

Clerk to the Local Review Body

The Moray Council

High Street

Elgin

IV30 1BX



14th April 2014

Dear Sirs,

I write in reference to the LRB case 101, planning application 13/02213/PPP Rabbit Rock, Elchies, Aberlour.

This will be the second time within a year that the LRB are being asked to review this application. With this in mind I have enclosed my previous correspondence both to this committee and to the last two planning officers. I trust that by reviewing this information the LRB members will appreciate the case history and take into account the entire permitted development on this farm, most of which is yet to be built.

I notice in the request for review paperwork that the applicant/agent wish to accompany the Councillors at their site visit to point out certain 'facts'. If the applicant or their agent is to be allowed to make their case in person, whether on site or elsewhere, then I respectfully ask that I too, in the interests of balance and fairness, am allowed to do the same.

One of my main concerns is with the area of planning policy which relates to the sensitive siting of new properties in the open countryside. That any new dwelling should not detract from the character or setting of existing buildings or their surrounding area. My home, Moel Rinnes, can first be viewed from the Whiteacen lane (off the B9102) just before Braehead Farm and then as far up the lane as the layby after Alnaboyle. Its setting is most prominent when viewed from the layby just after Braehead. It is very apparent from this location that any dwelling whether single storey or higher would be positioned at the roofline of Moel Rinnes appearing perched above it. This would detract very considerably from Moel Rinnes' setting in the landscape, something we strived to get right at our planning application.

I am also concerned with the agent's arguments relating to the groupings of buildings. How wide an area do groupings cover, they continue to argue that 5 units is acceptable and yet Clachbrake Farm (as it was) already has permitted development for 13 homes, why is this not the group being referred to? I fail to see why only the Farmhouse and the Steading (converted into 3 homes) are being included with Rabbit Rock to create 5. One could easily argue that Starwood Croft and then

the two homes planned behind that at Dogwood and then Moel Rinnes as well could all be part of this grouping creating 9.

If the applicant (previously known as Beverley Jean Jefferies) had 6 years ago applied for all this development in one application would it have been approved? Possibly she was advised not which is why this piecemeal applying has taken place to attempt to gain the entire development potential. It is this incremental build up which is damaging to the rural aspects of this area and I fear it will not stop with this application as the applicant has additional land here which as yet has no permission attributed to it.

I cannot see how other applications in the Moray area where groups of houses are being built in one development has any relevance to what is happening here. The Rabbit Rock site is not sensitively sited within the barns/farmhouse group, it is outside this and forms a linear development sandwiched between Clachbrake and Moel Rinnes.

The applicant's conclusion in their Review Statement is blatantly incorrect when it says that they have clearly demonstrated that the proposal conforms in every aspect of the current Moray Council Local Plan.

This proposal is clearly flawed in several areas of planning policy as demonstrated now by two different planning officers and one previous Local Review Body.

I therefore respectfully ask you to support the planning officer's decision and continue to refuse permission for this application.

Yours sincerely

A solid black rectangular box used to redact the signature of Alison Davies.

Alison Davies

TMC
Mallory
15 APR 2014

The Manager

Development Management

Environmental Services

Moray Council

High Street

Elgin

IV30 1BX

28th December 2013

Ref application number 13/02213/PPP

Dear Sirs,

Please accept this letter as one of objection to the above application. I refer to the following reasons.

- Contrary to the local plan
- Lack of landscaping/ established boundaries
- Over development of rural site
- Precedent
- Road access

An application for the same development was made earlier this summer 13/00550/PPP which was refused by both the planning officer and subsequently by the Local Review Body. I can see no discernable difference with this new application and so continue with my objection.

A brief background as to why I object so strongly.

We bought our plot from this applicant and used the same agent also (Plans Plus). We were always promised that there would never be more than seven homes on the site of what was Clachbrake Farm. This assurance was backed up at the time by the planning officer who decided on our application. We were told that a dispersed pattern, where no one home would overlook or be overlooked by another, other than the sight of a roof ridgeline, was the accepted planning policy for a small new estate of homes in such a rural situation. When we enquired as to whether we could change the position of our home on the plot so that it sat at the higher elevation (nearer to our entrance to the plot) we were told most emphatically no, that it would be a breach of policy as the house would be on the skyline and too prominent from the surrounding area. The rabbit rock site is at that same elevation.

