

# **Planning Appeal Supporting Statement**

**26 January 2026**

**Applicant: Chris Eastham**

**Application reference and location: Erect new dwelling house and garage on Ground To The North West Of Tomdugard Dallas Forres Moray**

## **1. Introduction**

Thank you for the notice dated the 04/11/2026 refusing the application for the proposed dwelling above. We wish to appeal against this decision and provide supporting evidence below.

Moray Council stated that the development is contrary to National Planning Framework (NPF) policies 17 (Rural Homes) and 22 (Flood Risk and Water Management) and the Moray Local Development Plan 2020 (MLDP) policies DP1 (Development Principles), DP4 (Rural Housing) and EP13 (Foul Drainage (Supplementary Guidance)) for the following reasons:

- The proposed introduction of a further house in this location, together with other development in the immediate vicinity, would have the effect of detrimentally altering the rural character of the area and contributing to an unacceptable build-up of housing which is contrary to the siting criteria of policies NPF 17 and MLDP DP4.
- The proposed site lacks sufficient enclosure and containment, resulting in a development that would appear visually intrusive and poorly integrated with the surrounding landscape, as such the proposal fails to meet this aspect of the siting requirements of policy DP4.
- It has not been demonstrated that the proposed house could be served with an adequate and wholesome water supply as required by policies NPF 22 and MLDP EP13.

Evidence to support the appeal and address these three reasons is detailed below.

## **2. Policy Context – NPF4 and MLDP**

It is acknowledged that planning policy seeks to protect countryside character and avoid inappropriate development, reflecting long-standing policy objectives embedded within the MLDP and NPF4. However, national and local planning policy also supports the development of new houses that:

- Are suitably sited and integrated within the landscape;
- Reflect the local character and settlement pattern; and
- Do not result in harmful visual intrusion.

The refusal decision assumes that any additional house in a rural context automatically contributes to “unacceptable build-up”. This is not a policy test in itself. What matters is whether the specific proposal results in unacceptable change to character or poor landscape fit – and the evidence here shows it does not.

Moray’s own housing land audit shows the council has a significant supply of land for new houses, yet this does not justify dismissing sustainable rural housing contributions in appropriate locations. Many areas in Moray have lower delivery rates and need sensitive infill to maintain viable rural communities.

The proposed dwelling location is not identified as being in a sensitive or pressurised area in the MLDP.

As set out in the MLDP, there should be a ‘tailored’ approach to supporting proposals for a rural home and a balanced approach to addressing the local housing needs in these areas. The MLDP also notes that ‘the projected significant change in demographics means that there will be a significantly higher demand for smaller houses and for houses to meet the needs of Moray’s ageing population’. There is a need for housing in the local area, and the proposed dwelling is for a relatively small three-bedroom house, thus providing suitable accessible housing in accordance with the MLDP.

In accordance with MLDP policies DP1, we have confirmed by email on the 07/10/2025 that development obligations and affordable housing costs will be paid.

### **3. Response to Reason for Refusal - detrimentally altering the rural character of the area and contributing to an unacceptable build-up of housing**

The Council’s decision states that the proposal ‘would have the effect of detrimentally altering the rural character of the area and contributing to an unacceptable build-up of housing which is contrary to the siting criteria of policies NPF 17 and MLDP DP4’.

Key points in response to this are:

- The proposal is for one dwelling only, not a cluster or substantial encroachment of housing, and therefore cannot reasonably be characterised as an unacceptable ‘build-up’.
- The wider area, while predominantly rural, already includes scattered individual houses and rural dwellings. The site is located in a pattern of dispersed development rather than in an isolated, completely undeveloped landscape. The existing pattern of housing demonstrates that development in this type of rural landscape can be accommodated without undermining character. This dispersed pattern is typical of much of rural Moray and reflects an evolutionary rural development pattern rather than a rigidly nucleated one. The proposed dwelling would read as a continuation of this pattern rather than an isolated intrusion.

- The proposed single house is designed with environment sustainability and energy efficiency in mind. A renewable energy heating and battery storage will be installed, and the house will be built to be air-tight and well insulated. The house structure is timber frame and the exterior will be larch cladding (locally sourced) with a metal roof. This design is similar to several properties in the local area, including the nearest house, thus forming part of a recognisable group.
- Scottish Government policy recognises that sensitive opportunities for rural housing can be accommodated where they reflect local settlement patterns and landscape character.
- Moray’s rural areas are not defined by wide separation between individual houses but by small groupings and incremental growth, which is precisely what this proposal represents.

