



## MORAY LOCAL REVIEW BODY

26 AUGUST 2021

### SUMMARY OF INFORMATION FOR CASE No LR259

**Planning Application 20/01658/APP – Erect 1.25 Storey Dwelling House and Detached Timber Garage at Site South-West of Sourbank Farm, Rafford, Forres**

#### **Ward 8 – Forres**

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 30 April 2021 on the grounds that:

The development is contrary to Policy DP4: Rural Housing and DP1: Development Principles of the Moray Local Development Plan 2020 for the following reasons:

1. The introduction of a new house in the identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as negatively impacting on the character and appearance of this rural area.
2. There is not an acceptable level of enclosure and containment for a new house.
3. Together with other development in the immediate vicinity it would have the effect of detrimentally altering the rural character of the area contributing an unacceptable build-up of housing.
4. It will contribute to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting, particularly in relation to existing new houses in the area
5. There is no policy exception to allow new housing in Pressurised and Sensitive areas on the basis of agricultural need and the supporting information provided is not considered sufficient to outweigh the Local Development Plan policies.

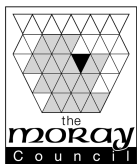
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

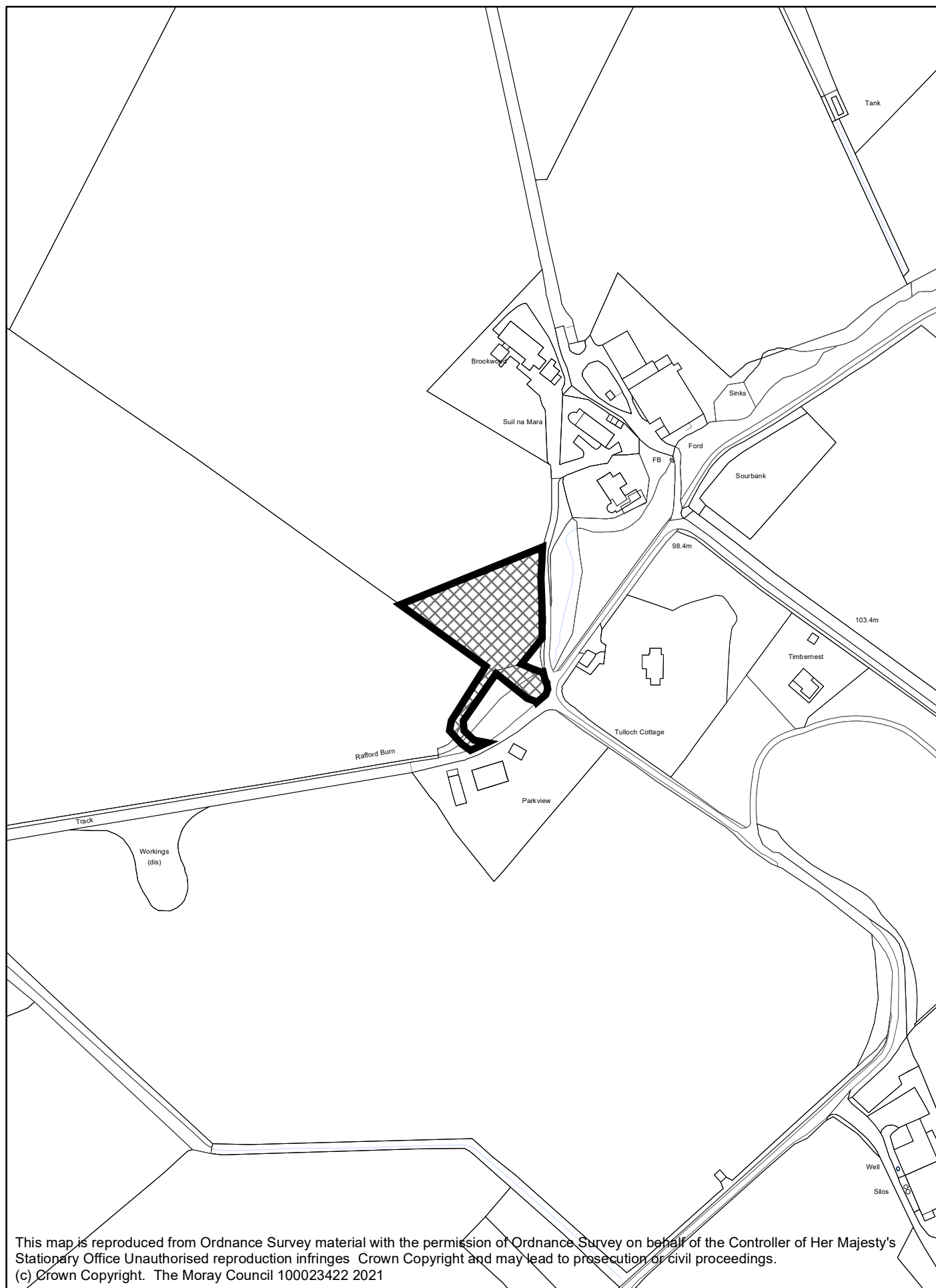
Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

The Applicant's response to the Further Representations is attached as **Appendix 4**.





## Location plan for Planning Application Reference Number : 20/01658/APP



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## **APPENDIX 1**

# **DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER**





The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: [development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100337075-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

This is a resubmission of a withdrawn Planning Application 19/01599/App to Erect a 1.25 storey dwelling house and detached timber garage in the corner of a field. The previous application was withdrawn in late March 2020.

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	PM Designs		
Ref. Number:	GRP-09-19	You must enter a Building Name or Number, or both: *	
First Name: *	Peter	Building Name:	Sonas
Last Name: *	Mitchell	Building Number:	
Telephone Number: *	01343 890273	Address 1 (Street): *	Todholes
Extension Number:		Address 2:	Dallas
Mobile Number:	07881 462217	Town/City: *	Forres
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV36 2RW
Email Address: *	pm.designs@btinternet.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Balnageith Farm
First Name: *	Graeme	Building Number:	
Last Name: *	Proctor	Address 1 (Street): *	Balnageith
Company/Organisation	G & AG Proctor	Address 2:	
Telephone Number: *		Town/City: *	Forres
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	IV36 2SX
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Moray Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

The site is in the corner of a field located 50m SSW of Sourbank Farmhouse and 50m north of Parkview, Rafford, Forres, IV36 2SL

Northing

856135

Easting

307488

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☒ Meeting ☒ Telephone ☒ Letter ☒ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Consultation took place with Emma Mitchell regarding Planning Policies and other council departments to address access issues to the site and at the U102E/B9010 junction.

Title:

Mrs

Other title:

First Name:

Emma

Last Name:

Mitchell

Correspondence Reference  
Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

2568.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Agricultural land (Livestock field)

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☒

Yes

☐

No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

☐

Yes

☒

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

☒

Yes

☐

No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

☐

Yes – connecting to public drainage network

☒

No – proposing to make private drainage arrangements

☐

Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

☒

New/Altered septic tank.

☐

Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

☐

Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

☒

Discharge to land via soakaway.

☐

Discharge to watercourse(s) (including partial soakaway).

☐

Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Foul water to a 3800 litre septic tank connected to a land soak-away, as shown on the submitted Site Plan GRP/09/19/002 and proposed by GMC Surveys Site Investigation and Drainage report.

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

☒ Yes

☐ No, using a private water supply

☐ No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

☐ Yes ☒ No ☐ Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

☒ Yes ☐ No

If Yes or No, please provide further details: \* (Max 500 characters)

There will be a bin hard standing adjacent to the detached garage for the permanent storage of recycling and refuse bins

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☒ Yes ☐ No

How many units do you propose in total? *	<div style="border: 1px solid black; width: 50px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">1</div>	Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.
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## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \* ☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 \* ☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \* ☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \* ☒ Yes ☐ No

Is any of the land part of an agricultural holding? \* ☒ Yes ☐ No

Do you have any agricultural tenants? \* ☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E



# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: \*

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: Peter Mitchell

On behalf of: Mr Graeme Proctor

Date: 29/11/2020

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☒ Yes ☐ No ☐ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☒ Roof plan.
- ☒ Master Plan/Framework Plan.
- ☒ Landscape plan.
- ☒ Photographs and/or photomontages.
- ☒ Other.

If Other, please specify: \* (Max 500 characters)

Additional supporting documents listed on the covering letter

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☒ Yes ☐ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

☒ Yes ☐ N/A

Drainage/SUDS layout. \*

☒ Yes ☐ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

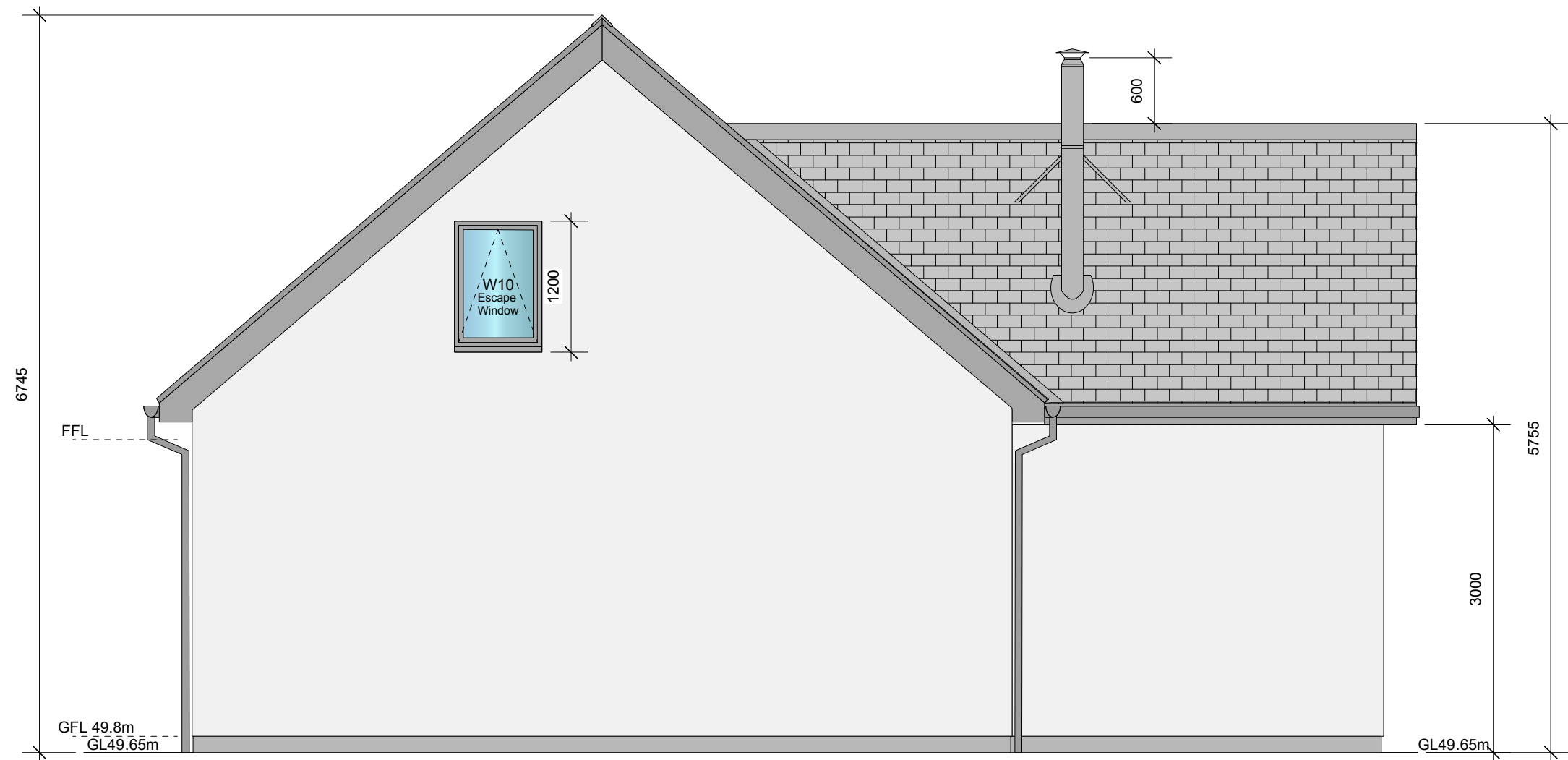
## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Peter Mitchell

Declaration Date: 04/12/2020



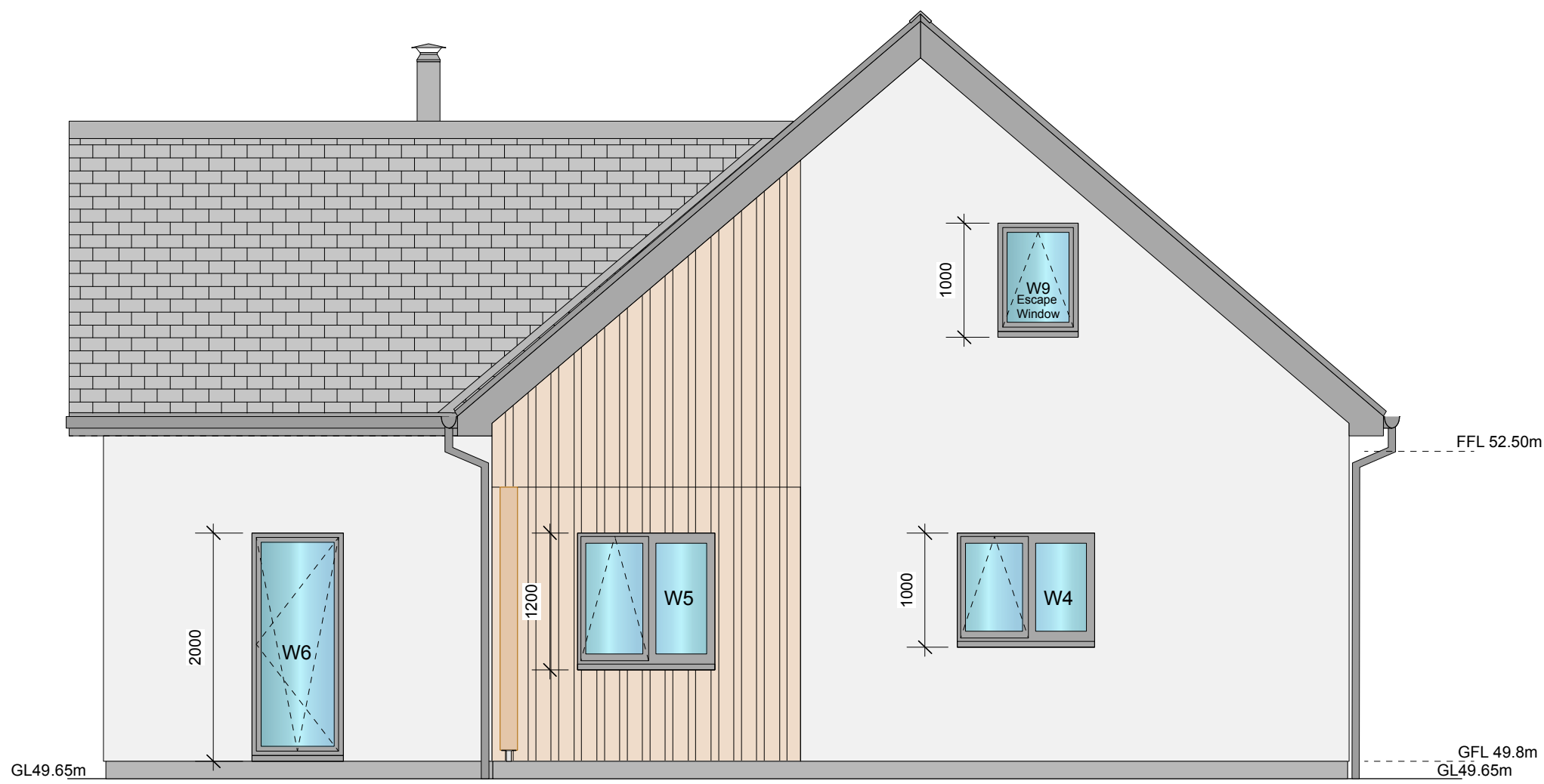


North Elevation

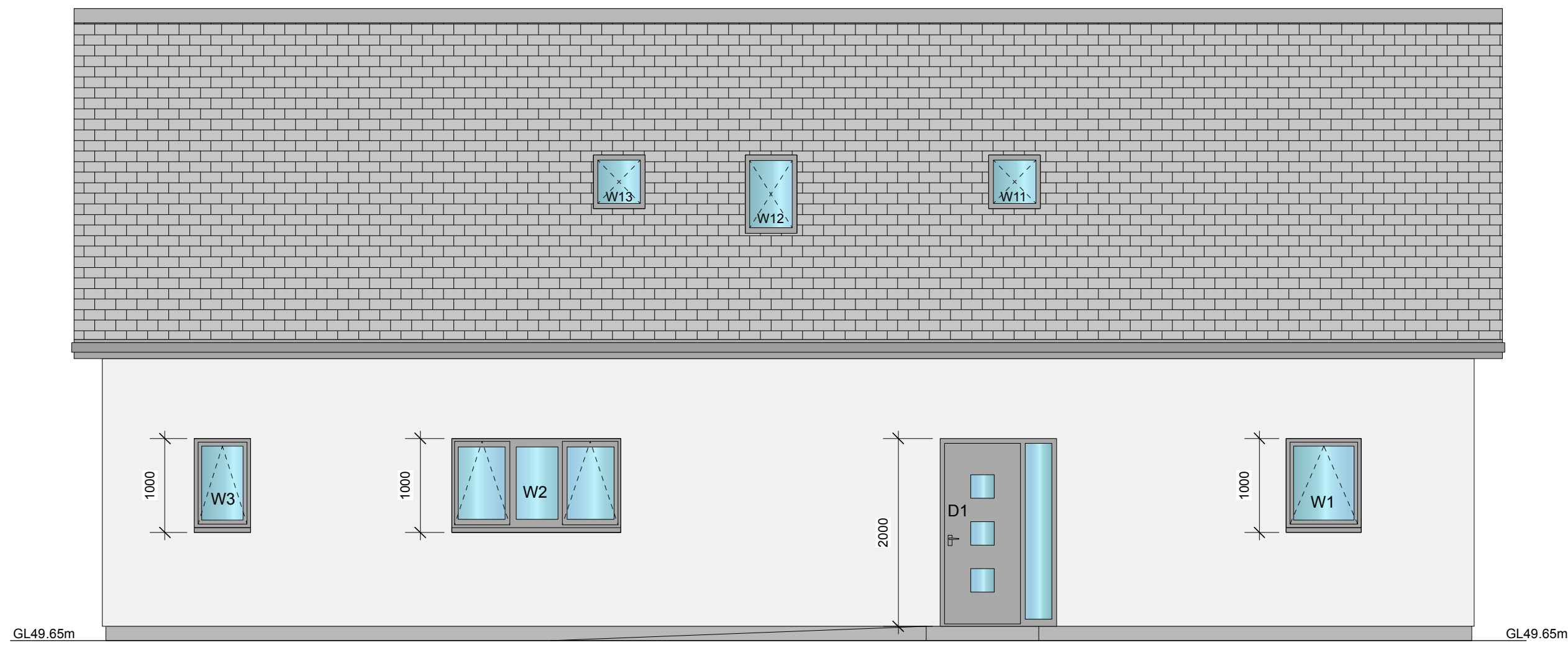


West Elevation

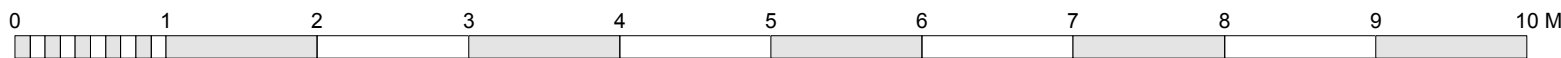
## Elevations



South Elevation



East Elevation



### COLOUR SCHEME

WALLS:  
White K-render and T&G larch timber cladding as shown.  
ROOF:  
Reclaimed welsh slates with grey ridge tiles as shown for the house.

