



LOCAL REVIEW STATEMENT OF CASE TO SUPPORT PLANNING APPLICATION 11/01890/APP – ERECT  
TWO TIMBER CHALETs FOR HOLIDAY PURPOSES AND ASSOCIATED WORKS AT FORTHS VIEW,  
RASHCROOK, BIRNIE

April 2012

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Our Reference:	110057/MACKAY/mjh
Local Authority:	The Moray Council
Planning Application Ref:	11/01890/APP
Application Proposal:	Erect Two Timber Chalets For Holiday Purposes And Associated Works
Site Address:	Forths View, Rashcreek, Birnie
Appellant:	Mr Ian Mackay
Date Application Validated:	28 <sup>th</sup> November 2011
Council Decision Notice Date: (Appendix CMD001)	19 <sup>th</sup> January 2012
Reason for Refusal:	<p>The proposal would be contrary to policies ED9 and IMP1 in the Moray Local Plan for the following reasons:</p> <p>(1) The visually intrusive roadside development proposed would detract from an attractive open natural landscape setting and the development would not integrate into the surrounding landscape.</p> <p>(2) Further such development would be encouraged, both in the immediate vicinity and elsewhere in the wider area.</p>
Application Drawings & Supporting Documents:	110057.MACKAY.P05 Floor Plans, Elevations and Visibility Splay Plan 110057.MACKAY.P06 Site and Location Plan
Primary Development Plan Policies:	ED9: Tourist Facilities & Accommodation IMP1: Development Requirments

## LIST OF DOCUMENTS

CMD001	Council Decision Notice
CMD002	Drawing 110057.MACKAY.P05
CMD003	Drawing 110057.MACKAY.P06
CMD004	Application Form
CMD005	Drawing 110057.MACKAY.LRB07

1. The following Statement of Case prepared by CM Design Chartered Town Planners & Architectural Designers has been prepared to support a Local Review submission for the above planning application, which was regrettably refused by the Appointed Officer on the 19<sup>th</sup> January 2012.
  
2. The appellant primary reason for seeking to progress this project is to assist in the diversification of their existing agricultural business in order to ensure it is more sustainable in light of continuing government funding cuts. In order to deliver this project, the appellant has sought and been granted Scottish Government Rural Diversification match funding to deliver this tourist development project.
  
2. The application under review was submitted following an earlier refused planning application to build two substantive houses (for holiday use) on the same site (Council Ref. 1100565/APP refers). In reaching the decision on the earlier application, the appointed officer states in their Report of Handling that "...the development proposed is self evidently for dwellinghouses...", and, as such, the application was determined primarily against policy H8 'New housing in the Countryside'.
  
3. The appellant disputed the use of policy H8 as a reason to refuse the previous proposal as his development was never to be 'new houses' and in an effort to overcome this refusal, the appellant decided to amend the design of the units to be timber chalets holiday homes.
  
4. Additionally, they reduced the overall site size and incorporated more landscaping to assist in the integration of this development in to this rural setting, before submitting this revised application in late November 2011.
  
5. Regrettably, the same appointed officer again refused the erection of these two holiday units on the 19<sup>th</sup> January 2012. In reaching this decision the appointed officer did note that the amendments to the plot size and amended design were more consistent with the use of a holiday home development.

6. Unfortunately, the officer also comments that it is unusual for new holiday accommodation to be on a road side location and that the landscaping proposed does not provide enough integration, in order to satisfactorily fit this development into the landscape. The appellant disputes both of these assertions for the following reasons:

7. Policy ED9 (Tourism Facilities & Accommodation) (the lead policy in considering tourist related developments) sets a strong presumption in favour of developments which supports and contributes towards Moray's role and image as a tourist area, this presumption includes the creation of additional tourist holiday accommodation and, as such, the principle of this development is firmly established in Council policy.