**4. Response to Reason for Refusal - lacks sufficient enclosure and containment, resulting in a development that would appear visually intrusive and poorly integrated**

The Council concluded that the proposal “lacks sufficient enclosure and containment” and would be visually intrusive and poorly integrated”.

Key points in response to this are:

- The design and layout of the house have been prepared to respond to the site’s topography and landscape features and include measures to ensure integration with the existing environment. The site benefits from existing field boundaries and mature woodland (see Appendix 1) which provide visual containment from the minor public road. Native tree planting has already taken place along two of the other boundaries, and these trees have become established (see Appendix 1) and provide woodland shelter belts which will enhance biodiversity and provide additional landscaping together with the existing mature woodland. The proposal includes plans for further extensive tree planting over the approximately 2 acre plot (>15% of the total area), again providing additional landscaping. In accordance with the policies of the MLDP, no clear felling is required.
- Nearby dwellings and built form create visual reference points, reducing the sense of an isolated structure.
- Views of the site are limited (a short section along one minor road - (see photos in Appendices 1 and 2) and where visible, the proposal would appear as a natural continuation of the built form already present. The development would not break skylines, dominate the landscape, or create a visual sprawl.
- There are no long-range panoramic views that would be dramatically altered by a modest dwelling.

- The absence of tight enclosure does not inherently mean a dwelling will be intrusive, especially when the design responds to landscape characteristics and local vernacular.

When assessed using accepted landscape and visual assessment principles, the proposal would be well integrated and would not dominate the landscape.

## **5. Response to Reason for Refusal – Water supply**

The refusal stated that “it has not been demonstrated that the proposed house could be served with an adequate and wholesome water supply as required by policies NPF 22 and MLDP EP13”.

Key points in response to this are:

- The report of handling lists a number of points requesting information and states this was not provided. This is not correct. This information was provided by email to the Council.
- As there is no mains supply in the local area, it is proposed that the water supply will come from an existing borehole at the neighbouring Thorabella Farm. Written confirmation has been sent to the Council that the owners of Thorabella Farm are content with the proposed house using this water supply, which already supplies Tomdugard. We have also confirmed that we have never had an issue with the water supply whilst living at Tomdugard.
- We understand the Moray Council visited Thorabella Farm in autumn 2025 to discuss the water supply. However, we have not seen any report or details of what was discussed during this visit. It would be useful to understand what was discussed and the outcomes of any further actions.
- The borehole at Thorabella was installed by Filpumps (one of the leading companies in the north-east for private water supply) and we have provided information on the borehole yield and sample analysis, showing that the proposed house could be supplied with an adequate and wholesome water supply. Although these tests were carried out in 2018, Filpumps have confirmed that the water is drawn from confined aquifers in the bedrock, which are protected from seasonal and climatic change that may be occurring at the surface. For this reason, the supply is at minimal risk of change.
- We are happy to re-run the tests. However, considering the substantial costs for the tests, we suggest this could be reasonably managed as a condition to any planning permission, which is a common and acceptable planning approach for technical matters.

This issue is a technical matter, not a reason to dismiss the principle of development. It is capable of resolution through conditions and further evidence.

## **6. Conclusion**

For the reasons set out above, it is respectfully submitted that:

- The proposed single dwelling does not result in an unacceptable build-up of housing and would not be detrimental to the rural character when properly viewed in context;
- The dwelling is capable of being visually integrated and respects landscape character when appropriate containment and design responses are implemented;
- An adequate and wholesome water supply can be demonstrated and secured by condition;
- The proposal will provide a sustainably designed and well sited house in a rural location, and aligns with the policy intent for rural houses within the NPF ‘to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations’; and
- The proposal addresses the planning policies of the NPF4 and MLDP by respecting the landscape character and settlement form.

In light of this, it is requested that the appeal be upheld and that planning permission be granted.