RAINWATER COLLECTION:  
Pipes and guttering to be grey as shown.

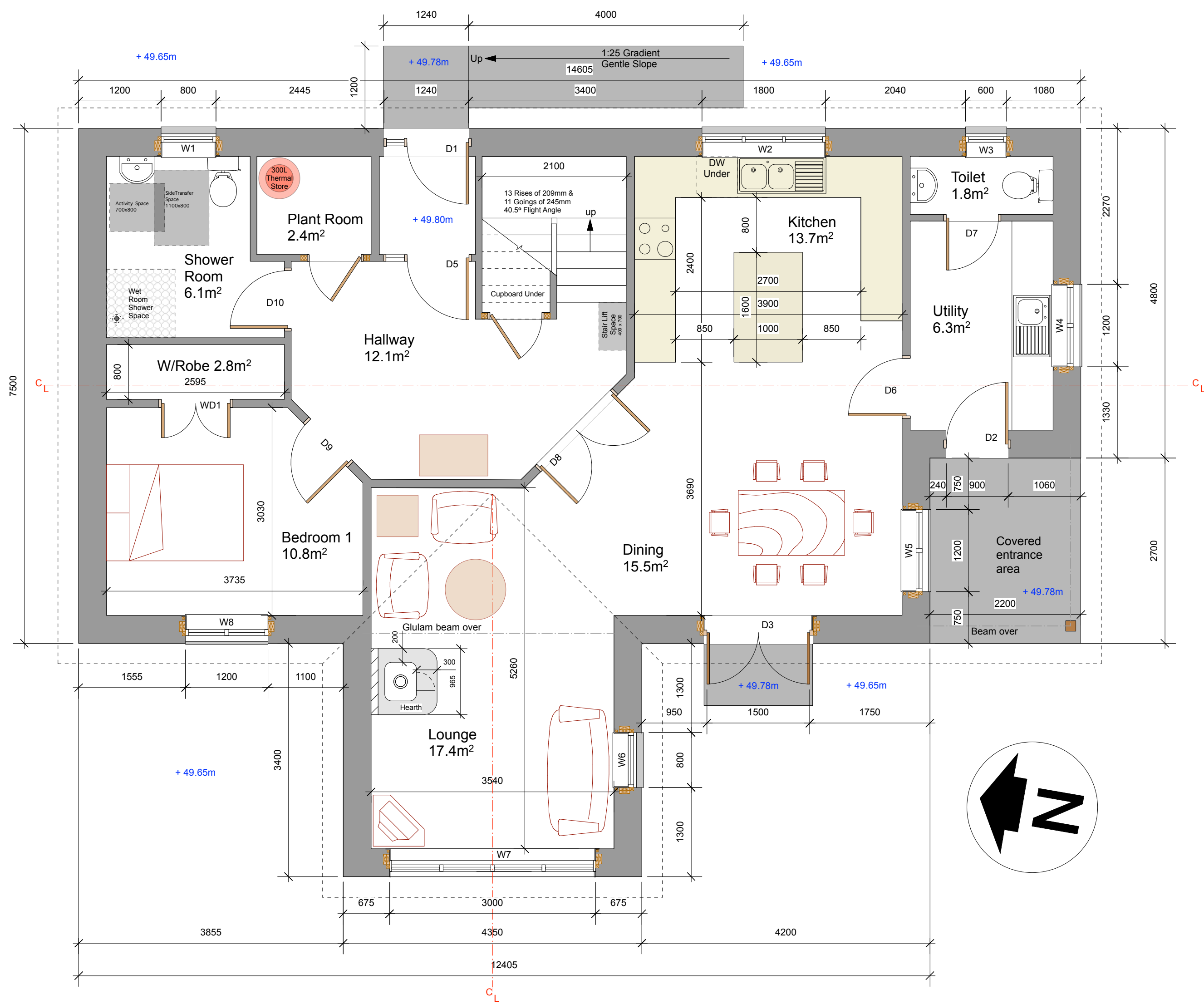
WINDOWS & DOORS:  
Grey uPVC doors and windows as shown  
FASCIA & BARGE BOARDS:  
Grey uPVC as shown.

Related Drawings and Documents  
GRP/09/19/001 Location Plan  
GRP/09/19/002 Site Plan  
GRP/09/19/003 Floor Plans  
GRP/09/19/005 Garage Plans  
GRP/09/19/006 House Section

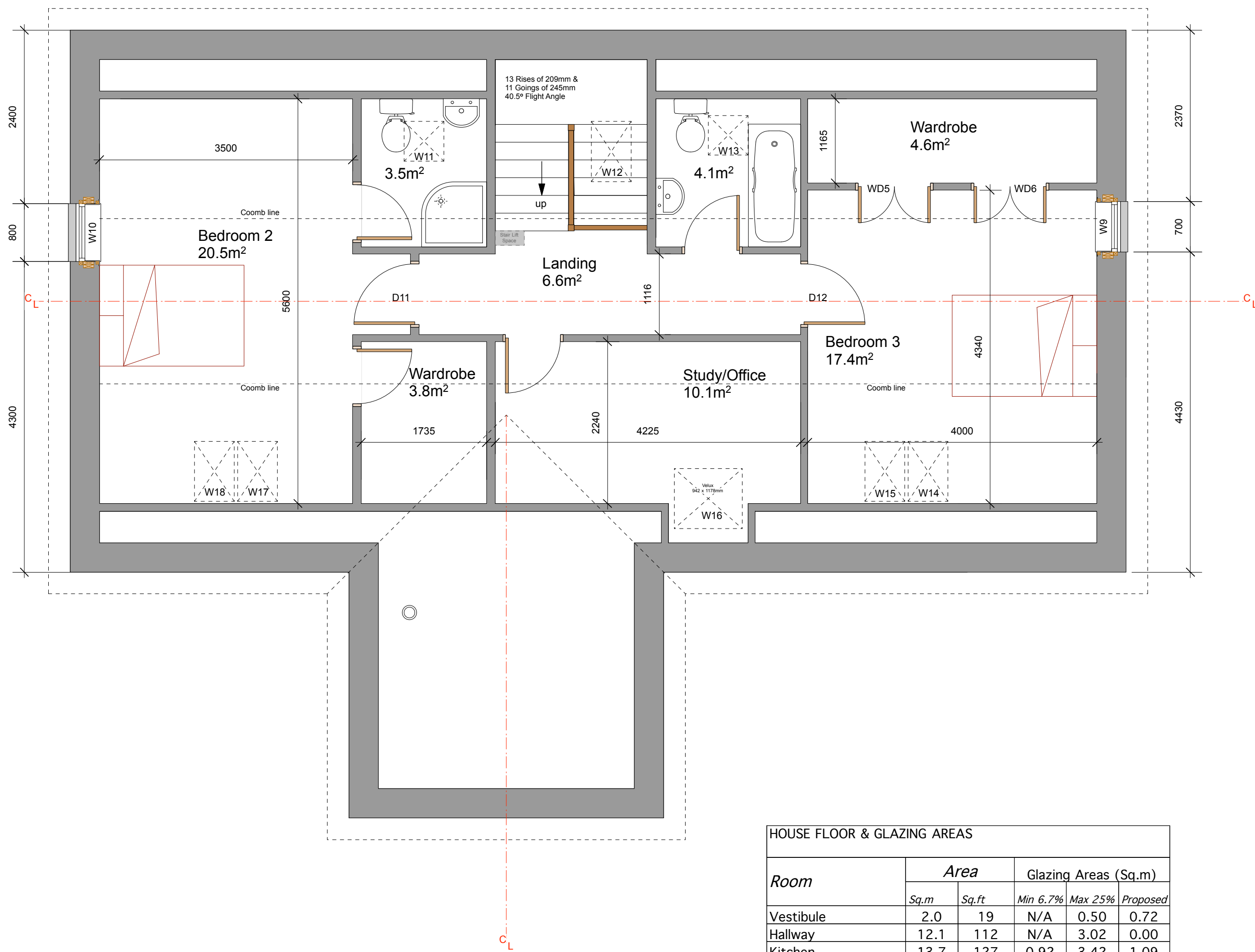
Revisions  
A. Change roof pitch to 40.5° (25/08/20).

Drawing Title				Client	
Elevations				G & AG Proctor	
Job No. GRP/09/19	Drawing No. GRP/09/19/004	Location Sourbank Farm Site, Rafford, Forbes, Moray, IV36 2SL		Job Architect/Designer Peter M Mitchell	
All Dimensions In Millimetres	Page Size A1	Revision: A		Job Title Erect 1.25 Storey Dwelling House	
Scale 1:50	Date 29/11/20	Drawn Pete M	Checked		





Ground Floor Plan

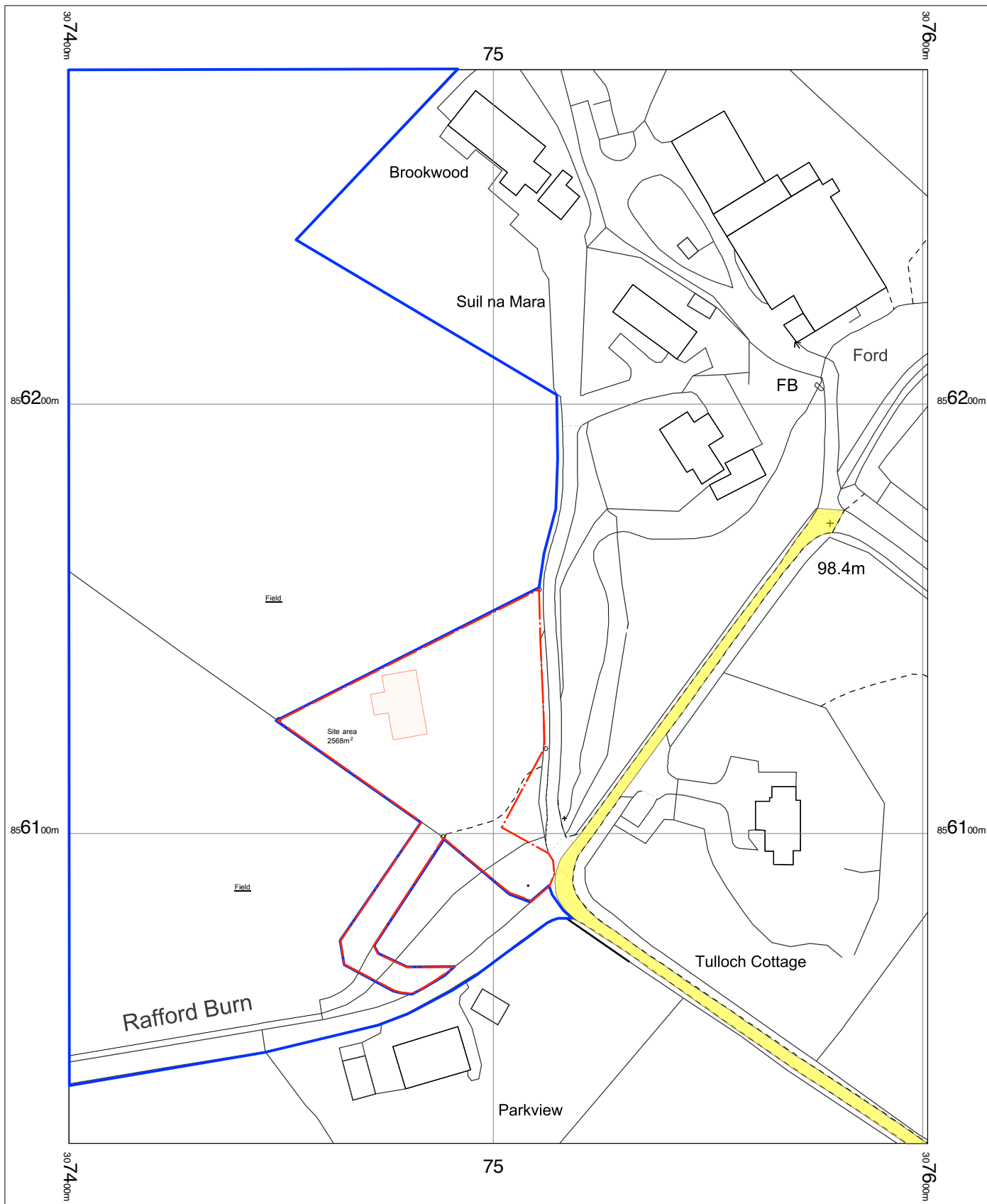


First Floor Plan



HOUSE FLOOR & GLAZING AREAS						
Room	Area		Glazing Areas (Sq.m)			
	Sq.m	Sq.ft	Min 6.7%	Max 25%	Proposed	
Vestibule	2.0	19	N/A	0.50	0.72	
Hallway	12.1	112	N/A	3.02	0.00	
Kitchen	13.7	127	0.92	3.42	1.09	
Dining Room	13.7	128	0.92	3.43	2.71	
Utility Room	6.3	59	N/A	1.58	0.73	
Utility Toilet	1.8	16	N/A	0.44	0.35	
GF Shower Room	6.1	57	N/A	1.52	0.50	
Plant Room	2.4	22	N/A	N/A	0.00	
Lounge	19.1	178	1.28	4.78	6.36	
Stairwell	5.0	46	N/A	1.24	0.18	
FF Bathroom	4.1	38	N/A	1.03	0.22	
FF En-suite	3.6	33	N/A	0.89	0.22	
Bedroom 1	10.7	100	0.72	2.68	0.91	
Bedroom 2	20.5	190	1.37	5.12	1.37	
Bedroom 3	17.4	161	1.16	4.34	1.17	
FF Landing	6.6	61	N/A	1.64	0.18	
FF Study	10.1	93	0.67	2.52	0.75	
Bed 1 Wardrobe	2.1	19	N/A	N/A	0.00	
Bed 2 Wardrobe	3.9	36	N/A	N/A	0.00	
Bed 3 Wardrobe	4.7	43	N/A	N/A	0.00	
TOTALS	157.1	1460	7.0	38.2	17.5	







#### Notes

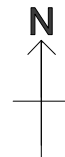
1. Land subject to this application is indicated thus:- 
2. Adjacent land owned by the applicant is indicated thus:- 

Drawing Title	Date
Location Plan	28/11/20
Drawing No.	Client
GRP 09/19/001A	G & AG Proctor
Location	OS MasterMap 1250/2500/10000 scale
Sourbank Farm Site, Rafford, Forres, Moray, IV36 2SL	Wednesday, November 27, 2019, ID: BLJT-00844098
Project Title	www.planningapplicationmaps.co.uk
Erect 1.25 Storey Detached House	1:1250 scale print at A4, Centre: 307501 E, 856153 N
Scale (A4 print)	© Crown Copyright Ordnance Survey. Licence no. 100051661
1:1250	

