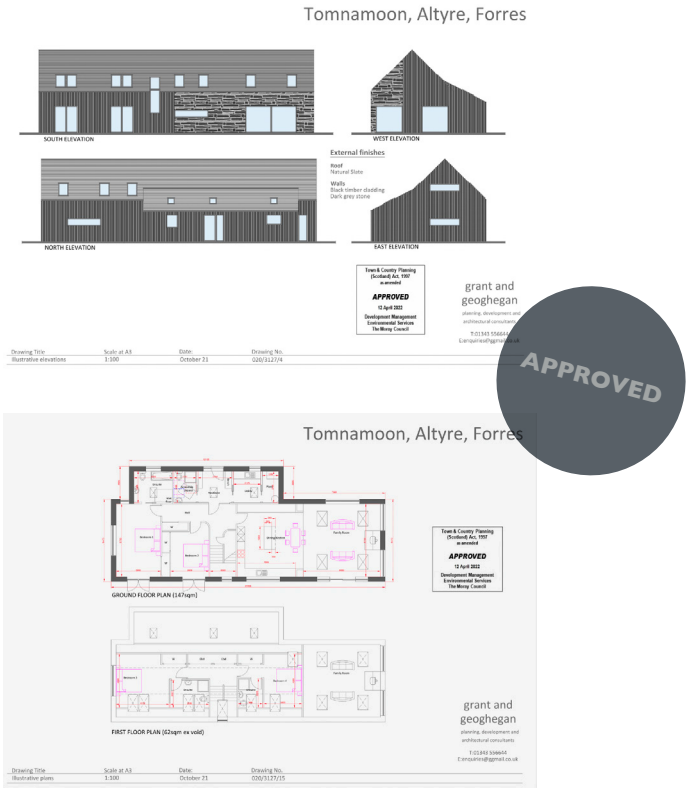
- Comparative Analysis: Approved 2022 House vs. Refused Tomnamoon Passive House





Appendix C (cont.)

Comparative Analysis: Approved 2022 House vs. Refused Tomnamoon Passive House



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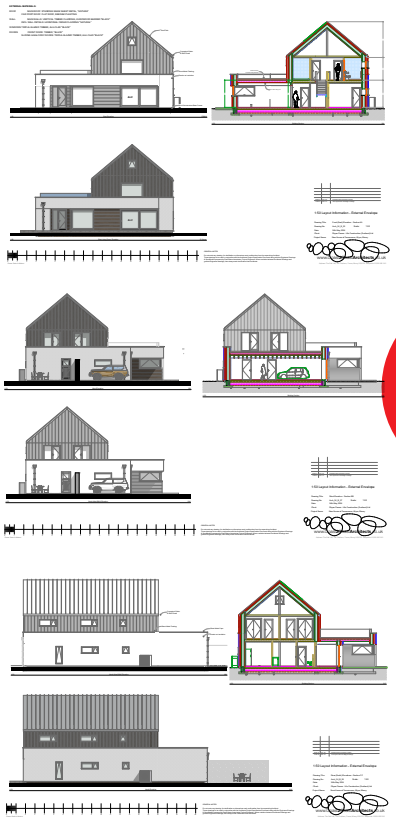

REFUSED

Appendix C (cont.)

Comparative Analysis: Approved 2022 House vs. Refused Tomnamoon Passive House

Feature	2022 Approved House (21/01873/PPP)	Refused Passive House (24/01056/APP – Tomnamoon)
Design Style	Contemporary, but traditional in form; gabled roof and relatively conventional layout	Contemporary and progressive; grounded in sustainable form and function; low-profile integration with landscape
Height	Estimated ridge height ~6.75m as per design guidance	Gable height of 9.06m, necessary for Passive House insulation depth and airtightness
Sustainability Credentials	No evidence of sustainable technologies or standards applied. Presence of wood-burning stove implies compromise on airtightness	Certified Passive House design. Exceeds NPF4 goals for net-zero readiness. No fossil fuels. No wood burners. Superior insulation and airtightness
Heating & Energy	Conventional heating assumed (likely fossil-fuel or stove-based)	Full Air Source Heat Pump system, solar PV with battery storage, Mechanical Ventilation with Heat Recovery (MVHR)
Material Use	Standard external finishes, timber cladding	High-performance materials including sustainable black timber cladding and colour-coated steel roofing (low-carbon certified)
Roof	Traditional gabled pitched roof	Primary pitched roof with a wrap-around green sedum roof — 90% planted — enhancing biodiversity and landscape blending
Air Quality & Health	Not specified	Continuous filtered air through MVHR; mould-free, allergen-free internal air — superior for occupant health
Energy Use	Unknown	79% less heating energy required vs. current Scottish Building Regs
Planning Compliance	Met 2020 MLDP height/appearance guidance	Exceeds NPF4 standards, particularly Policies 14 (Design), 17 (Rural Homes), and 3 (Biodiversity)
Legacy & Strategic Value	One-off conventional home	Pilot project for Dallas Dhu (120-home sustainable community), supported by global sustainability leader Saint-Gobain
National Recognition	None	Sister development (Darklass) shortlisted for British Homes Awards Commended by Highlands and Islanda Architects Awards & praised by Moray Council in LDP 2020

Appendix C (cont.)

Comparative Analysis: Approved 2022 House vs. Refused Tomnamoon Passive House

Summary of Comparison

The 2022 house, while acceptable under the planning policies of the time, represents a static, traditional approach to rural housing. It makes no identifiable contribution to Scotland's climate or sustainability targets, and even includes elements (e.g., a wood-burning stove) that are now discouraged or incompatible with modern building standards.

In contrast, the Tomnamoon Passive House offers a **future-proofed, climate-conscious design** that aligns precisely with NPF4's emphasis on energy efficiency, biodiversity, and architectural innovation. It is a **benchmark project** — not only for Moray, but for rural housing delivery across Scotland.