**Appendix 1: Photographs from the plot.**



**Figure 1: Native tree planting at the proposed new plot.**



**Figure 2: View from plot to existing house (Tomdugard) and mature woodland**



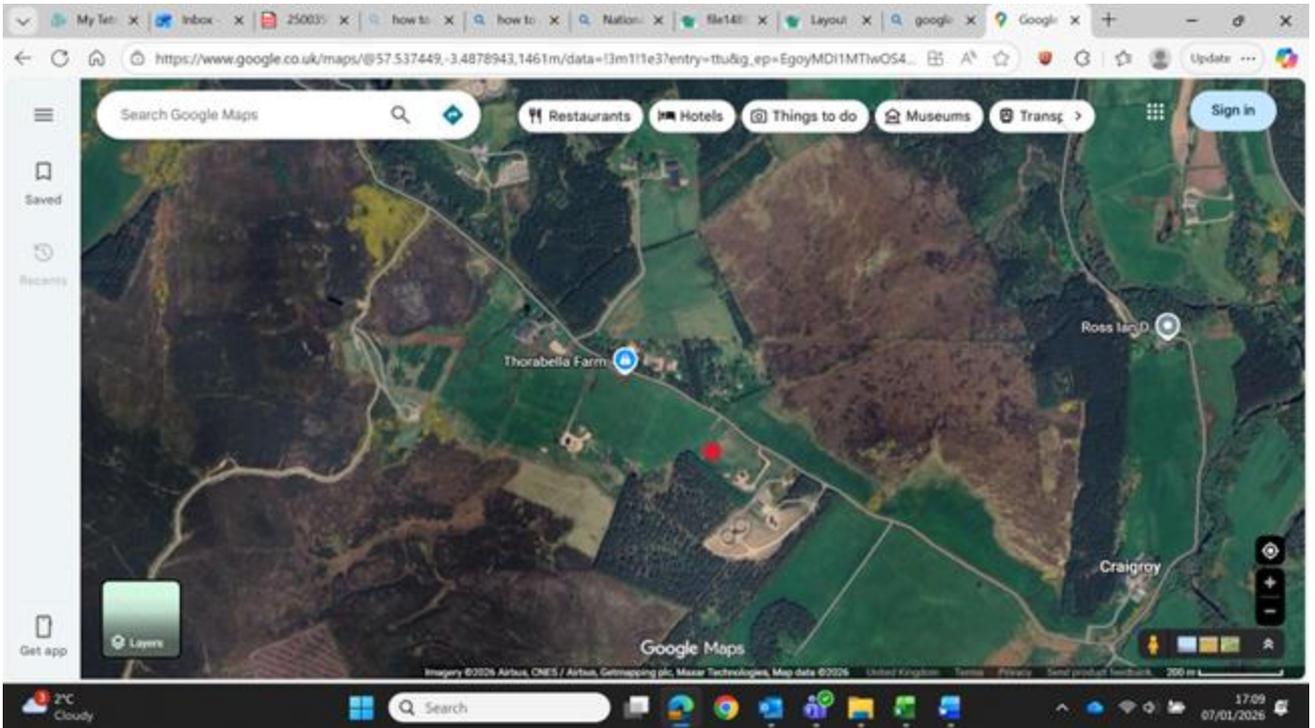
**Figure 3: View of plot and mature woodland.**