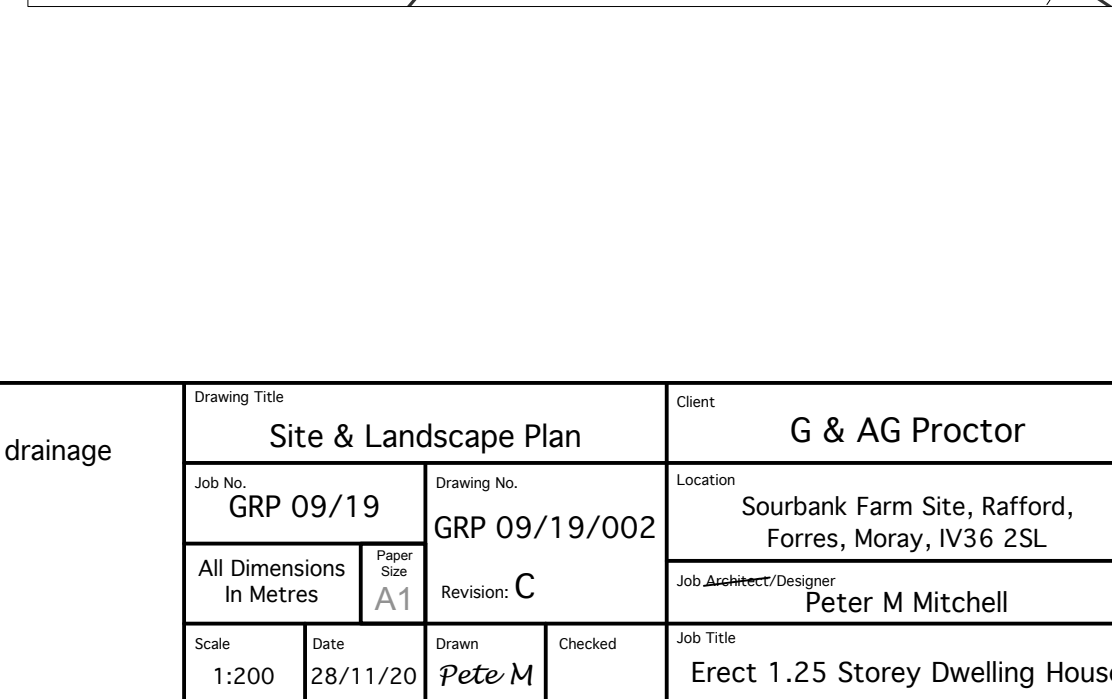
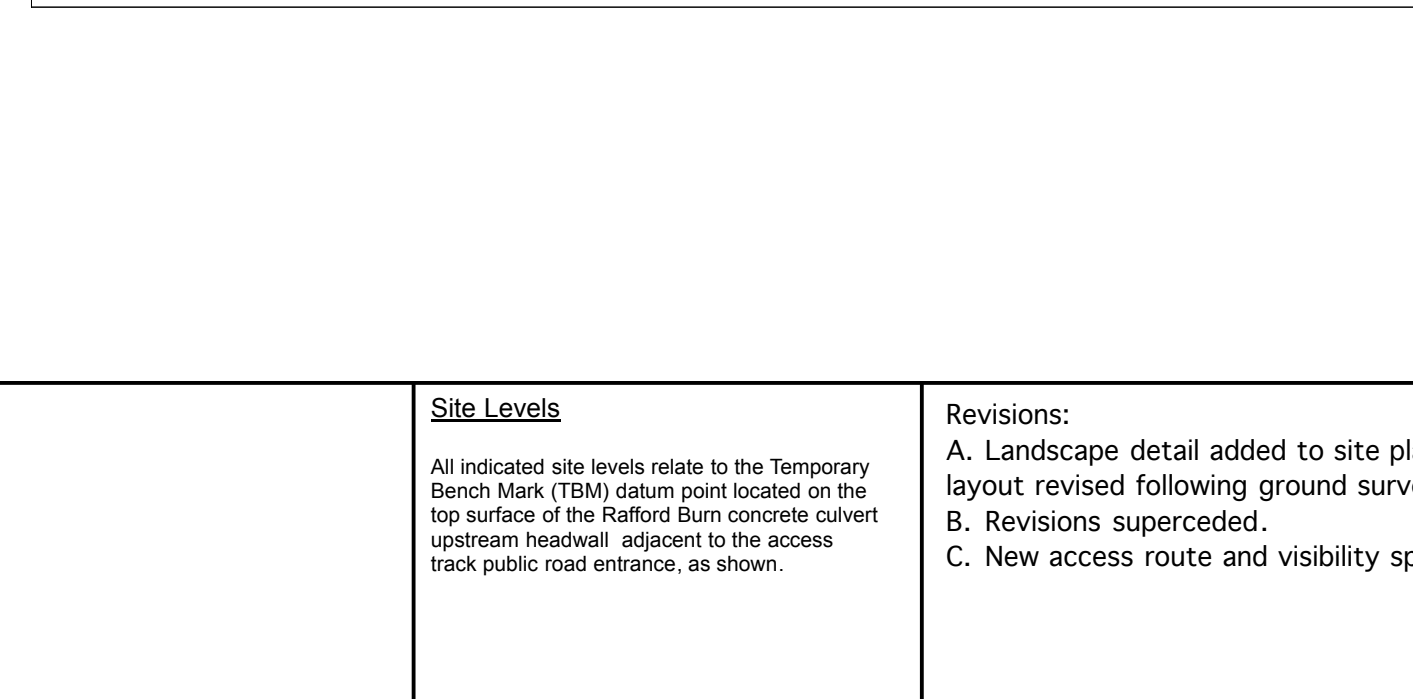
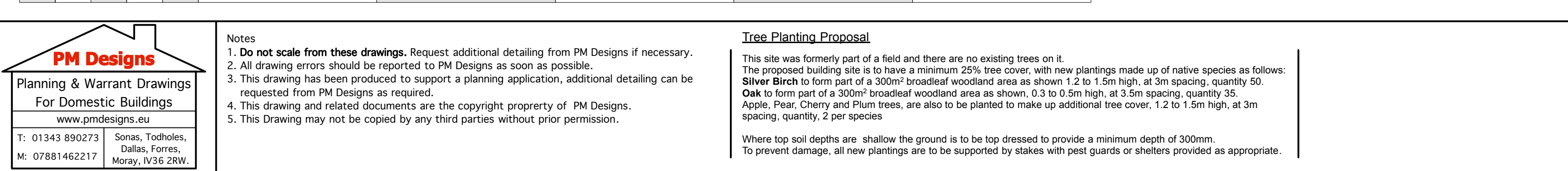
OS MasterMap 1250/2500/10000 scale  
Wednesday, November 27, 2019, ID: BLJT-00844098  
www.planningapplicationmaps.co.uk

1:1250 scale print at A4, Centre: 307501 E, 856153 N

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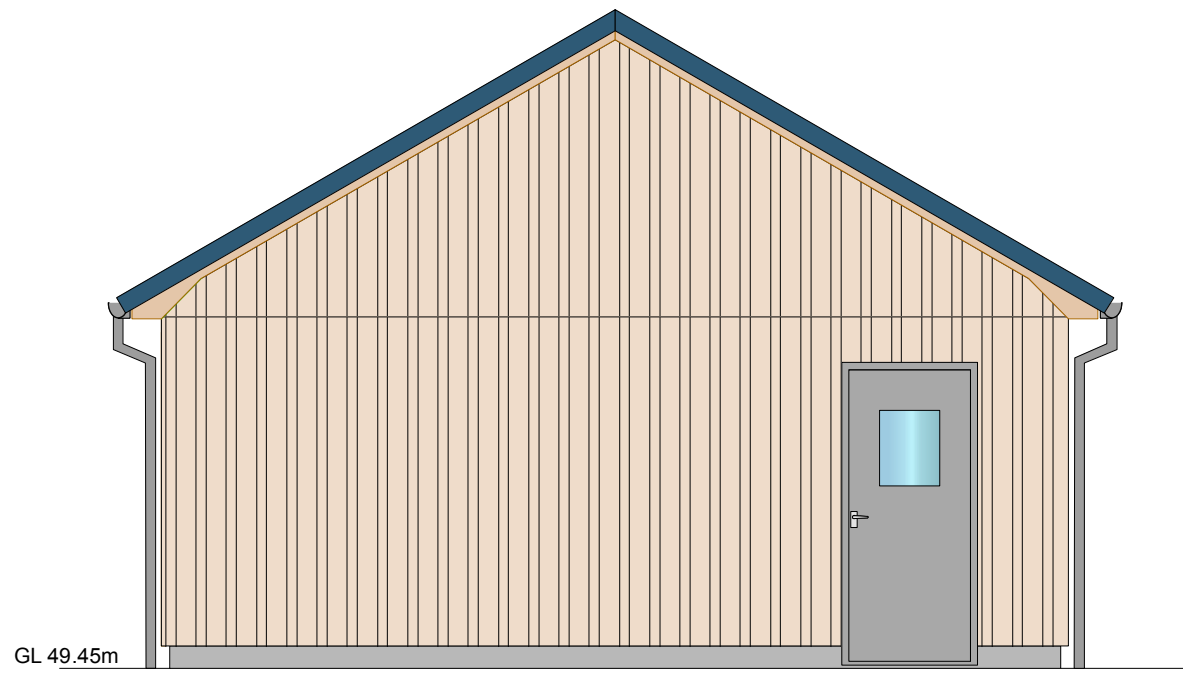