For us to site our home according to policy cost an additional £20,000 for extra groundworks and underbuilding of foundations. For these reasons /policies to be overturned in favour of development at rabbit Rock would be very upsetting to me and difficult to understand. The local plan has not changed in this time and so I would sincerely hope that the same interpretation of the policies will apply.

This new application if approved would lead to there being 12 new properties on the site of the original Clachbrake farm, in addition to the original farmhouse and croft.

Currently only three of the permissions have been built (Hollywood, Alderwood and Moel Rinnes)so a further eight are awaiting development.

The further development at this farm is permitted under the following applications;

- 3 houses at The Barns /Steading, app. 13/01637/APP
- 2 houses at Dogwood, app. 13/00213/APP
- 1 house at Senara, app. 13/01418/APP (plot now sold and due to commence spring 2014)
- 1 house at Ashwood , app. 10/00034/APP
- 1 house at Conval Site, app. 12/02111/APP

The applicant owns all of the above plots and remaining land, approx. 10 acres which is as yet unallocated to any development site. This raises fears of setting a precedent for further development sites until the entirety of the Clachbrake Farm is built upon.

In referring to the local plan, policy H8, Housing in the open countryside, supplementary guidance Jan 2012, the impact of successive build up should be taken into consideration.

The impact on the character and setting of existing buildings would be detrimental giving a cluttered impression, detracting from the rural character and affecting the quality of life of neighbouring properties, mainly Clachbrake F farmhouse and Moel Rinnes.

Given that policy H8 sets a general presumption against more than two houses in one location this will contribute to build up and may also set a precedent for further development as the applicant owns the balance of all lands at Clachbrake Farm and may further sub divide existing plots which are currently unsold.

Policy H8 point iii. This new plot will lead to a linear pattern of properties, being sandwiched between Clachbrake Farm and Moel Rinnes, all on the same access track. Indeed when viewed from the main highway (after passing Braehead farm) any new building at Rabbit Rock would be very prominent on the skyline and also appear to be sitting on the roofline of Moel Rinnes, an unsatisfactory arrangement of properties.

Policy H8 point v. Site Boundaries. There are no long established site boundaries to this plot, only post and wire fencing and the track to the site is recently formed. Any new landscaping

would take years to effectively negate an obtrusive building which would be conspicuous in the landscape. This site is highly visible from all surrounding main roads as well as the unnamed lane from the B9102.

Over development of the site. The accumulation of properties when all planning permissions have been exercised will already be 13 homes, this application would be the 14th on what was a single small farm amongst farming and forestry land. Also in the immediate area are 9 other building plots currently approved along the single track lane leading from the B9102. The area will soon lose its rural feel and there is no community hub here which rural housing policy aims to encourage in settlement form.

Road Access. The existing farm track is unadopted and in a poor state. There are no official passing places on a track servicing properties over a quarter of a mile. Only the agreement with existing neighbours that their gateways remain unfenced off gives vehicles the opportunity to pass. Any new owners may not honour that agreement leading to access difficulties. The track is used by the water board to do their weekly testing, the Royal Mail, and the clients of the applicants livery business. Alongside this there is the potential (with 12 of the 13 already approved properties needing to use this track) of approx. 24 private vehicles using the track on a daily basis (based on the standard 2 car family in the countryside).

Although the application states that adequate space is provided for siting of refuse and recycling on the plot itself it does not address the issue that the collection of said refuse is not made from the site boundary as the council do not come down this farm track. There is currently only space at the main pick up point on the lane for at most six bins, now that each home has 4 different bins if there were 14 occupied properties here there would be a serious issue with storage facilities on collection days.

Taking all of the above breaches of planning policy into consideration I would respectfully ask you not to grant planning permission for this application.

Please will you acknowledge receipt of my objection prior to the closing date.

Yours faithfully

Alison Davies

TMC
Mailroom
15 APR 2014

Clerk to the Moray Local Review Body

Council Office

High Street

Elgin

IV30 1BX

6th July 2013

Dear Mrs Rowan,

Thank you for your letter informing me of the request for review on application 13/00550/PPP. I firmly believe that the case officer made the correct decision in refusing the application based on the policies given and maintain my objection to this application. I have included a copy herein of my original letter for ease of reference.

