



MORAY LOCAL REVIEW BODY

SUMMARY OF INFORMATION FOR CASE No 011

1. **Ward 4 : FOCHABERS LHANBRYDE**

Planning application 09/01618/PPP – Planning permission in principle to erect a house at Upper Thorn, Drybridge, Buckie

2. Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 26 January 2010 on the grounds that:

The proposal is contrary to policy 1(e) of the Moray Structure Plan 2007 and policies H8, IMP1 and T2 of the adopted Moray Local Plan 2008 for the following reasons:

- (i) The proposal involves the formation of a house plot on elevated open ground, which rises away from the adjacent highway. It would have no backdrop or natural enclosure. These factors combined would give rise to a situation where any prospective dwelling or associated outbuildings on the site would largely occupy the skyline when viewed from the adjacent highway. On this basis, the proposal would fail to satisfy the siting criteria of the above provisions because it would be located within an open rural setting, which would lack sufficient backdrop to offset its prominence when viewed from the adjoining public road. Any development on the site would therefore represent inappropriate 'overtly prominent' development in the countryside, that would neither be low-impact nor well located and which would detract from the rural character of this part of the countryside.*
- (ii) The proposed access would require a visibility splay of 2.4m x 120m. At present the applicant has indicated works to clear vegetation from the road verge and his land to provide the visibility splay. However the visibility splay to the north crosses land which is outside the control of the applicant and there is no guarantee that the splay can be provided and maintained for the lifetime of the development. The proposals do not demonstrate control over the required visibility splay at the proposed access junction and does not conform to Local Plan Policy T2. Furthermore any additional traffic using the U63bL Minduff Road, without improvements to this road, is not acceptable.*

3. The Report of Handling on the application subject of Review is attached as **Appendix 1**
4. A copy of the Notice of the Review and Grounds for Review with an index to appendices is attached as **Appendix 2**
5. Copies of a further representation received from interested parties following statutory notification is attached as **Appendix 3**
5. A copy of the appellant's response to the further representation is attached as **Appendix 4**