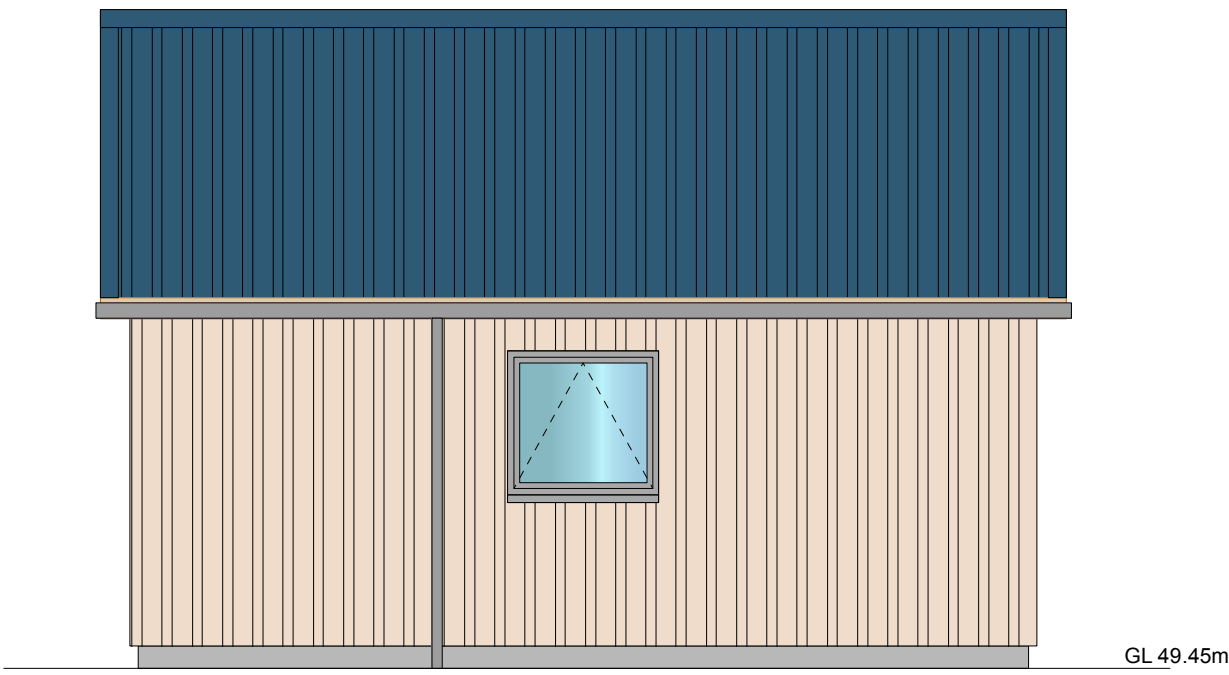




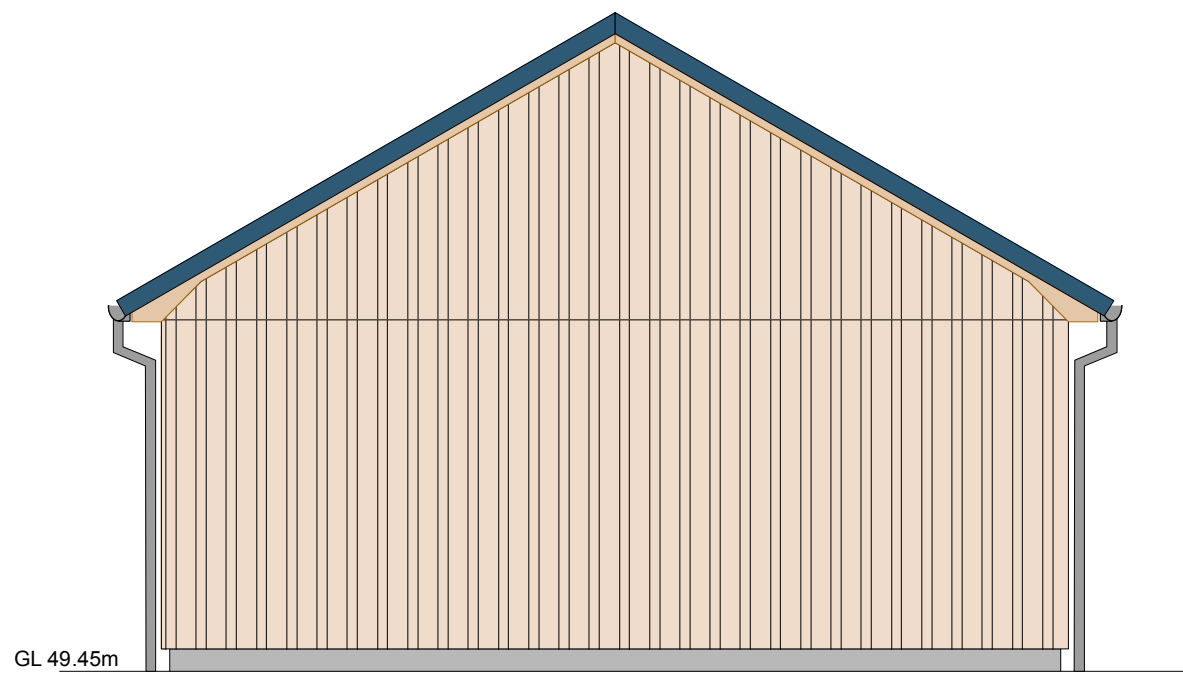




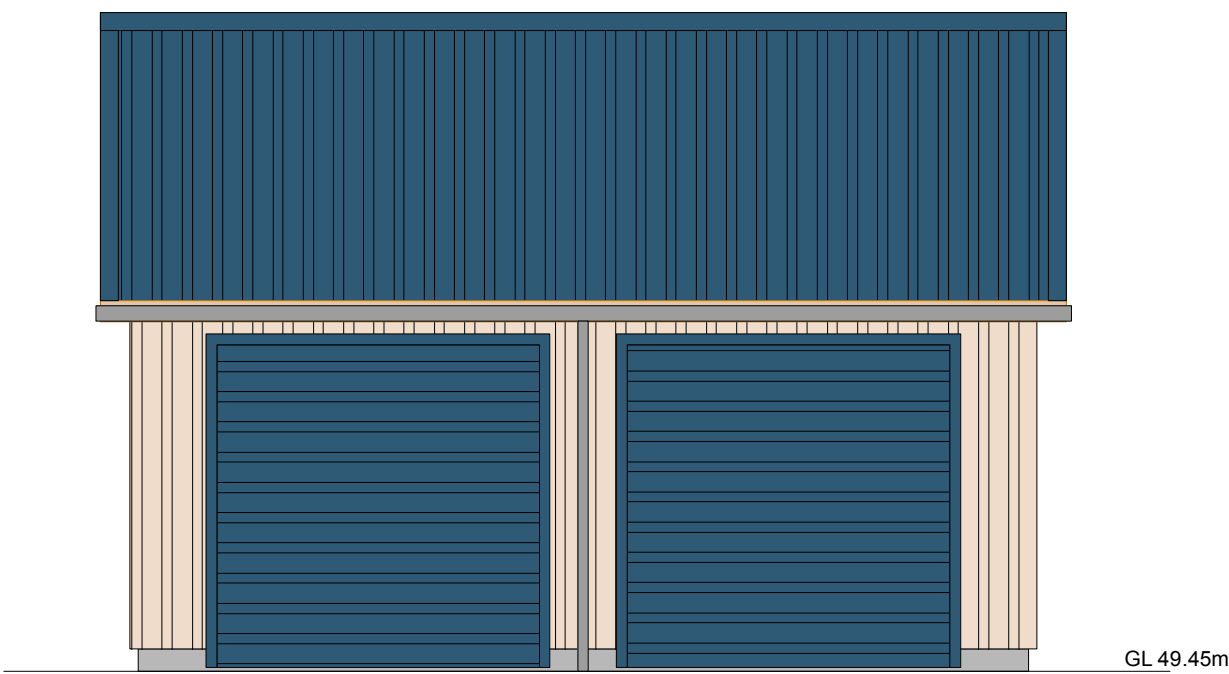
West Elevation



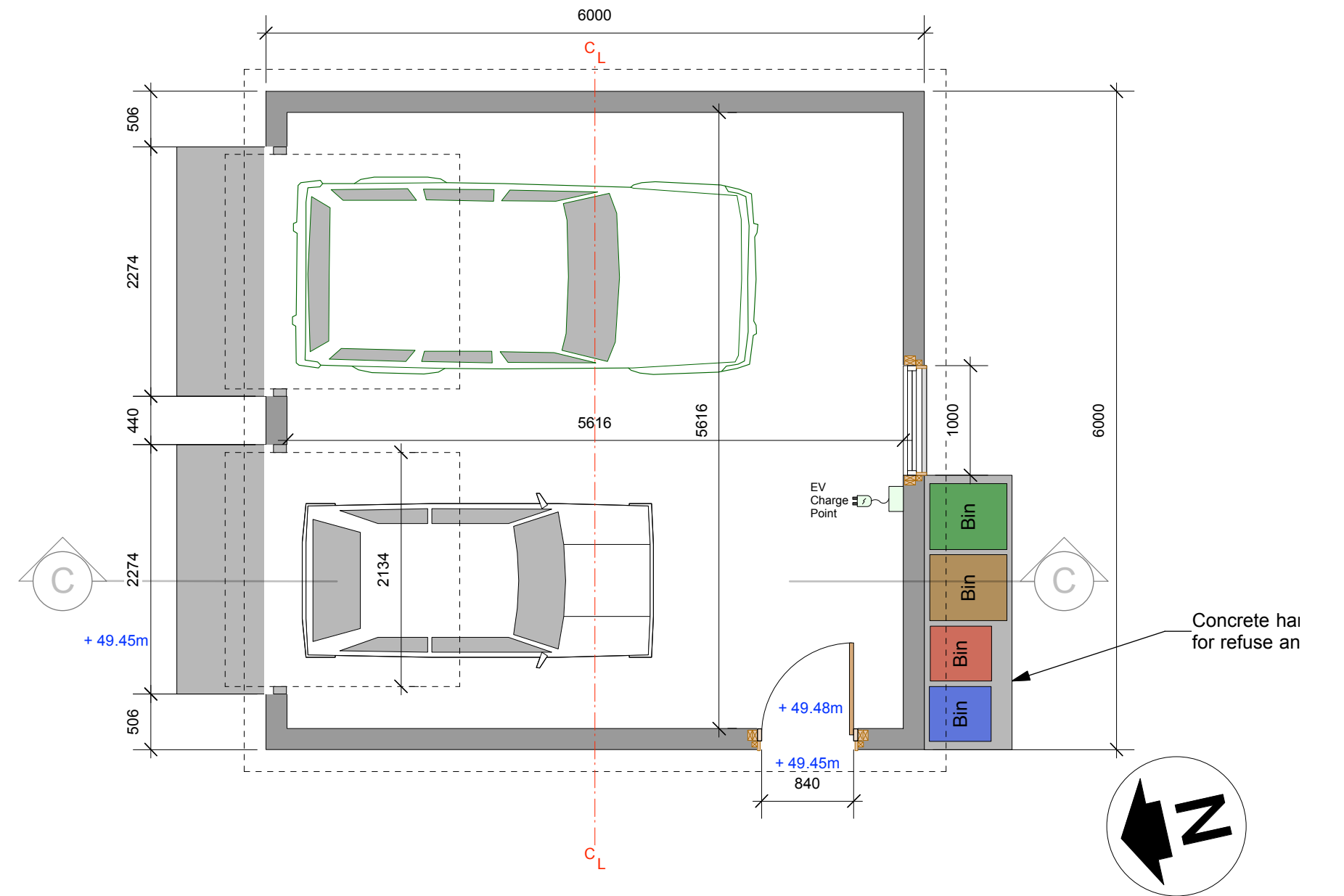
South Elevation



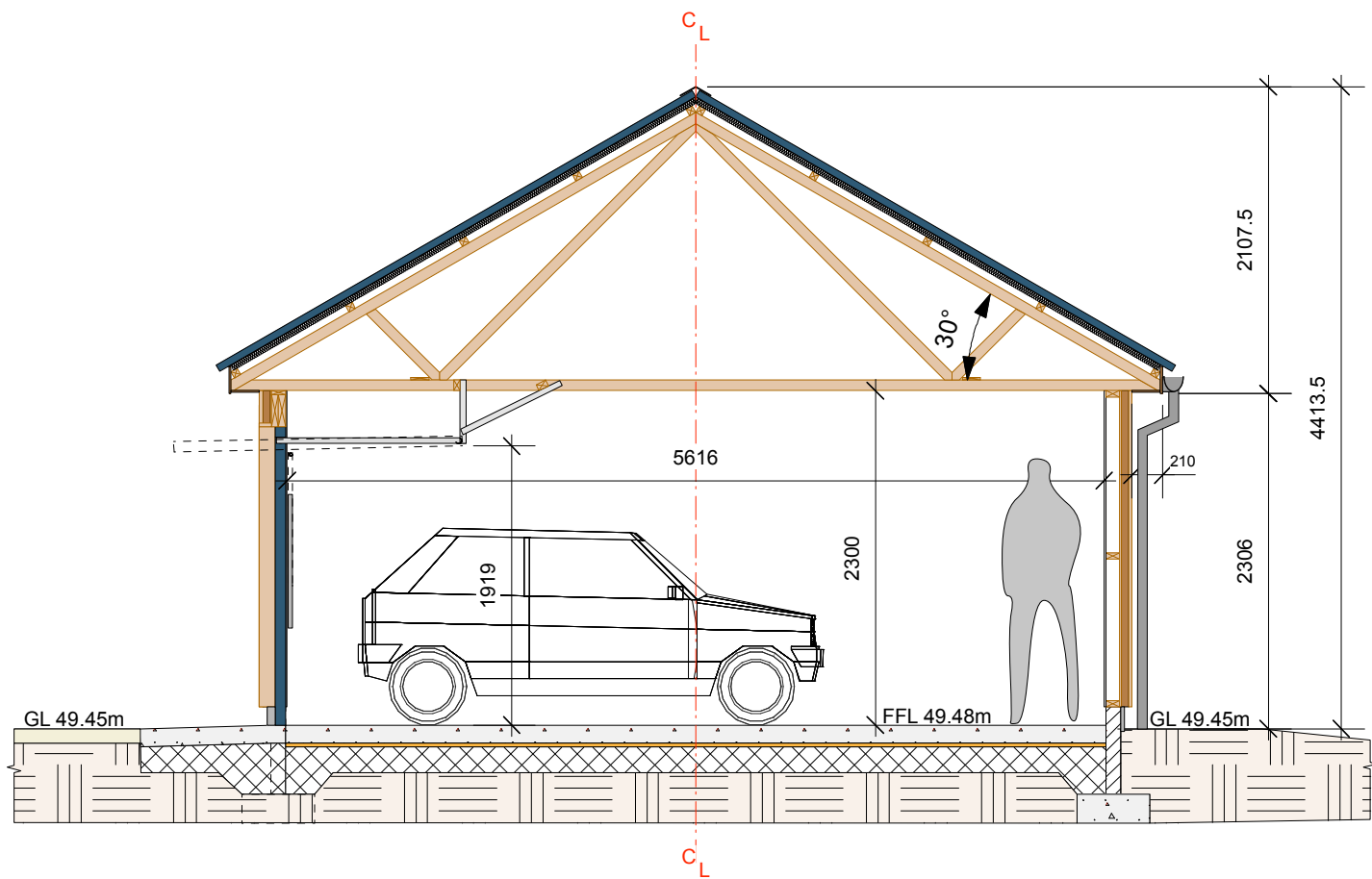
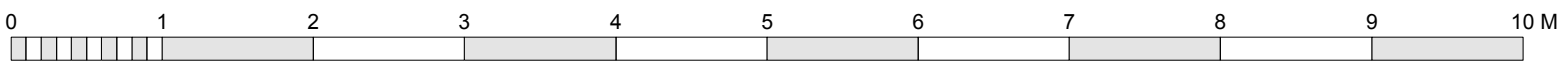
East Elevation



North Elevation



Garage Floor Plan



Cross Section C-C

COLOUR SCHEME

WALLS:  
T & G larch timber cladding as shown.  
ROOF:  
Slate blue planwell profile sheets.

RAINWATER COLLECTION:  
Pipes and guttering to be grey as shown.

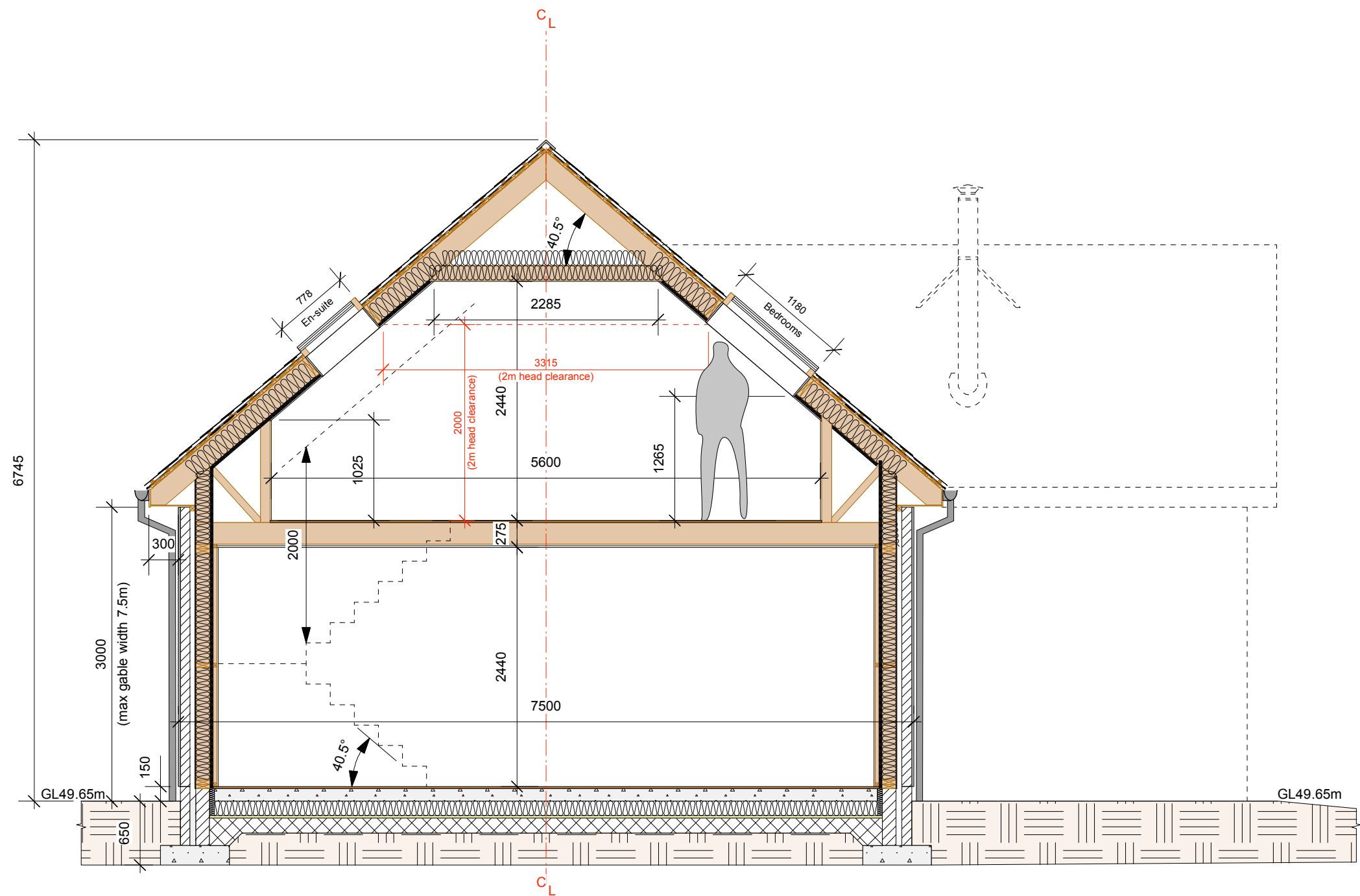
WINDOWS & DOORS:  
Grey uPVC doors and windows as shown  
FASCIA & BARGE BOARDS:  
Natural timber as shown.

Revisions

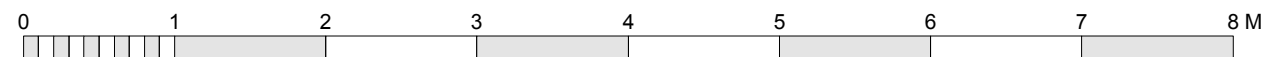
A. Planning Application revisions 22/11/20

Drawing Title				Client	
Timber Garage Plans				G & AG Proctor	
Job No. GRP/09/19		Drawing No. GRP/09/19/005		Location Sourbank Farm Site, Rafford, Forres, Moray, IV36 2SL	
All Dimensions in Millimetres		Page Size A1	Revision: A		
Scale 1:50		Date 28/11/20	Drawn Pete M	Job Architect/Designer Peter M Mitchell	
			Checked	Job Title Erect 1.25 Storey Dwelling House	





Typical Cross Section Detail  
Scale 1:50



#### NOTES.

1. Do not scale from these drawings. Request additional detailing from PM Designs if necessary.
2. All drawing errors should be reported to PM Designs as soon as possible.
3. This drawing has been produced to support a Planning Application, additional detailing can be requested from PM Designs as required.
4. This drawing and related documents are the copyright property of PM Designs.
5. This Drawing may not be copied by any third parties without prior permission.

#### Revisions

- A. Change roof pitch to 40.5° (25/08/20).



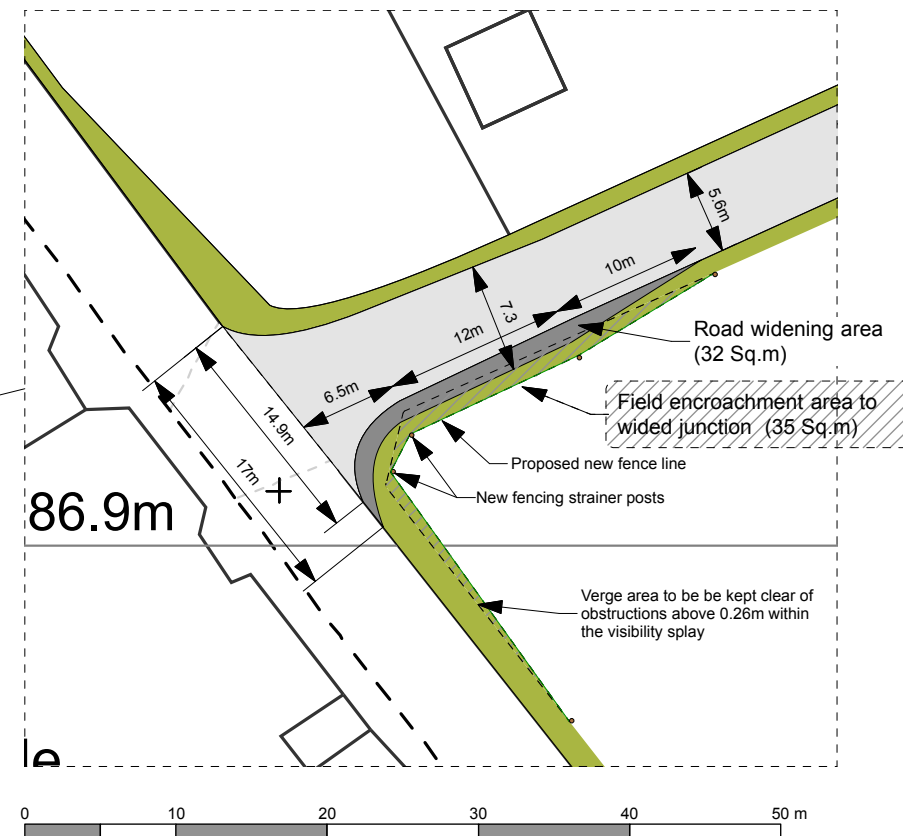
Drawing Title <b>House Section</b>				Client <b>G &amp; AG Proctor</b>	
Job No. <b>GRP/09/19</b>		Drawing No. <b>GRP/09/19/006</b>		Location <b>Sourbank Farm Site, Rafford, Forres, Moray, IV36 2SL</b>	
All Dimensions In Millimetres		Paper Size <b>A3</b>	Revision: <b>A</b>		Job Architect/Designer <b>Peter M Mitchell</b>
Scale <b>1:50</b>	Date <b>25/08/20</b>	Drawn <b>Pete M</b>	Checked	Job Title <b>Erect 1.25 Storey Dwelling House</b>	





PM Designs

Planning & Warrant Drawings  
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M: 07881462217    Dallas, Forres,  
Moray, IV36 2RW.



**Proposed Widening Detail of  
B9010/U102E Road Junction**  
Scale 1:200

Notes			
Client <b>G &amp; AG Proctor</b>			
Location Sourbank Farm Site, Rafford, Forres, Moray, IV36 2SL			
Job Architect/Designer <b>Peter M Mitchell</b>			
Job Title Erect 1.25 Storey Dwelling House			
Drawing Title <b>B9010/U102E Junction</b>			
Job No. <b>GRP/09/19</b>	Drawing No. <b>GRP/09/19/007</b>		
All Dimensions In Metres	Paper Size <b>A3</b>	Revision:	
Scale As Shown	Date 22/11/20	Drawn <i>Pete M</i>	Checked





## **PM Designs**

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Job No. P/App GRP/09/19

Planning Department  
The Moray Council  
High Street  
ELGIN, IV30 1BX

29<sup>th</sup> November 2020

Dear Sir/Madam

### **RE. Erect 1.25 Storey Dwelling House at Sourbank, Rafford, Forres, Moray, IV36 2SL**

This is a resubmission of Planning Application 19/01599/APP. The original application was withdrawn on 24/03/20 to allow time to address the Local Plan requirements it did not meet and the visibility issues with the vehicle access from the U102E Public Road and the U102E junction with the B9010.

In accordance with The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004, as this application (which is of "the same character or description of development on the same site"), is being submitted within 12 months of its original submission date of 10 December 2019, there is no fee requirement.