In response to the points raised in the applicants review statement I must disagree on several of those issues.

Firstly the argument is being made that this new house would sit amongst a group of 4 other houses giving a total of five which the applicant/agent argues has precedents within Moray Council planning policy. The fact that many of the cases the agent has referred to go back more than 5 years may indicate that the build-up in rural areas is now reaching a point where sensitivity is even more important in order to protect this area from the ongoing march towards urbanisation of the open countryside. Clachbrake Farm as it was five years ago had only one inhabitable building, the farmhouse. The land is still owned by the same people and yet now there are already permissions for 12 additional dwellings. The 'grouping' referred to by the applicant/agent should I believe refer to the entire set of dwellings on this land all accessed via the same unmade farm track and now forming one large estate of housing in the open countryside.

The new dwellings on the farm in the last 5 years are;

- New Build – Hollywood (home of the applicant, owner of all 5 unsold plots on the farm)
- New Build – Alderwood
- New Build – Moel Rinnes
- Renovated croft – Starwood Croft

The Farmhouse has been purchased and renovated this year.

The further development of this farm is permitted under the following applications;

- 3 houses at The Barns / Steadings, app. 10/00967/APP

- 2 houses at Dogwood, app. 10/00351/APP extended 13/00213/APP
- 1 house at Willow Wood, app. 10/00963/APP
- 1 house at Ashwood, app. 10/00034/APP
- 1 house at Conval Site, app. 09/01910/APP extended 12/02111/APP

Most pertinent to the 'grouping' the applicant refers to are Starwood Croft, only a short distance from the Barns and Farmhouse and subsequently two new houses in the future to be built at Dogwood which lies next to Starwood. My property Moel Rinnes should also be included in this group as the new property would be in line with mine when viewed from the public lane. This then creates a grouping of 9 homes, not the 5 given as reasonable by the applicant.

The applicant also argues that the Barn/Steadings development may transpire to be only one house (not three) due to lack of interest since the planning approval for the Biomass Plant in Craigellachie Wood. To my knowledge the Barns have not been openly advertised for sale, unlike three of the other plots which have been marketed for up to five years. The Barns/Steadings orientation is to the North West where the new properties would not be able to view the Biomass. The orientation of the proposed property under this application at Rabbit Rock will be looking straight at the Biomass site to the south east. I question therefore why the applicant/agent believe it would be more feasible to sell and develop this plot given that the interest in the steadings is "non existent" due to the Biomass.

Having looked at the other planning cases referred to by the agent (those where the files have been uploaded to the planning website) it appears that these developments were proposed as a single development at one time where the access and infrastructure had all been considered as part of the application.

The piecemeal fashion in which the applications at Clachbrake have been made in the last 5 years has led to an incremental build-up of development which is not in keeping with the existing character of the area.

If all 13 properties had been applied for by the farm owners as one application it would have been treated very differently as a housing development and required a level of infrastructure and planning gain would have been sought. Both the applicant and agent are well aware of the full extent of development here as they have acted for all previous applications and so it is disingenuous of them to create an argument that focuses on a smaller proportion of the actual permitted development.

The prominence of the site is a factor within the local area. It can be viewed most clearly from the lane off the B9102 which services this area of Elchies. It can be seen from the Wester Elchies Road. It can also be seen in places along the Archiestown road (B9102), I know because you can see my roofline briefly and this new site sits at a higher elevation

above my house. It is completely wrong of the applicant to state "that this site cannot be seen from any of the surrounding road networks" and that "you really do need to be within the grounds of Clachbrake farm to see the plot". Both statements are incorrect.

The applicant also states "that there are no issues here about design...." When no design has been submitted with the application and also that all points in planning have been complied with when to name just one, there are no longstanding boundaries established around 50% of the site.

The applicant states for a second time that the granting of planning permission for the Biomass plant "has dropped the bottom out of the market for housing in this area..."

It is true that there is no market driven need for more building plots to be approved in this area. There are dozens of plots within a 1 mile radius of this site most of which have been languishing on the open market for many years despite several price reductions. Would another new site, one so close to the Biomass be likely to generate any more interest than all the others?