**Figure 4: View from plot looking east.**



**Figure 5: View of Tomdugard. The proposed new house will have a similar sustainable design and backdrop.**



**Figure 6: Map showing proposed new plot (red dot) and sporadic housing pattern along the minor road**

## Appendix 2: Views from the minor public road taken from Google maps

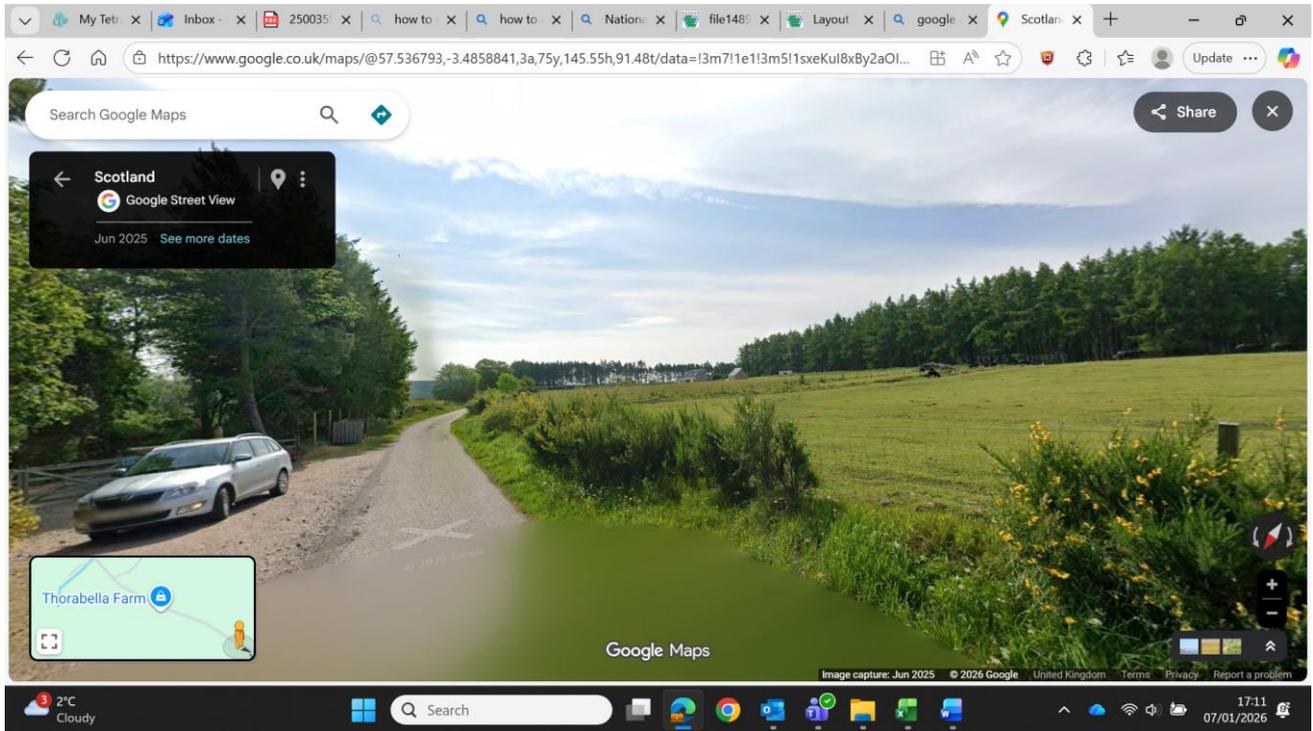


Figure 7: View from the minor road looking south towards the new plot

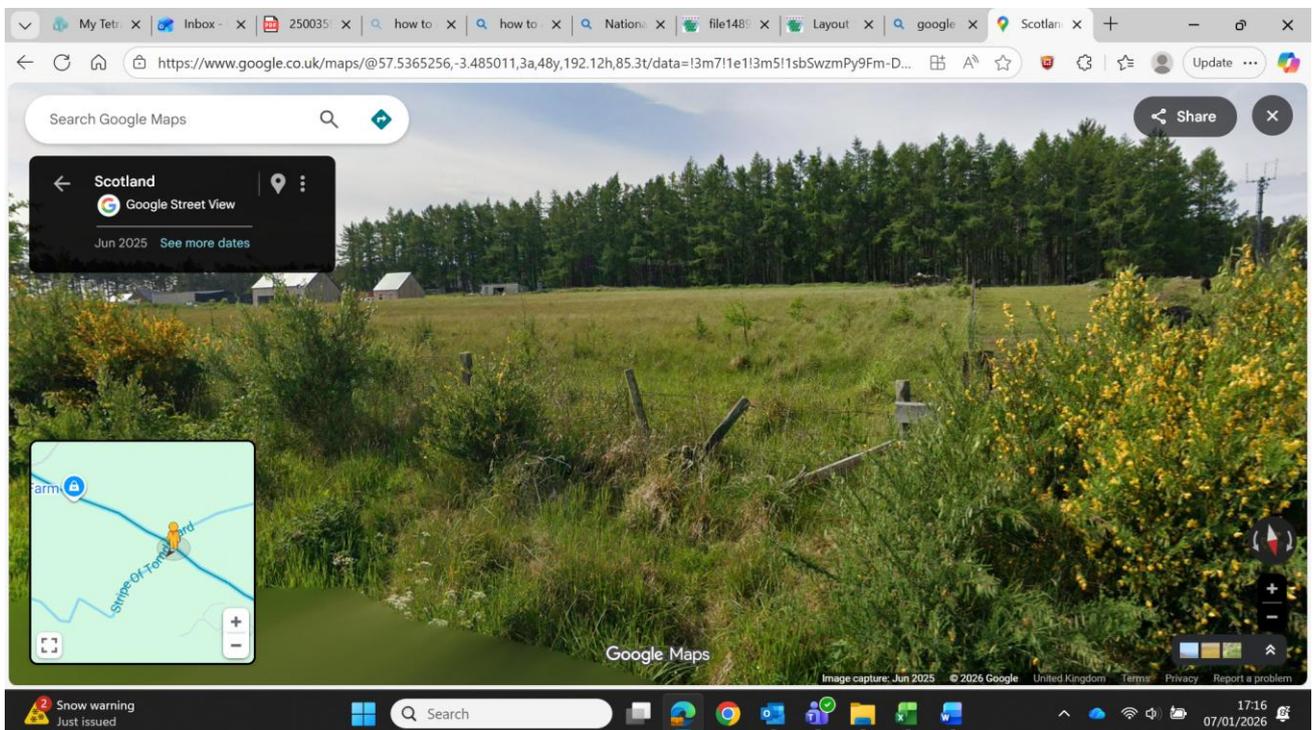


Figure 8: View from the minor road looking south-west towards the new plot