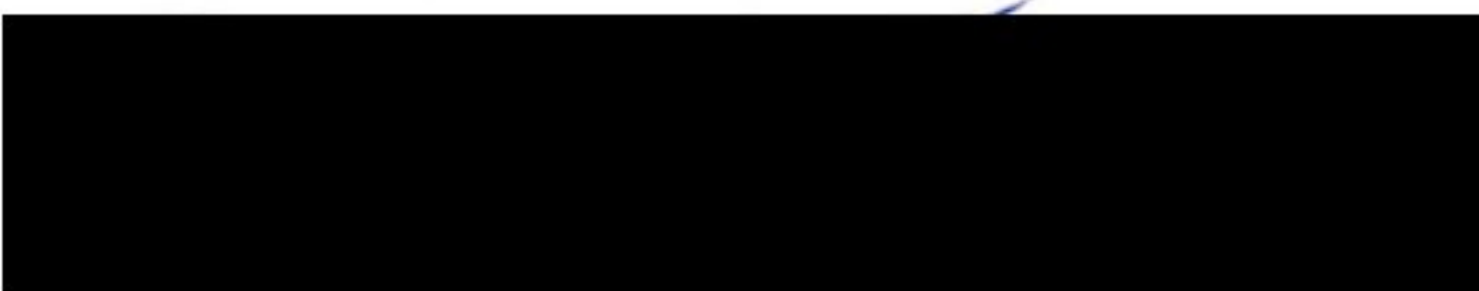
Following the withdrawal, a Planning Consultant was engaged to address the issues identified and any subsequent issues that may arise. The consultations with the Moray Council and other statutory bodies are now complete and we are in a position to resubmit the Planning Application.

The following drawings and supporting documents have been submitted as part of the e-Planning application on behalf of the applicants, G & AG Proctor

- GRP/09/19/001A - Location Plan (A4 size)
- GRP/09/19/002C - Site Plan (A1)
- GRP/09/19/003A - Floor Plans (A1)
- GRP/09/19/004A - Elevations (A1)
- GRP/09/19/005A - Garage Plans (A1)
- GRP/09/19/006A - House Section (A2)
- GRP/09/19/007 - B9010/U102E Junction (A3)
- Visual Impact Photos (A4)
- Client's Design Statement dated 8<sup>th</sup> December 2019.
- Agricultural Needs Assessment by Bowlts (TO BE KEPT PRIVATE)
- Planning Supporting Statement Jane Shepherd (TheTownPlanner)
- Site investigation and drainage survey by GMC Surveys
- Culvert Proposal by GMC Surveys

We trust that this is all in order but if you have any queries please do not hesitate to contact this office.

Yours faithfully



Mr. PM Mitchell  
For **PM Designs**



## **PM Designs**

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29<sup>th</sup> November 2019

Job No. P/App GRP/09/19

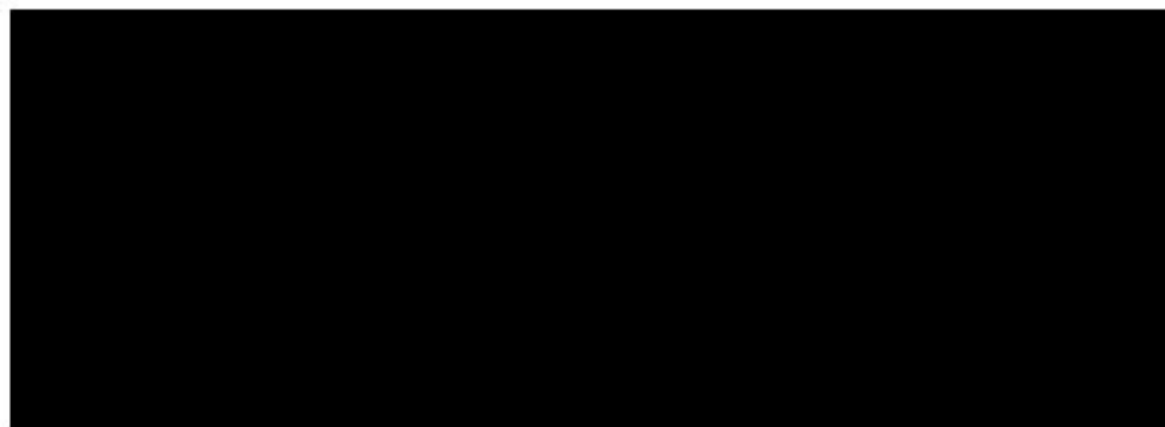
**Re: Proposed Erection of 1.25 Storey Dwelling House at Sourbank, Rafford, Forres, Moray, IV36 2SL**

### Design Statement on Behalf of The Planning Application Applicants

We wish to build an environmentally friendly energy efficient home, whilst keeping it in character with local properties as far as possible, yet still reflecting the era in which it is being built. The house will enable the next generation of the Proctor family to live adjacent to the farmland the family works. The development is sited in the corner of a field owned by our family and is adjacent a cluster of both old and new houses at Sourbank, Rafford.

To achieve a sympathetic appearance and energy efficiency we have incorporated the following design features into the proposed building.

1. Timber frame construction with mainly rendered external walls, with some locally sourced larch cladding to compliment the nearby woodland setting and the proposed tree planting. The colours are indicative only but the final shades are unlikely to differ markedly from those shown.
2. The house is 1¼ storey high with a roof pitch of 40.5 degrees and will be covered with reclaimed welsh slate.
3. A high standard of insulation, along with high specification glazing and an air sourced heating system will make this an energy efficient home for the 21<sup>st</sup> century. A wood burning stove will supplement the heating system in the winter months and provide a focal point within the property.
4. A woodland area will be created in the northern corner to provide 25% tree cover and will help to screen the proposed house from neighbouring properties, as well as providing wildlife habitat.



Peter M Mitchell, **PM Designs** (Agent)  
On behalf of the applicants  
G & AG Proctor  
Balnageith Farm,  
Balnagieth,  
Forres,  
Moray,  
IV36 2SX

Gary Mackintosh  
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Tel: 07557431702

# gmsurveys

Surveys, Setting-Out Civil Engineering Design

## Culvert Proposals

SOURBANK, RAFFORD

Gary Mackintosh Bsc  
[gmsurveys@gmail.com](mailto:gmsurveys@gmail.com)

***Client:***

Mr G Proctor

***Site Address:***

Proposed New Access

Sourbank

Rafford

***Planning Reference:***

N/A

***Date:***

3<sup>rd</sup> November 2020

***Job Number:***

RBo1

***Company Information:***

Assessment completed by:

Gary Mackintosh Bsc

**GMCSurveys**

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557431702

***Introduction:***

It is proposed to construct a new access to a new private dwelling house located at Sourbank to the south east of Rafford, By Forres.

The proposed crossing is to be located opposite existing property 'Parkview and the final surfacing of the access is to be confirmed. The proposed access width as shown within Appendix B is to be 3.75m in width.

There is an existing culverted access to 'Brookwood' located approximately 50m to the north east with a diameter of 700mm.

GMC Surveys have been asked to provide suitable calculations demonstrating the required culvert sizing for the proposed new access.

***Description of Works:***

The crossing as measured from top of bank to top of bank is approximately 6.8m in width at the widest point with a depth of 1.9m to the invert level of the channel.

The preferred option is to install a short span bridge to provide a crossing. Due to the width of the span taking in to account the additional length required to provide structural integrity, the installation of a short span bridge has been deemed not practical in the delivery of the single house development.

The Calculation sheet within Appendix A indicates the suitability of a 1200mm x 1200mm box culvert to be installed at a length of 4.5m which would be adequate to manage peak flows up to a 1:200year event.

The culvert is to be set in to the channel of the burn at a level of 200mm below the existing invert, the internal base of the culvert is to be made up to existing burn levels using bed material to act similar to an open channel culvert. The use of a box culvert has been proposed to provide the structural integrity required for the potential access of larger vehicles.

The Proposed Culvert details have been provided in Appendix B and the suitability of the details are to be confirmed by SEPA.

## **APPENDIX A**

### **Culvert Sizing Calculations**



## Culvert Capacity Estimation - Rafford Burn

Mean Velocity and maximum flow through a 1.2 metre x 0.6 metre concrete box culvert with a total length of 17.4 metres.  
Inlet level of culvert 10.51 metres and outlet level of culvert 10.341 metres.

Method used based on standard Manning's equations

Water Density, Dynamic and Kinematic Viscosity Estimates  
(Based on mean water temperature)

Temperature of water:  $T := 7.82 \text{ }^{\circ}\text{C}$  or  $T = 980.97\text{K}$

Density of Water Estimates

The density of water calculated for the given temperature above using the Thiesen Equation

Constants used for water in Thiesen Equation

$a^1 := -3.983035$   $a^2 := 301.797$   $a^3 := 522528.9$   $a^4 := 69.34881$   $a^5 := 999.974950 \text{ kg m}^3$

Density of water at given temperature  $\rho := a^5 \cdot \frac{(1 - \frac{(T + a^1)^2 \cdot (T + a^2)}{a^3 \cdot (T + a^4)})}{a^3 \cdot (T + a^4)}$   $998.62 \text{ kg m}^3$

Dynamic Viscosity Estimates

The dynamic viscosity calculated using the Vogel equation parameters

$$a := -3.7188 \quad b := 578.919 \quad c := -137.546 \quad \text{Temperature in Kelvin} \quad T^k = 280.97$$

$$\text{Dynamic viscosity at specified temperature } \mu := e^{\left(a + \frac{b}{c + T^k}\right)} \quad 0.001374 \text{ N s m}^2$$

Kinematic Viscosity Estimates

$$\nu := \frac{\mu}{\rho} = (1.374 \cdot 10^{-6}) \text{ m}^2 \text{ s}^{-1}$$

Kinematic viscosity of water at specified temperature

$$\begin{array}{llll} \text{Metric constant} & u := 1 & & \\ \text{Width of box culvert} & B := 1.2\text{m} & \text{Depth of box culvert} & D := 1.2\text{m} \end{array}$$

Manning's Coefficient based on concrete constructed channel

$$\left(\frac{1}{1}\right)$$

$$\text{Coefficient range between 0.011 and 0.025 mean value:} \quad n := 0.0180 \text{ s m}$$

$$\text{Total cross-sectional area of culvert} \quad A := B \cdot D = 1.44 \text{ m}^2$$

$$\text{Total wetted perimeter of culvert} \quad P^w := 2 \cdot (B + D) = 4.8\text{m}$$

Hydraulic radius

$$R_h := \frac{A}{P_w} = 0.300\text{m}$$

Vertical drop along culvert

$$d := 46.60\text{m} - 46.43\text{m} = 0.170\text{m}$$

Length of culvert

$$l := 4.5\text{m}$$

Longitudinal slope of culvert

$$S^o := \frac{d}{l} = 0.037$$

Mean velocity through the culvert at full capacity:

$$V := \frac{u}{n} \cdot R_h^{\frac{2}{3}} \cdot S_0^{\frac{1}{2}} = 4.789 \text{ m s}^{-1}$$

The maximum flow that the culvert can pass:

$$Q := V \cdot A = 6.896 \text{ m}^3 \text{ s}^{-1}$$

Since the peak flow rate generated during a rainfall event with a specified annual probability is known the depth of water of water in the channel during the event can be estimated as follows:

Time taken to flow through the culvert:

$$\text{time} := \frac{l}{V} = 0.809\text{s}$$

Peak flow estimaed for 1 in 200 year return period:

$$Q_{200} := 1.59 \text{ m}^3 \text{ s}^{-1}$$

Cross-sectional area of partially full culvert:

$$A_{par} := \frac{Q_{200} \cdot time}{l} := 0.285 \text{m}^3$$

Total depth of water in culvert:

$$D_{par} := \frac{A_{par}}{B} = 0.237 \text{m}$$

Flow inertia to gravity or Froude number:

$$F := \frac{V}{\sqrt{g \cdot D_{par}}} = 3.140$$

Since the depth of water during a 1 in 200 year return period is less than would occur during a pipe full the reduction in frictional loss will temporarily increase the flow in the culvert.

The following estimates are to determine if this increase in flow would exceed the maximum capacity of the box culvert.

Total wetted perimeter of a partially full culvert:

$$P_{par} := B + 2 \cdot (D_{par}) = 1.674 \text{m}$$

Hydraulic radius of a partially full culvert:

$$R_{par} := \frac{A_{par}}{P_{par}} = 0.170 \text{m}$$

Hydraulic diameter of a partially full culvert:

$$D_h := \frac{4 \cdot A_{par}}{P_{par}} = 0.681 \text{ m}$$

Renolds number:

$$Re := \frac{\rho \cdot V \cdot D_h}{\mu} = 2373259.781$$

d'Arcy friction coefficient for turbulent flow:

$$f := \frac{0.316}{Re^{0.25}} = 0.00851$$

Mean velocity of water in partially full culvert:

$$V_{par} := \left( \frac{2 \cdot g \cdot S_0 \cdot 4 \cdot R_{par}}{f} \right)^{\frac{1}{2}} = 7.616 \text{ m s}^{-1}$$

The peak flow that the partially full culvert will pass:

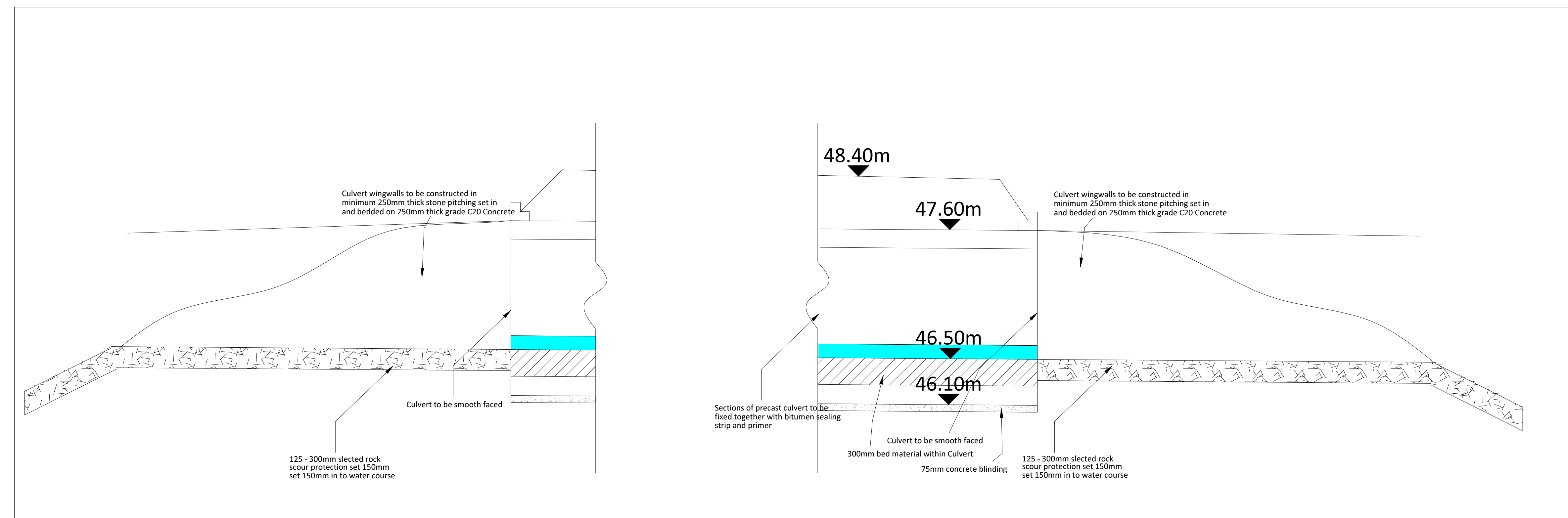
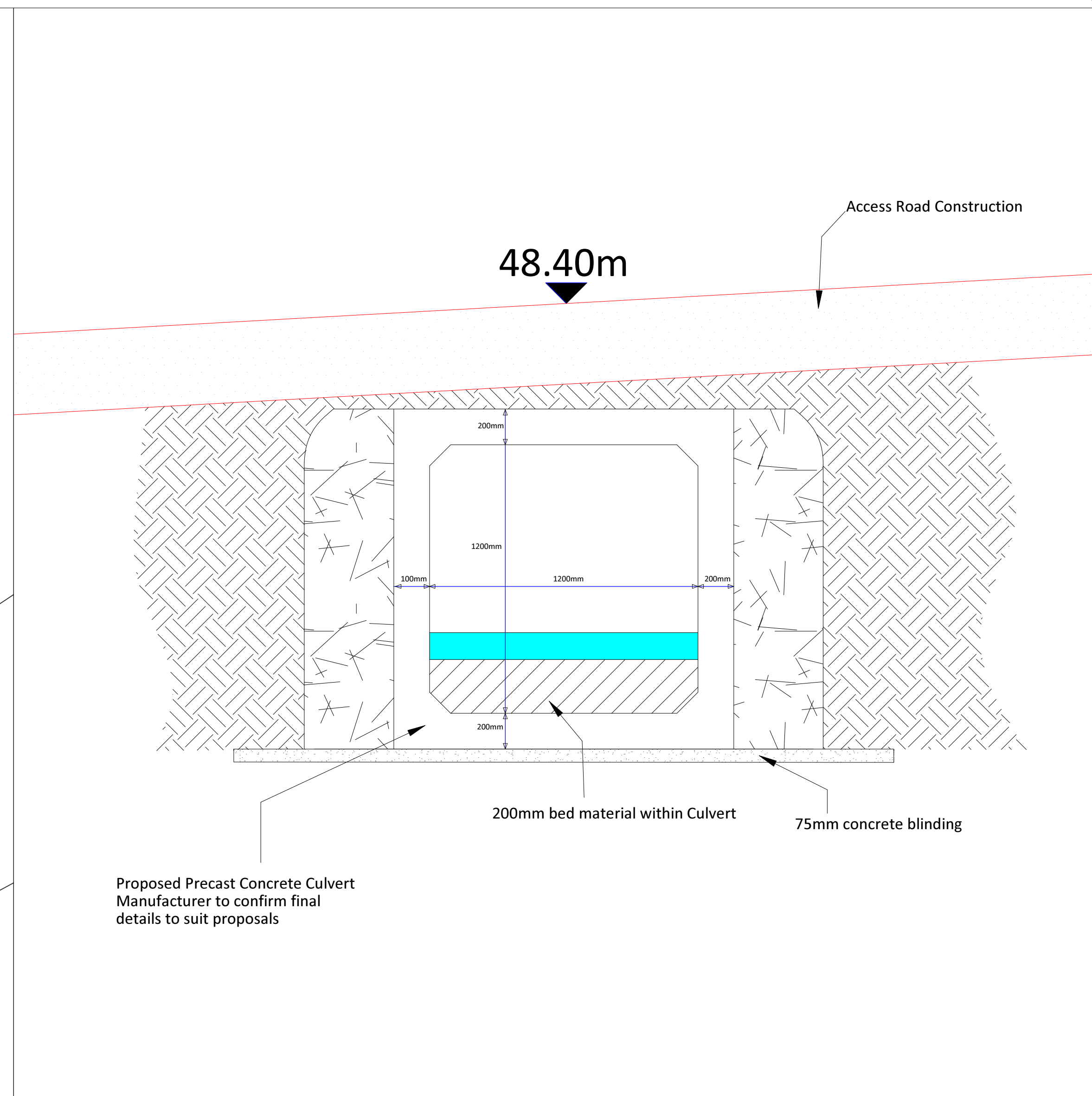
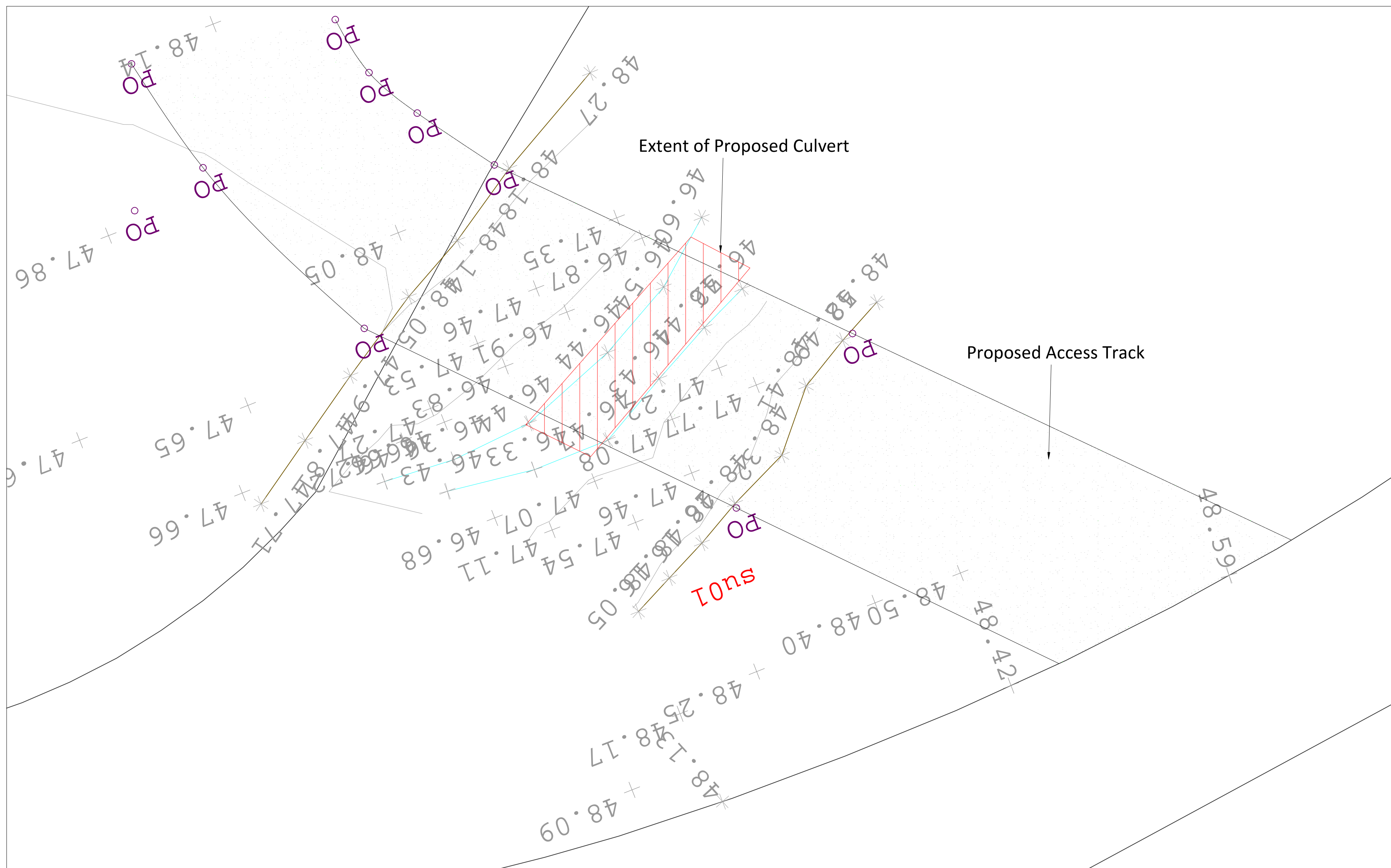
$$Q_{par} := V_{par} \cdot A_{par} = 2.170 \text{ m}^3 \text{ s}^{-1}$$