I do not believe that the applicant's review statement provides a substantial reasoned argument for the planning decision to be overturned. I therefore respectfully ask that you support the planning officer's decision and continue to refuse permission for this application.

Yours faithfully

Alison Davies

TMC
Mailroom

15 APR 2014

Mr Andrew Miller

Environmental Services

Moray Council

High Street

Elgin

IV30 1BX

26th April 2013

Ref application number 13/00550/PPP

Dear Mr Miller,

Please accept this letter as one of objection to the above application. I refer to the following reasons.

- Contrary to the local plan
- Lack of landscaping
- Loss of privacy, being overlooked
- Over development of site
- Precedent
- Road access

This application if approved would lead to there being 12 new properties on the site of the original Clachbrake farm, in addition to the original farmhouse and croft. Currently only three of the permissions have been built so a further eight are awaiting development. Given the lack of suitable infrastructure here to cope with that number of homes I would ask you to reject this and any further applications for this farm development.

In referring to the local plan, policy H8, Housing in the open countryside, supplementary guidance Jan 2012, the impact of successive build up should be taken into consideration.

The impact on the character and setting of existing buildings would be detrimental giving a cluttered impression, detracting from the rural character and affecting the quality of life of neighbouring properties.

Given that policy H8 sets a general presumption against more than two houses in one location this will contribute to build up and may also set a precedent for further

development as the applicant owns the balance of all lands at Clachbrake Farm and may further sub divide existing plots which are currently unsold.

Policy H8 point iii. This new plot will lead to a linear pattern of properties, being sandwiched between Clachbrake Farm and Moel Rinnes, all on the same access track. Indeed when viewed from the main highway (after passing Braehead farm) any new building at Rabbit Rock would be very prominent on the skyline and also appear to be sitting on the roofline of Moel Rinnes, a most unsatisfactory arrangement of properties.

Policy H8 point v. Site Boundaries. There are no long established site boundaries to this plot, only post and wire fencing and the track to the site is recently formed. Any new landscaping would take years to effectively negate an obtrusive building which would be conspicuous in the landscape.

Loss of privacy - being overlooked. Any new house on this site would be looking down on and into our property. The applicant assured us most emphatically when we purchased our plot that the development she planned at Clachbrake would never lead to any houses being overlooked or overlooking another. In a rural location on the boundary of an AGLV one would not expect neighbours in such close proximity as this would be.

Over development of the site. The accumulation of properties when all planning permissions have been exercised will already be 13 homes, this application would be the 14th on what was a single small farm amongst farming and forestry land. There are also 9 other building plots currently approved along the single track lane leading from the B9102. The area will soon lose its rural feel and there is no community hub here which rural housing policy aims to encourage in settlement form.

Precedent. There is also a concern that the approval of this application will set a precedent for further development. The Rabbit Rock site is only a fraction of the land still unallocated to other approved development here so where will the development end if this too is approved?

Road Access. The existing farm track is unadopted and in a poor state. There are no official passing places on a track servicing properties over a quarter of a mile. Only the agreement with existing neighbours that their gateways remain unfenced off gives vehicles the opportunity to pass. Any new owners may not honour that agreement leading to access difficulties. The track is used by the water board to do their weekly testing, the Royal Mail, and the clients of the applicants livery business. Alongside this there is the potential (with 12 of the 13 already approved properties needing to use this track) of approx. 24 private vehicles using the track on a daily basis (based on the standard 2 car family in the countryside).

There is also no adequate service provision available leading to potential adverse impact on surrounding properties, I refer to telephone / broadband cabling but most notably the provision of refuse collection. Although the application states that adequate space is

provided for siting of refuse and recycling on the plot itself it does not address the issue that the collection of said refuse is not made from the site boundary as the council do not come down this farm track. There is currently only space at the main pick up point on the lane for at most six bins, now that each home has 4 different bins if there were 14 occupied properties here there would be a serious issue with storage facilities on collection days.

Taking all of the above breaches of planning policy into consideration I would respectfully ask you not to grant planning permission for this application.

Please will you acknowledge receipt of my objection prior to the closing date.

Yours faithfully

Alison Davies