

**ERECT NEW DWELLING HOUSE AT PLOT AT RABBIT ROCK,
WESTER ELCHIES, ARCHIESTOWN**

PROJECT NUMBER AND OUR REFERENCE 12-68

**MORAY COUNCIL PLANNING REFERENCE NUMBER
13/02213/PPP**

CLIENT/APPELLANT MISS JEAN ALLAN.

REVIEW STATEMENT

PROPOSAL.

The proposal is to erect a new dwelling house in an area of ground fenced off from the remainder of the farm with an existing track on two sides of the plot. This area of ground was selected specifically because it had its own identifiable boundaries yet it was still grouped sensitively along with the existing steading buildings and the old farmhouse. Additional tree planting was proposed to help the new dwelling blend into its natural surroundings.

HISTORY,

The old farmhouse has no real planning history to it at all. There have been no extensions to it requiring any consent. The steadings have been subject to a planning application back in 2010 under planning reference number 10/00967/APP. This consent was to partly demolish some of the more recent concrete block built steading buildings but retain the older stone buildings. The combination of retaining the old stone buildings along with part new build resulted in a planning consent for 3 dwellings in total. Along with the farmhouse this would give a total grouping of 4 units in this location.

POLICIES.

The current Moray Council Local Plan Document 2008 has a section specifically for housing in the countryside with clear definitions as to what is required for a house to comply. The planning case officer felt that although the proposals complied with housing in the countryside policies, (this is assumed as the proposals do meet with all the criteria as laid down by Policy H8 New Housing in the Open Countryside) it was the build up of housing that gave him the problem for recommending the applications for approval. The policies are quite

clear as to what is required and it is our contention that there are no issues here about design, siting, servicing or any other issues contained within this policy.

In terms of Policy IMP1 we believe that all points under sub paragraphs a – m are all complied with in our proposals. The scale, density and character are similar to other developments recently approved in Moray where groups of 4 and 5 houses together have been granted consent therefore must be acceptable within Moray. We will make reference to these later.

RESPONSE.

Here we have a situation where a client applies for planning permission and has her applications refused on the grounds that there are too many houses in a particular location in Moray. The steading buildings, to which we referred to earlier, have been granted consent for 3 units. However, with the granting of planning permission for a new bio mass plant next door at the McCallan distillery, interest in developing this property is non existent. This may have to revert to being just a single dwelling to attract interest but not withstanding this point, even with the steadings being taken at 3 units, granting consent for the Review site would only give a total of 5 units. **We list below consent details of other locations in Moray where 4, 5 and even 6 units have been considered acceptable in terms of grouping.**

When passing through Fogwatt there is a current sign advertising a group of 5 housing plots for sale by the side of the trunk road. Without a shadow of doubt, these houses will most certainly be visible from the trunk road and not just a single track, no through road.

**Ardgilzean near Elgin. Permission for 5 houses together.
Reference numbers 06/00150/FUL and 09/00038/FUL**

**Bareflathills, Calcots, Elgin Permission granted for 5 houses.
Reference numbers 05/02824/FUL**

**Rosebrae, Clackmarras Permission granted for 5 new builds and retention of existing farmhouse giving a total of 6 units together.
Reference numbers. 06/02299/FUL, 08/00310/FUL,
09/01974/PPP, 12/01411/APP**

**Lower Whitefield Mosstowie (East) Near Elgin. Total of 5 new builds.
Reference numbers 08/00644/FUL and 99/01718/FUL.**

Upper Whitefield (West) by Elgin. Permission granted for 3 new builds retaining farmhouse giving total of 4 units. Reference numbers 00/00822/FUL.

These are examples of consents being granted where housing is grouped in Moray where anything between 4 and 6 units has been acceptable. Bearing in mind that this site cannot be seen from any of the surrounding road networks, it has been grouped alongside other established buildings and the design complies with policy, we see no reason why this application should have been refused.

The granting of planning permission for this bio mass plant has dropped the bottom out of the market for housing in this area in terms of trying to get any reasonable return for a plot.

In the reasons for refusal, the case officer refers to the "overtly prominent location" of the site. It is our submission that due to the topography of the ground this plot cannot be seen from any road network other than the single track road when viewed from above the plot level. The site is not visible from the Rothes to Archiestown road nor the Rothes to Craigellachie road therefore this reason for refusal is completely inaccurate. You really do need to be within the grounds of Clachbrake Farm to see this plot.

In terms of the current Moray Council Local Plan, these applications comply fully with the written policies required for a new house in the countryside of Moray. What is arbitrary and open to interpretation is the view of the officers on what constitutes over development of an area. We feel we have demonstrated quite clearly above that 5 units in a development in Moray is an acceptable number. In the absence of any clear information within the Local Plan document, developments such as these become arbitrary and open to interpretation. By allowing other similar developments throughout Moray, some far more conspicuous than the proposal before you, Moray Council have set a precedent that allows up to 5 units to be grouped together.

CONCLUSIONS/SUMMARY.

We have clearly demonstrated, and it is not disputed by the planning department, that the proposals conform in every aspect of the current Moray Council Local Plan document for policies relating to Housing in the Countryside of Moray. Where the application has failed is in the inconsistency of the officers to agree what is considered as an unplanned build up of houses in any one particular area of the countryside. In the absence of any clear guidelines in the adopted Local Plan each application has to be assessed on its merit. However, the assessments should be consistent

It is important, if not essential to demonstrate why this proposed house is considered high visibility when we in fact dispute this quite vigorously. The only way to examine this comment is from the site and the surrounding road network whilst bearing in mind that there is nothing in the Local Plan to say that a house must NOT be seen from the surrounding road network.

The appellant respectfully requests that there is consistency in decision making. By granting consents for the applications as indicated above, the decision to refuse application number 13/02213/PPP is not consistent. Therefore, again with respect, we ask you to over turn the decision to refuse the appellant permission for her house and grant her planning permission for fairness and consistency.