The maximum flow of water that the box culvert can pass is 4.789 cubic metres per second and the peak flow during a 1 in 200 year return period is only 1.59 cubic metres per second and even when partially full the peak flow will increase to 2.170 cubic metres per second temporarily due to a higher velocity caused by a decrease in the wetted perimeter. The proposed 1.2m x 1.2m box culvert would therefore be adequate.

During partially full culvert conditions the Renolds is greater than 4000 and the Froude number is greater than 1 therefore the flow will be supercritical and turbulent.

## **APPENDIX B**

### **Culvert Details**



REV:	DESCRIPTION:		
STATUS:	Construction Issue		

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E: gmcsurveys@gmail.com

CLIENT: **Mr G Proctor**

SITE: Proposed new Access  
Sourbank, Rafford

SCALE AT A1: <b>SHOWN</b>	DATE: <b>NOV20</b>	DRAWN: <b>GM</b>	CHECKED:
PROJECT NO: <b>RB01</b>	DRAWING NO: <b>900</b>		REVISION:





Gary Mackintosh  
Email: [gmc surveys@gmail.com](mailto:gmc surveys@gmail.com)  
Tel: 07557 431 702

# gmc surveys

Surveys, Setting-Out Civil Engineering Design

## Site Investigation & Drainage Assessment

SOURBANK, RAFFORD

Town & Country Planning  
(Scotland) Act, 1997  
as amended

**REFUSED**

30 April 2021

Development Management  
Environmental Services  
The Moray Council

Gary Mackintosh BSc  
[gmc surveys@gmail.com](mailto:gmc surveys@gmail.com)

***Client:***

Mr R Proctor

***Site Address:***

Sourbank

Rafford

***Planning Reference:***

N/A

***Date:***

18<sup>th</sup> December 2019

***Job Number:***

0956C

***Company Information:***

Assessment completed by:

Gary Mackintosh

**GMCSurveys**

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557 431 702

***Introduction:***

The proposed site is located on farmland at Sourbank, Rafford. The site is currently bounded by agricultural land to the north and west boundaries and the access road to the remaining boundaries. The proposals are to erect a 3 bed domestic dwelling and supporting infrastructure.

The SEPA Flood Maps have been consulted which indicate that the site lies outwith any areas of fluvial or pluvaial flooding up to a 1:200year event.

GMC Surveys have been asked to carry out a site investigation in order to assess the suitability of the site and provide a drainage solution.

***Soil Conditions:***

Excavations were carried out using a mechanical digger on 14th December 2019 to assess the existing ground conditions and carry out infiltration and percolation testing for the dispersal of foul and surface waters.

The trial pits were excavated to depths of 1.5m and no ground water was encountered at this depth.

The excavations provided existing ground conditions 250 – 350mm TOPSOIL overlying light red/brown medium to dense sand to a depth of the excavations.



### ***Percolation/Soakaway Testing:***

Percolation testing was carried out in full accordance with BS6297: 2007 + A1: 2008 and as described in Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic). The results can be found in the table below.

	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	Mean
<b>Date of Test</b>	<b>14/12/2019</b>	<b>14/12/2019</b>	<b>14/12/2019</b>	
TP01	2400s	2520s	2580s	2500s
TP02	2520s	2580s	2760s	2620s
<b>Average Soil Vp</b>	<b>17.07s/mm</b>			

### ***Infiltration testing:***

Infiltration testing was carried out in full accordance with BRE digest 365. The results can be found in the table below.

<b>Infiltration Test</b>	<b>Pit Dimensions (w/l)</b>	<b>Test Zone (mbgl)</b>	<b>Infiltration Rate (m/s)</b>
INF01	0.8mx 1.0m	0.5 – 1.5	$1.9 \times 10^{-5}$

### ***Conclusion and Recommendations:***

The natural ground is suitable for Traditional strip foundations designed in accordance with BS8110 – Structural use of Concrete.

Based on the onsite investigations it can be confirmed that the underlying soils are suitable for the use of standard stonefilled soakaways as a drainage solution for foul waters.

### ***Foul Water Discharge via Soakaway:***

Soil Percolation Value – 17.07s/mm

No of Persons (3bed) – 5PE

Min Base Area ( $A = V_p \times PE \times 0.25$ ) = **21.34m<sup>2</sup>**

This area can be provided with soakaway plan dimensions 6.0m x 4.0m at a depth of 0.45m below invert level, alternative dimensions may be used ensuring that the minimum base area of **21.34m<sup>2</sup>** is maintained.

The minimum required volume for the treatment plant can be estimated as:

$PE \times 180 + 2000$

$= 5 \times 180 + 2000 = 2900\text{Litres}$  (from Flows and Loads Volume 4)

### ***Surface Water Dispersal:***

Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of **5.5m x 3.0m at a depth of 1.5m** below the invert level based on the proposed contributing area of 160m<sup>2</sup> (roof area of house and garage) up to a 1 in 30 year event with 35% allowance for climate change.

Soakaway Details can be found in Appendix.

**SEPA consent will be required prior to the installation of the proposed drainage.**



SEPA and Building Regulations require that infiltration systems (soakaways) are located at least:

- œ 50m from any spring, well or borehole used as drinking water supply
- œ 10m horizontally from any water course and any inland and coastal waters, permeable drain (including culvert), road or railway
- œ 5m from a building or boundary



MasterDrain  
SW 16.12

**gmcsurveys**  
Surveys, Setting Out Civil Engineering Design

Shireen Villa, 34 Castle Street  
Forres IV36 1FN  
email: gmcsurveys@gmail.com  
Mobile: 07557 431 702

Job No. <b>956C</b>		
Sheet no. <b>1</b>		
Date <b>30/11/20</b>		
By <b>GM</b>	Checked	Approved

Project **Sourbank**  
Title **BRE365 Trench calculations for Forres**

**Rectangular pit design data:-**

Pit length = 5.5 m	Pit width = 3 m
Depth below invert = 1.5 m	Percentage voids = 30.0%
Imperm. area = 160 m <sup>2</sup>	Infilt. factor = 0.000019 m/s
Return period = 30 yrs	Climate change = 35%

**Calculations :-**

Surface area of soakaway to 50% storage depth (not inc. base):-

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 12.8 \text{ m}^2$$

Outflow factor :  $O = a_{s50} \times \text{Infiltration rate} = 0.0002422 \text{ m/s}$

Soakaway storage volume :  $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 7.4 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m <sup>3</sup>	Depth (hmax) m	Outflow m <sup>3</sup>	Storage m <sup>3</sup>
5 mins	93.4	1.2	0.24	0.07	1.17
10 mins	72.3	1.9	0.36	0.14	1.78
15 mins	60.3	2.4	0.44	0.22	2.19
30 mins	42.6	3.4	0.60	0.44	2.97
1 hrs	28.8	4.6	0.75	0.87	3.73
2 hrs	18.8	6.0	0.86	1.74	4.27
4 hrs	12.1	7.7	0.86	3.49	4.25
6 hrs	9.3	8.9	0.75	5.23	3.70
10 hrs	6.7	10.7	0.40	8.72	1.96
24 hrs	3.8	14.4	0.00	20.93	0.00

Actual volume :  $S_{\text{actual}} = 7.425 \text{ m}^3$

Required volume :  $S_{\text{reqd.}} = 4.270 \text{ m}^3$

Soakaway volume storage OK.

Minimum required  $a_{s50}$  : 7.33 m<sup>2</sup>

Actual  $a_{s50}$  : 12.75 m<sup>2</sup>

Minimum depth required: 0.86 m

Time to maximum 2 hrs

Emptying time to 50% volume =  $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 02:26 \text{ (hr:min)}$

Soakaway emptying time is OK.





MasterDrain  
SW 16.12

**gmcsurveys**  
Surveys, Setting Out Civil Engineering Design

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Mobile: 07557 431 702

Job No. <b>956C</b>		
Sheet no. <b>2</b>		
Date <b>30/11/20</b>		
By <b>GM</b>	Checked	Approved

Project <b>Sourbank</b>	
Title <b>BRE365 Trench calculations for Forres</b>	

**Location hydrological data (FSR) :-**

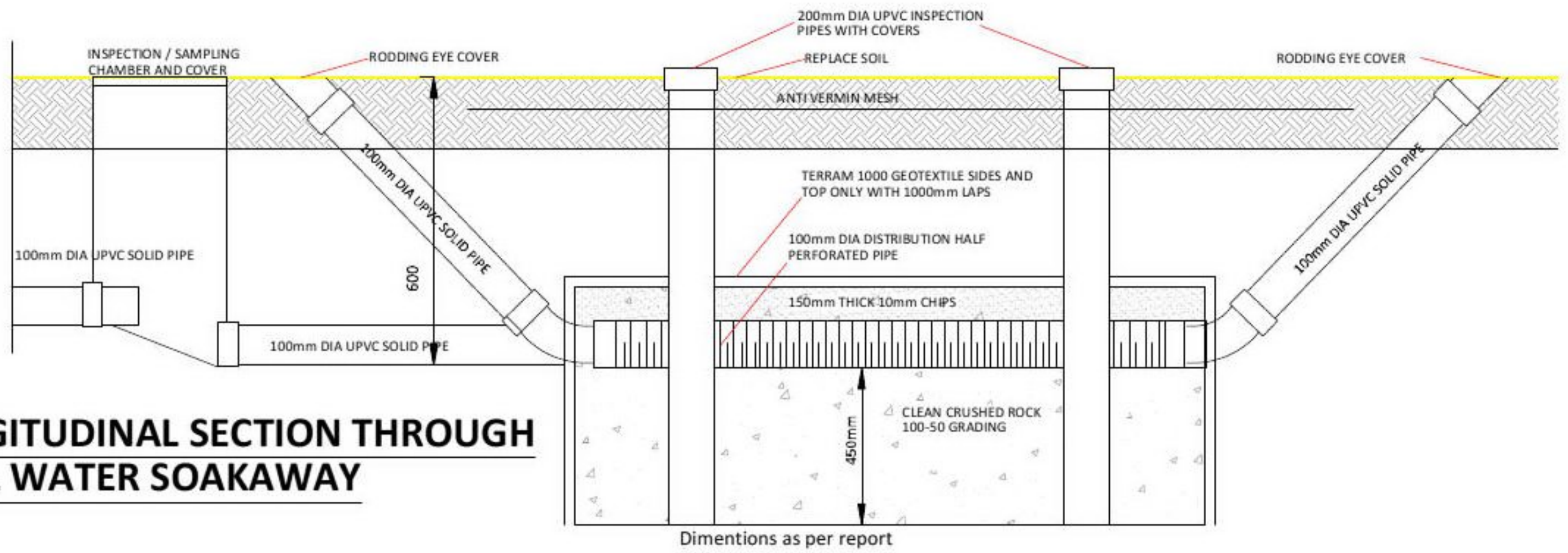
Location	= Forres	Grid reference	=
M5-60 (mm)	= 14	r	= 0.24
Soil index	= 0.15	SAAR (mm/yr)	= 720

**Soil classification for WRAP type 1**

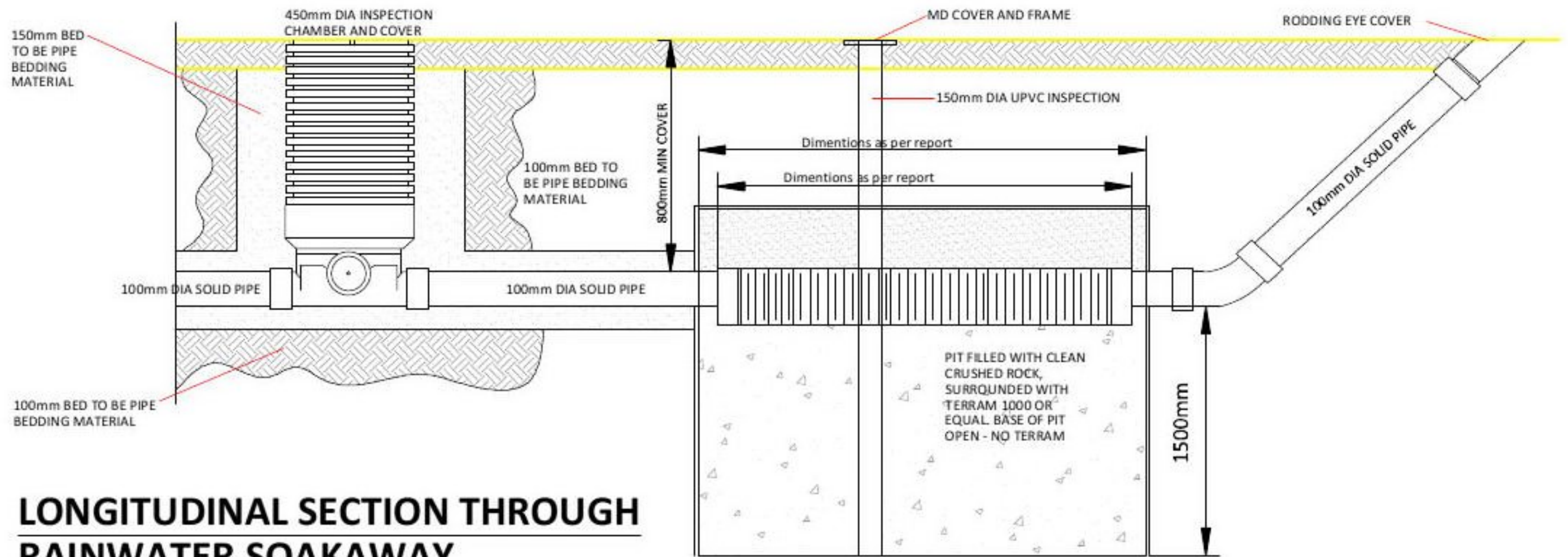
- i) Well drained permeable sandy or loam soils and shallower analogues over highly permeable limestone, chalk, sandstone or related drifts;
- ii) Earthy peat soils drained by dykes and pumps;
- iii) Less permeable loamy over clayey soils on plateaux adjacent to very permeable soils in valleys.

