

**Woodside - North West of Appeal
Site in CAT**

Existing house

New house approved by LRB
10/00746/APP

Existing house

New house approved at hearing
06/01353/FUL

Existing nursery

Existing house



11.0 Reasons for Refusal

- 11.1 The reasons for refusal in the decision notice start off by saying that the proposal would be contrary to the CAT policy. It is accepted that the proposal does not involve one of the specific exceptions referred to in the wording of the CAT policy and referred to in the reasons for refusal. That does not, in itself, preclude approval on the basis of material considerations to justify a departure from policy. It is considered that there are good and sound material considerations to support approval of the proposal.
- 11.2 The refusal goes on to state that the roadside development would link well separated houses creating a linear form of development out of keeping with the character of the area contributing to a build up of development out of keeping with the character of the area. Policy H8 does not preclude additions to existing groupings. The test in the policy is whether the proposal would “detract from the character of existing buildings, or their surrounding area, when added to an existing grouping or linear extension”. It has already been shown that the site will sit comfortably within the existing grouping especially when account is taken of the additional houses approved including the new site to the south west of the proposed plot. As infill development between and within existing and approved plots the proposed site is not a “linear extension” of the grouping. It cannot be as it is within the grouping as opposed to extending it along the roadside beyond the limit of the existing properties.
- 11.3 The reasons for refusal add that the proposal would be in breach of policy H8 due to it being overtly prominent. H8 sets out clear examples of what constitutes an “overtly prominent” site. The appeal site is not one of these as discussed above.

- 11.4 The proposal is also cited as being in breach of policy IMP1 due to its detrimental impact on the open rural character of the setting. The site is not in an open position. It is well screened within an existing group of dwellings where there is consent for additional houses. Policy IMP1 would also have applied to the large house approved on a higher level immediately to the south west of the site, on a plot with little or no screening comparable to the proposed site. Policy IMP1 did not preclude the approval of the house to the south west of the site so it is difficult to see how it can now be an issue for the site under appeal.
- 11.5 Finally the refusal notice states that further such development would be encouraged. This is not a basis to reject the proposal. The planning authority has the power to determine applications on their merits in accordance with Development Plan policies and material considerations. It is considered that there is a good and sound basis to accept the proposal in relation to Development Plan policy as described above. By definition approval of the proposal on this basis cannot encourage proposals which are unacceptable.

12.0 Conclusion

- 12.1 The application under review is for a modest single dwelling with a traditional design and finish on a well defined, contained and screened site within an existing group of properties on the western fringe of the Elgin CAT designation.
- 12.2 The Planning Act requires planning applications to be determined in accordance with the Development Plan unless there are “material considerations” to justify doing otherwise.
- 12.3 National Planning Policy and Moray Councils Structure and Local Plan policies all encourage well sited houses in the countryside.
- 12.4 The lead policy in the Local Plan for testing the acceptability of the site as a suitable location for a house in the countryside, and the proposed design, is Policy H8 – New Housing In The Open Countryside. This policy contains specific criteria about the siting and design of new dwellings and it has been shown that the proposal meets the criteria set out in the policy.
- 12.5 The CAT policy allows for certain forms of development within the designation. The proposed house is not one of the exceptions provided for. The aim of the CAT policy is to prevent development sprawl into the countryside, in this case from Elgin.
- 12.6 As part of the process of determining the review it is necessary to take account of material considerations in relation to policy to see if they provide a basis for accepting

the proposal. The impact, design and relationship of a proposal to its surroundings are all material considerations and when assessing them in relation to policy it is necessary to take account of the aims and objectives of policy as well as the detailed wording.

12.7 Taking account of the design and layout of the proposal, location of the site in relation to Elgin and the setting of the site within an existing grouping of buildings where there is consent for additional houses the aims and objectives of the CAT policy will not be compromised by this infill development. This is further emphasised by the approval of new houses beside existing properties within the CAT at nearby Woodside by the LRB and at a hearing of the Committee.

12.8 It is considered that the proposal complies with policies H8 and IMP1 and that there are good, sound and justifiable reasons for accepting the proposal in relation to the CAT policy on the basis of the material considerations which have been set out.

Photograph 1

View of site approaching from east. Proposed house will be screened by trees in site with new house in foreground.



Photograph 2

View to north east corner of site showing mature trees on east boundary of plot with further trees beyond.



Photograph 3

View looking back to trees on east boundary of plot which will screen site on approach from east.