8. Therefore, the only material consideration that needs to be considered as part of this review relates to Local Plan Policy IMP1 (Development Requirements). This policy lists a set of criteria which must be met for any development to be acceptable, addressing each in turn; the appellant asserts that this project complies as follows:

**a. The scale, density and character must be appropriate to the surrounding area.**

This Review seeks to erect two relatively small timber clad units of traditional proportions in an area which has seen the erection/approval of at least 8 more substantial houses in the immediate vicinity (Refer to CMD005). Therefore, the appellant contends that the erection of two small holiday homes is acceptable in this location and will not detrimentally affect the character further, nor is the creation of Holiday homes considered to be an inappropriate form of development in this rural setting.

**b. The development must be integrated into the surrounding landscape.**

In considering the chalets integration into this landscape, the location was chosen as it is easily accessible from the public road network, whilst still providing an impressive outlook and complementing the existing land uses and existing house sitings.

In order to assist the integration of this development, the submitted drawings indicate new landscaping along the site boundaries, which the appellant asserts is sufficient to integrate this development.

Nevertheless, the appellant is also content to increase/modify this landscaping provision to the satisfaction of the Council and believes this can be done via a planning condition if the Review Board supports this Review.

**c. Adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development.**

The Review site sits close to the public road network and the development provides a safe and suitable access onto this road network (as confirmed by the Council Transportation Section in their consultation response).

This road is lightly trafficked and is only 4km from Elgin, therefore it is feasible for tourists to either walk or cycle around this area without having to utilise main roads.

**d. Adequate water, drainage and power provision must be made.**

The appellant understands that the public water network is in close proximity and that it has sufficient capacity to serve this development. Surface Water and Foul drainage is to be dealt with on site, via sub-surface soakaways.

**e. Sustainable urban drainage systems should be used where appropriate, in all new developments**

The appellant proposes to deal with both surface water and foul drainage via sub-surface soakaways which will result in this water being returned to the natural water cycle in a sustainable method, in full compliance with this clause.

**f. There must be adequate availability of social, educational, healthcare and community facilities.**

As this proposal relates to the formation of new tourist related accommodation only, the social, educational and communities needs requirements are not relevant. In terms of healthcare, should an emergency arise, the A&E section of Doctor Grey's hospital in Elgin is only 4km from the site.

**g. The development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,**

Whilst not overly relevant to this proposal, as our client has obtained Scottish Government grant funding for this project, they are duty bound to ensure the construction methods are sustainable and that renewable technologies are integrated into this development.

Corollary, it is proposed to use local grown and sourced timber for the external cladding and the appellant is investigating the use of solar thermal to heat the water and air source heating for the main heating system.

**h. Provision for the long term maintenance of public landscape and amenity areas must be made**

As all land associated with this development will be retained within the appellant control, the above criteria is not relevant for this project.

**i. Conservation of natural and built environment resources must be demonstrated.**

As noted above, this project is seeking to utilise local grown and sourced timber for the external cladding, which will assist in the conservation of environmental resources. In addition, as this development is for the formation of holiday homes, it will reduce the number of existing substantive houses being lost to tourist, thus conserving the existing built housing stock.

**j. Appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion.**

The review site is not considered to be at risk from flooding.

**k. Pollution, including ground water must be avoided.**

This development will be constructed in such a way to avoid polluting the ground and or water and, as such, no conflict to this aspect is envisaged.

**l. Appropriate provision to deal with contamination issues must be made.**

As the site is a green field site, it is not envisaged that this site should pose any significant contamination risk.

**m. The development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.**

The site is relatively small in terms of the wider agricultural ground and whilst arable ground, it is not considered to the prime quality ground, nor is it known for its minerals.

**n. Where appropriate, arrangements for waste management should be provided.**

Suitable areas will be included within the development to store waste within each site.

9. In concluding, the appellant contends that this Statement of Case demonstrate that in this instance the proposed development clearly conforms to Moray local Plan Policy ED9 (Tourism Facilities & Accommodation) & Policy IMP1 (Development Requirements)

10. Furthermore, the appellant's commitment to accept a condition to address any concerns the Council may have in terms of the proposed landscaping in order to achieve a high quality development which brings significant additional tourist revenue into the local economy, should be seen as a positive development for this locality.

11. The appellant therefore respectfully asks for this Review to be duly upheld and we look forward to the consideration of this case in early course.