N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure.





## LONGITUDINAL SECTION THROUGH FOUL WATER SOAKAWAY



## LONGITUDINAL SECTION THROUGH RAINWATER SOAKAWAY

REV:	DESCRIPTION:	BY:	DATE:
STATUS: ISSUE			

**gmcsurveys**

Surveys, Setting Out, Civil Engineering Design

T: 07557 431 702

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CLIENT: Mr R Proctor

SITE: Sourbank Rafford

TITLE: Soakaway Details

SCALE AT A4: NTS	DATE: NOV2020	DRAWN: GM	CHECKED:
PROJECT NO: 0956C	DRAWING NO: Appendix	REVISION:	-





# PLANNING SUPPORTING STATEMENT

**CLIENT: MR GRAEME PROCTOR**

**SITE: LAND SW OF SOURBANK FARM, RAFFORD**

Jane Shepherd MRTPI  
December 2020



## **CONTENTS**

### **SECTION 1: INTRODUCTION**

- 1.1 PURPOSE**
- 1.2 OUTLINE SUMMARY**
- 1.3 PROPOSALS**

### **SECTION 2: BACKGROUND AND CONTEXT**

- 2.1 BACKGROUND**
- 2.2 RELEVANT PLANNING HISTORY**

### **SECTION 3: POLICY ASSESSMENT AND MATERIAL CONSIDERATIONS**

- 3.1 PRINCIPLE OF THE DEVELOPMENT**
- 3.2 OTHER MATERIAL CONSIDERATIONS**
- 3.3 DETAILED POLICIES**

### **SECTION 4: CONCLUSION**

- 4.1 SUMMARY CONCLUSION AND RECOMMENDATION**



## **SECTION 1: INTRODUCTION**

### **1.1 PURPOSE**

The purpose of this Planning Supporting Statement is to demonstrate that the proposed house with detached double garage on a site SW of Sourbank Farm, Rafford, should be approved in compliance with both national and local planning policies.

### **1.2 OUTLINE SUMMARY**

This Statement will outline the background to this site, providing a fully detailed physical, planning, and factual context for the proposal. Using all the contextual information, the Statement will then provide a detailed appraisal of the proposals against the local development plan policies concluding that planning permission should be granted for the proposed house development on this site.

**SECTION 2: BACKGROUND AND CONTEXT** Section 2 of this Statement provides a site and area description setting the landscape context for the proposal. It also provides full details of the proposals, the site's designation in MLDP20 and all the relevant planning history detailing the journey from the succession planning stage through extensive pre-application discussions and several planning applications and up to date to the current situation.

It is thereby demonstrated that the Proctor family have not just randomly picked a site to locate the new farmhouse. These plans have evolved over an extended ten-year period whilst considering all the feedback from Moray Council planning and transportation officers. The Proctors have methodically worked through all the available housing options. All the alternative options have now been discounted and this is the final one available to them, as presented in this planning application.

This Section also proves beyond doubt that this application is solely for the purposes to create an affordable house strictly in association with the succession planning for this farming business. There is no intention to erect a new dwelling for sale purposes.

**SECTION 3: POLICY ASSESSMENT** Since all planning applications must be considered against planning policy and material considerations, Section 3 provides an in-depth assessment of the proposals against all the relevant planning policies at national and local level, including MLDP20, starting with the principle of the development. This assessment demonstrates that the proposals are in general accordance with these relevant policies.

The only outstanding issue relates to the principle of the development under Policy DP4 of MLDP20. Unlike neighbouring planning authorities, Moray Council does not have a policy which allows for the provision of affordable housing specifically relating to the succession planning for farming businesses. The case must therefore rely on material considerations and/or a departure from Policy DP4. The functional need of this affordable accommodation for the successor to this farming business is a legitimate material planning consideration.

It is this demonstrable over-riding affordable and functional housing need which provides a robust case for approving this proposal for a farmhouse for the 4<sup>th</sup> generation farmer at Sourbank.



## 1.3 PROPOSALS

### Introduction

The proposal is for planning permission for a three-bedroom house with detached double garage. The house will be built and owned by the Proctor family partnership.

The proposals incorporate the provision of a new vehicular access from the U102E public road, via an established track within the ownership of the Proctors.

The following plans and documents have been submitted:

- GRP/09/19/001A – Location Plan
- GRP/09/19/002C – Site Plan
- GRP/09/19/003A - Floor Plans
- GRP/09/19/004A – Elevations
- GRP/09/19/005A – Garage Plans
- GRP/09/19/006A – House Section
- GRP/09/19/007 – B9010/U102E Junction
- Visual Impact
- Design Statement
- Agricultural Needs Assessment
- Site Investigation and Drainage Survey
- Culvert Proposal

These plans and documents together with this Planning Supporting Statement have been provided in support of the application.

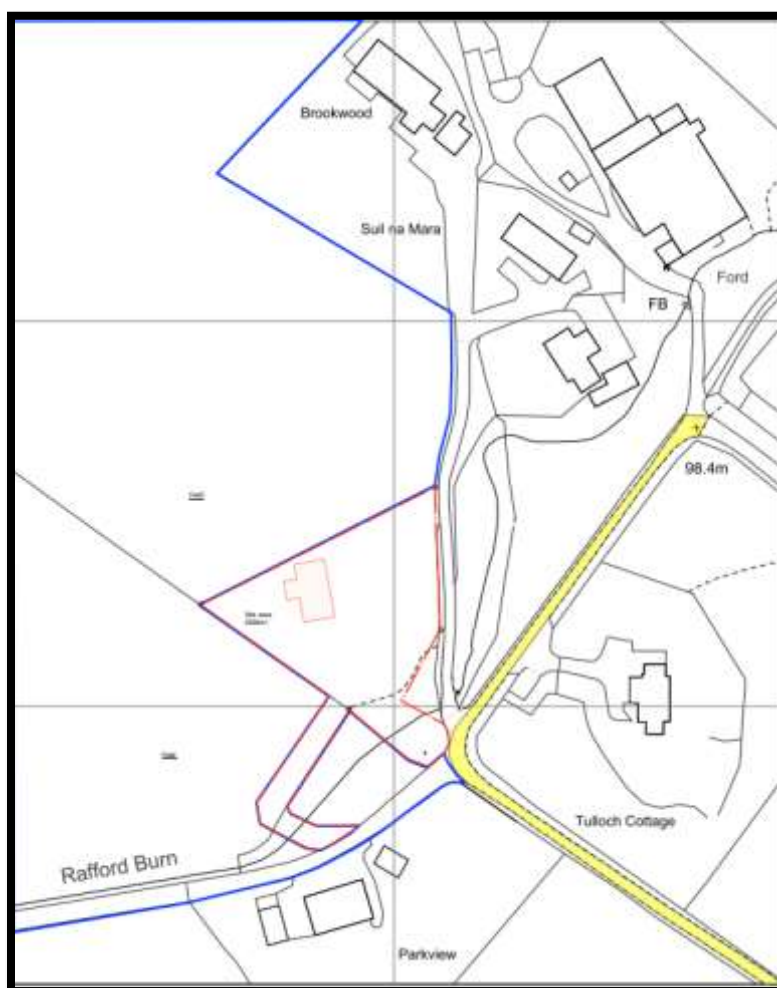
### General Site and Area Description

The site is located within a rural area, largely comprising farms and woodlands on undulating land. Within that rural landscape there are defined settlements, clusters of residential properties and individually sited houses and farms. In the immediate vicinity, the rolling farmland and woodlands are the predominant land use. There is no evident build-up of housing surrounding the site. Any individual houses and housing clusters are largely hidden from view by the mature woodlands, minimising any perceived impact upon the overall sparsely populated landscape.

### Application Site

As shown on **Plan 1**, The site is roughly triangular in shape, measuring 65 metres on the northern boundary, 70 metres on the south-western boundary, and 65 metres on the eastern boundary (all approximates) with a spur for the access road to the south of 36 m in straight length (with a return of 20 m) and 7 m in width (all approximates)

It has an area of approximately 2568 m<sup>2</sup> and comprises a grass livestock field surrounded by other farmland on the north and west/south-west sides. On the northern boundary, the site is bounded by a mature woodland. To the east it is bounded by an access track up to three detached residential properties, which are screened by substantial mature landscaping (trees and shrubs). The boundaries of the proposed site are secured with post and wire fencing. (**Photo 1**)



**Plan 1: Site Location and Surroundings © PM Designs**



**Photo 1: Application Site from South-East Corner**



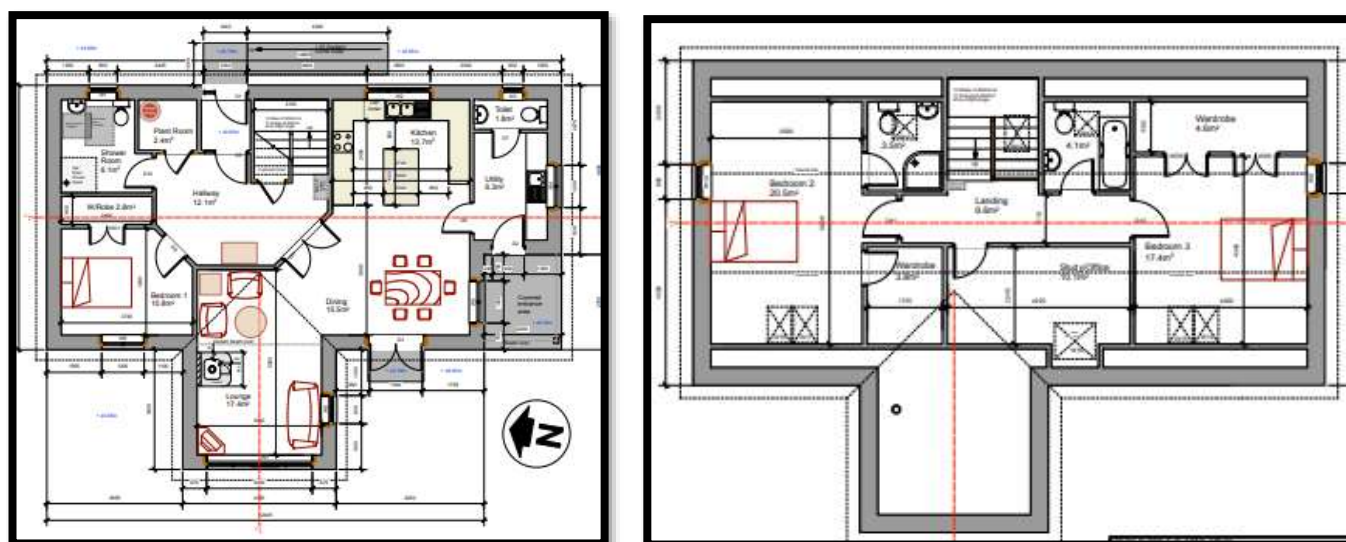




**Plans 3 & 4: Elevations of Proposed House and Garage © PM Designs**

## Accommodation

As detailed in **Plans 4 & 5**, the accommodation comprises one bedroom, shower/wet room, plant room, open plan lounge, dining and kitchen area, and utility room (with w.c) on the ground floor. On the upper floor, there are two further bedrooms (one with ensuite), bathroom and a study/office. Disabled ramped access is provided up to the main entrance. The house is built to accessible standards and provides for full accommodation, if required in the future at ground floor level.



**Plans 4 & 5: Floor Plans for Proposed House © PM Designs**

## Landscaping

The site is already bounded by woodlands on the north and east sides. The latter forms a varied landscape strip of trees and shrubs bounding the access track up to three residential properties: Brookwood, Sul na Mara, and Sourbank Farmhouse. The surrounding landscape is demonstrated in **Photos 2 – 5**.



**Photos 2 & 3: Existing Landscaping on Site Boundaries**



**Photos 4 & 5: Existing Landscaping surrounding the Site**

To supplement this well-established mature and mainly evergreen landscaping, a 300 m<sup>2</sup> mixed native broadleaf woodland area is to be created in the northern corner to provide 25% tree cover. In front of this an area comprising eight fruit trees will be planted. The woodland is intended to serve two purposes; screening the house from neighbouring properties using the access track as well as establishing a wildlife habitat, which will add to the biodiversity of this otherwise grassed area. The remainder of the garden will comprise grassed areas. (**Plan 2**)

The driveway and turning area will be in the form of a dusted driveway and a footpath is provided between the house and the garage. A concrete hard standing is to be provided adjacent to the garage for the storage of four refuse and recycling bins.

The site will retain 'open' boundaries through the use of low key existing and proposed post and wire fences serving to ensure the retention of wildlife corridors.

## Drainage

Following research of the SEPA Flood Maps, it has been established that the site lies outwith any areas of fluvial or pluvial flooding up to a 1:200 event.

A survey was undertaken by GMC Surveys to assess the suitability of the site and to provide a drainage solution for the new house. The survey is included within the application submission.

It was concluded that the natural ground is suitable for traditional strip foundations, designed in accordance with BS8 110 – Structural use of Concrete. Based on the investigations on site, it was confirmed that the underlying soils are suitable for the use of standard stone-filled soakaways as a drainage solution for foul waters.

As shown on **Plan 2**, it is proposed to install a 6m x 4m infiltration soakaway and a 5.5m x 3m rainwater soakaway trench on site. There will be no overflow pipe towards the Rafford Burn.

## Roads

Access would have ideally been taken from the existing track up to Brookwood on the eastern boundary of the site, thus reducing the length of access driveway. However, it has not been possible to enter into an agreement with the private owner of that track. An agreement for the provision and permanent obstruction-free visibility splay at this junction would also have been necessary to meet the requirements of Moray Council's Transportation Team.

Having investigated this at great length, no agreement has been achieved. SEPA had requested evidence of this and a letter has been provided to them from the applicant's solicitor, demonstrating that this option is no longer achievable. An alternative option has been explored and designed to access the site from the south. The proposal includes a new driveway being accessed from the track to the south, which is in the Proctor's ownership. (**Plan 2**) This has involved the need for a crossing over the Rafford Burn.

To ensure road safety, Moray Council's Transport Team has also required the following works:

- Visibility splays at the U102E and Track junctions
- Road widening and the provision of visibility splays at the U102E and B9010 junction

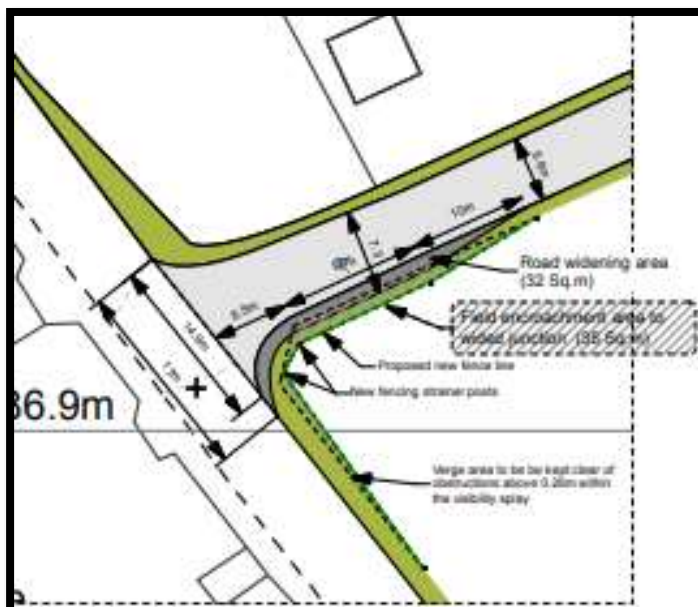
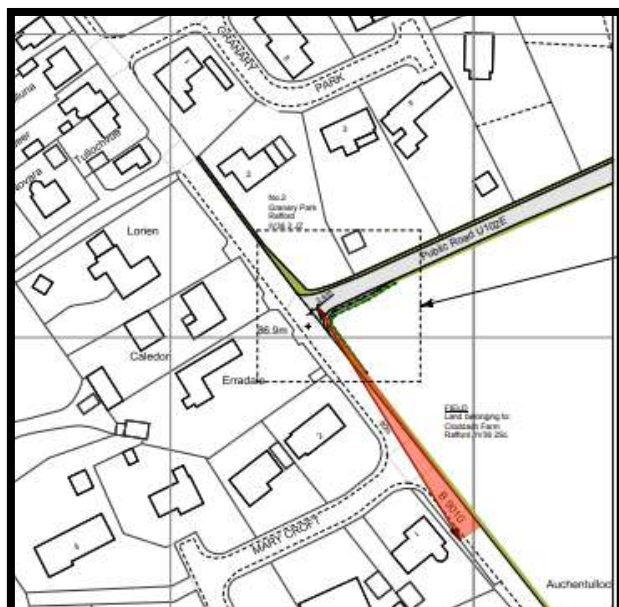
These works are detailed on **Plans 6, 7 & 8** respectively, and have been agreed with the Moray Council's Transport Team in advance of this planning application submission.

**Photos 6 – 13** show the U102E/B9010 junction and **Photos 14 – 17** show the U102E/Track junction.





**Plan 6: U102E and Track Junction (showing visibility splays) © PM Designs**



**Plans 7 & 8: U102E and B9010 Junction (showing road widening and visibility splays) © PM Designs**



*Photos 6, 7 & 8: Approaching B9010/U102E Junction from East*



*Photos 9 & 10: Approaching B9010/U102E Junction from West*





*Photo 11: Approaching B9010 from U102E*



*Photos 12 and 13: Emerging from U102E onto B9010*



*Photos 14, 15, 16 & 17: Roads details: Junction of existing track onto U102E, the track and the junction with the proposed driveway*

The Transport Team have been provided with the necessary documentation to demonstrate agreement from respective landowners to the road widening works on their land at the B9010 and U102E junction and for the visibility splay being provided and maintained (as shown in *Plans 7 & 8*),.

## Waste and Recycling Storage

A separate bin store has been provided on a concrete base (*Plan 9*). However, if required by Moray Council's waste collection, the bins could also be moved to be along with those already stored at Cloddach Farm, for ease of collection by Moray Council, as shown in *Photo 18*.





*Plan 9: Bin Storage (shown by 4 coloured boxes behind garage) © PM Designs*



*Photo 18: Bin Storage at Cloddach Farm*



## SECTION 2: BACKGROUND AND CONTEXT

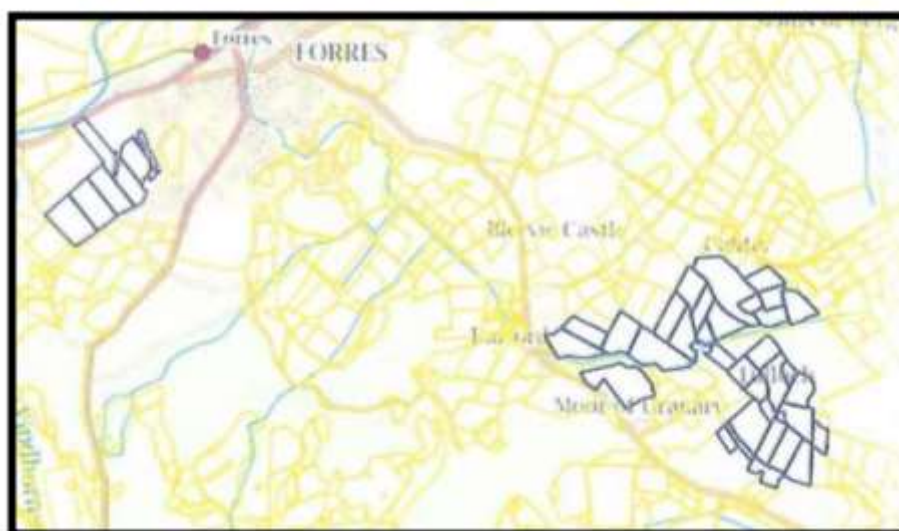
This Section provides a full background and context to the proposals. It outlines the full and detailed journey of the proposals from conception. This has been necessary to demonstrate that the proposals have been carefully and methodically developed in line with planning policies and national aims and objectives for the continuation of farming businesses in rural Scotland. All site and accommodation options have been considered in full and discounted for legitimate physical, logistical, and planning reasons.

The background details in this Section should be read alongside the in-principle argument in Section 3.2: **OTHER MATERIAL CONSIDERATIONS**.

### 2.1 BACKGROUND

There was originally a farmhouse at Sourbank but this has been in private ownership for over 40 years. Its sale was a necessity to allow the applicant, Mr G Proctor, to succeed his father in the farm business in accordance with the implementation of earlier succession plans. As a result, Mr G Proctor has run the farming business from Balnageith (shown on the left side of **Plan 10**) for decades.

Although not with every farming family, it is usual that through succession planning the retiring farmer would vacate the farmhouse in favour of the successor. However, in this instance this is not conducive to the future success and viability of this farming business. The location of Balnageith has not been ideal or efficient in business terms. As such the intention is for the retiring farmer to remain at Balnageith and a new farmhouse to be built in a more practical and sustainable location for the long-term future running of this farming business.



**Plan 10: Farms within Proctor Family Partnership (c) Ross Proctor**

His son, Mr R Proctor, has now grown up, gained the necessary qualifications, knowledge, and skills to enable him to succeed his father. Not unsurprisingly, Mr R Proctor has had to reappraise the farm business and look at efficiencies to take on this currently viable farm and ensure its future survival. Therefore, this proposal seeks to secure housing for the next succession of this family business to him, Mr R Proctor.

## 2.2 RELEVANT PLANNING HISTORY

This section deals with the relevant planning history and demonstrates that this application is solely for the purposes to create an affordable succession house in accordance with Moray Council's vision to provide affordable housing to meet the housing needs of all sectors.

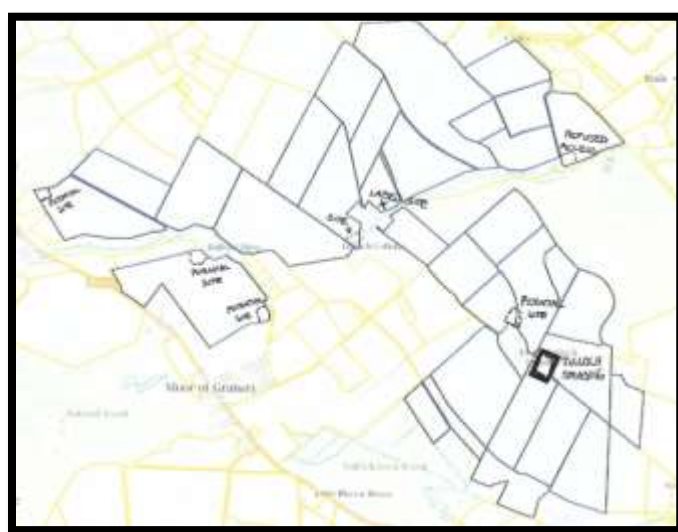
Whilst this background is extremely detailed, it has been necessary to demonstrate that the Proctor family have not just randomly picked a site to locate the new farmhouse, that there is no intention to erect a new dwelling for sale, and finally that the house is intended to remain within the Proctor family business. These plans have been carefully thought through over an extended period.

It is important to consider that over the last decade, the applicant, Mr G Proctor has invested heavily, in both time and finance, exploring various options for a succession house for his son, Mr R Proctor. This has included seeking planning advice throughout, the submission of several planning applications, and ongoing discussions with both SEPA and the Moray Transport Team. The latter engagement related to technical issues and have been overcome as detailed within this submission. However, there now remains one obstacle: planning permission in principle.

### Pre-Planning Correspondence 2009 - 2013

Alternative locations across the farm grouping (*Plan 11*) have been explored over the years.

Whilst initially they were included in the search parameters, Mr R Proctor had to dismiss any vacant properties in the immediate vicinity as an option because the area is now too expensive for a farmer starting out in his career, whilst initially working alongside his father. The most available and financially viable is to build from new on their own land thus saving land acquisition costs and it is that option that has been the focus. The options available are dependent upon affordability and in this specific area, reliant upon the support of the Transport Team and SEPA due to technical roads and water management/flooding issues. These issues have ruled out many sites put forward for consideration at pre-application stage.



**Plan 11: Farm Grouping (Sourbank, Granary, Burnside, and Tulloch) showing potential sites © Ross Proctor**

Several sites were considered as options but were all discounted due to the impractical long single access tracks, for visibility reasons following concerns from the Transport Team at Moray Council, and for difficulties with provision of services. Burnside was a potential, but this was discounted due to access being denied by a neighbouring landowner. Tulloch Steading was also considered but it is not central to the farm grouping and has a long single-track access making it impractical for farm vehicles.

During the discussions, the planning officer confirmed the following acceptable options in order of preference:

1. Conversion of the stone steading/mill buildings
2. Site north of the steading buildings (positioned to 'nestle' behind the buildings using the mature trees as a boundary enclosure)
3. Fill the gap between the dwelling at Brookwood and Park View forming a good landscaping belt to the western/southern end of the site

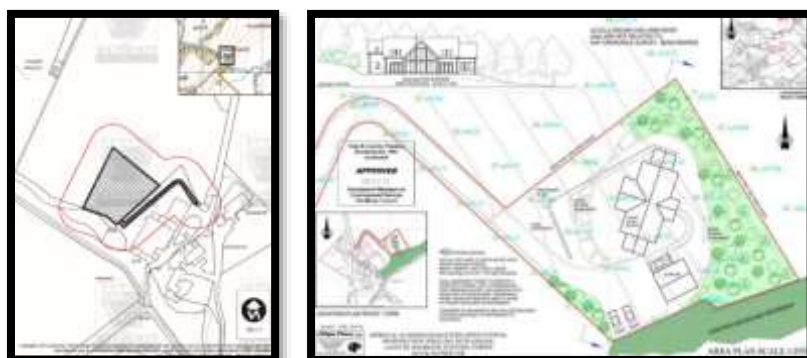
The three options were then explored in more detail by the Proctor family and sequentially in order of the planning officer's preference.

## 1. CONVERSION

There is a farm steading at Sourbank but this is currently used for livestock, it has access issues and therefore not available or suitable. It is essential for shelter and feeding. It is also too large for residential accommodation for one family. Even if the access were suitable, there is little merit in converting an existing building if that building then needs to be replaced for business needs. The adjacent derelict site at the steading also has access and utility issues ruling it out as a potential for suitable accommodation.

## 2. SITE NORTH OF STEADING

This option was explored through the submission of a planning permission in principle in 2009 (09/01676/PPP), followed by a detailed application in 2012 (12/01712/AMC). Finally, this was renewed in 2015 (15/01860/APP). These applications are detailed in **Plans 12 & 13**. The last application has now lapsed and no longer capable of implementation without a new planning application being sought. Given its location, it would now meet with opposition under the same Policy DP4.



**Plans 12 & 13: Site Plan 09/01676/PPP & Site Plan 12/01712/AMC**

**© Altype Plans Limited**

Of relevance is that with the last approved application (15/01860/APP) these are the same policies that the current proposal was being assessed against, prior to its withdrawal.

In the appraisal in the officer handling report, it is stated that in terms of the principle i.e. siting and impact on landscape character, policies H7 and IMP1

*“stipulate that new housing in the countryside must reflect traditional patterns of settlement in the locality, be sensitively integrated into the surrounding landform using natural backdrops and not constitute obtrusive development. New houses should not detract from the character/setting of existing buildings or their surrounding area or create inappropriate ribbon development, nor should they contribute to a suburban style build-up of development to the detriment of the surrounding area. Sites should have at least 50% long established site boundaries and propose a minimum of 25% tree planting coverage.*

*The traditional settlement pattern of the surrounding area is largely characterised by a grouping of existing houses, approved house sites and a farmstead which lie to the south and east of the site.*

*The proposed house site is nestled to the north of the existing farm buildings adjacent to existing mature woodland and therefore is not considered to constitute obtrusive development and will have little impact on the character and appearance of the overall grouping, nor is it considered to result in the suburbanisation of the grouping.*

*With the above in mind, the proposal is considered to comply with policies H7 and IMP1 in terms of siting and impact on the character of the area.”*

It is therefore of note that whilst the site is now designated in a Pressurised Area, it was acceptable in landscape terms. This is the point being made for this new proposal that it is not just about a line drawn on a LDP, the merits should also be considered.

It is understood that due to issues relating to bridging over the Rafford Burn, track improvements, changed operation of the farm together with the high cost of providing utilities to service the site, and family reasons, the planning permission was allowed to lapse. The applicant then started to look at the Sourbank gap site location, the third and final option available to them and originally supported by the planning officer.

### 3. GAP SITE

The only feasible and realistic remaining option available to the applicant was a new house to be sited on the gap site.

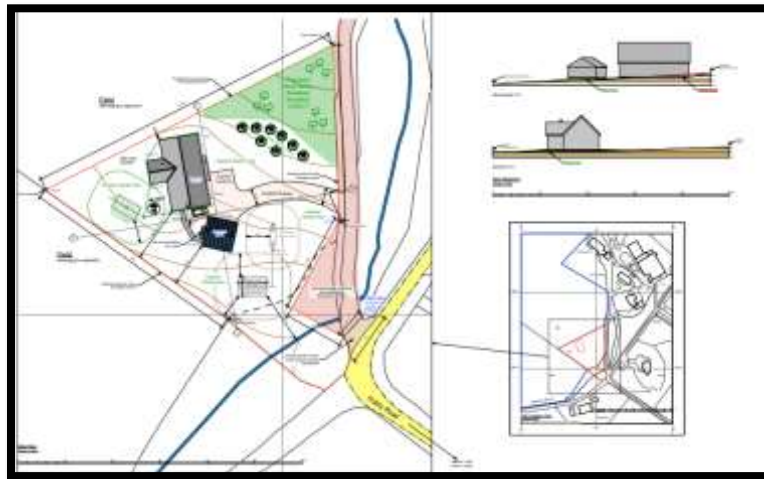
Planning application 19/01599/APP was submitted for the erection of a detached dwelling house and detached double garage at a site SW of Sourbank Farm. (**Plan 14**)

The site was chosen because it sat within a cluster of houses, was accessible from the main road and had easy access to the farm and cattle, particularly given its walking distance to the steading buildings for calving and general care when the cattle are sheltering indoors. It was also considered ideal because services are available close by allowing for connection to utilities.

#### 19/01599/APP

Planning permission in principle (19/01599/APP) was submitted for the erection of a detached dwelling house and detached double garage at a site SW of Sourbank Farm on 10 December 2019. There was no recent

pre-application advice sought prior to the submission of the planning application as it was thought that the original advice would be honoured. This site, a gap site between Brookwood and Park View, had been positively mentioned in email correspondence with a planning officer in 2009.



***Plan 14: Extract from Site and Landscape Plan © PM Designs***

The application was not advertised as a departure by Moray Council and was subject to both public and statutory and Council consultations.

The existing use of the land was noted on the application form as being Agricultural Land (Livestock field). An altered vehicular access was proposed to access the new dwelling from the U102E Sourbank Road, with four parking spaces being provided. The land is owned by Graeme Proctor and the land constitutes or forms part of an agricultural holding.

The application submission comprised:

- Application Form
- Covering Letter and Design Statement
- Site Investigation and Drainage Report
- Location Plan
- Floor Plan, Elevation and Section Plans
- Site and Landscape Plan

No other supporting material was submitted, such as a policy assessment, landscape assessment or visualisations to demonstrate the suitability of the site in terms of the policy criteria.

### Consultation Responses

In response to the public consultation, two letters of representation were received following neighbour notification of the planning application. These raised issues relating to: Potential noise from external air source heat pumps, Potential for poor water supply, Traffic increase, Inadequate waste storage and collection facilities, Access inadequate and bridge strength poor unable to cope with lorry/building traffic, Flooding of road impacting upon road safety, and issues relating to the septic tank.



In response to formal consultations, the Moray Council Contaminated Land Team, Developer Obligations Team, Environmental Health Team, Flood Risk Management Team were all consulted and did not raise any objections and did not therefore support the majority of those issues raised by third parties.

However, the Moray Council Transportation Manager raised objections on road safety grounds (Policy T2 and IMP1) relating to restricted visibility splays onto the public road and potentially no way of undertaking the necessary improvements due to lack of control over the land required to provide the visibility splays.

Scottish Water advised that contact be made once planning permission has been granted.

### Planning Responses

In response to the planning application, the planning case officer stated:

*The above proposal is a departure from policies H7 and IMP1 of the Moray Local Plan 2015 and associated Supplementary Planning Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017). It does not satisfy the siting criteria. Within this area there has been a significant build-up of new housing within the last 10 years which has led to the erosion of the traditional character of the landscape in this locality. The approval of a further house plot in this locality would exacerbate this issue. Given these impacts, the proposal is considered to constitute an inappropriately located site which contributes to build-up of development where the number of houses has the effect of changing the rural character of the area. The proposal is therefore going to be refused. If you would prefer for the proposal to be withdrawn please advise.*

With regards to the access issues, through the correspondence provided, it was advised that visibility can only be resolved if the Council were able to improve the junction and also subject to the permission and actions of other landowners in the area and the creation of a bin storage and bin lorry turning area being created at the site entrance rather than them being stored at Cloddach Farm.

This response was not expected by the Proctors, who had meticulously followed the planning advice and explored all the available options. They had explored the three options suggested by the planning officer. This being the last option, the Proctors were at a loss as to how to now succession plan for the future of their family business. As advised, the planning application was withdrawn on 24 March 2020.

My planning services were sought by the Proctors to establish if there was any way that a succession house on this site could be secured through planning. My initial advice was to re-engage with the planning officer to establish exactly what the issues were and then to explore whether there was a way forward.

### Post-Pre-Application Discussions

Post-decision discussions have taken place with the planning case officer and the Transport Team.

Having amended the access element of the drawings, further discussions took place. The following was explored:

- the background to the request for withdrawal of application 19/01599/APP
- an explanation regarding the background and merits of the proposals

- whether a case based on keyworker, affordable, farmer accommodation with specific geographical needs had potential
- what the reasons for objections to the proposals were
- whether there were no other reasons for concern that needed addressing

The response was as follows:

### Access

The planning officer explained that had the application not been withdrawn it would have been a straightforward refusal on access and the build-up of housing in the countryside. The Council are unable to relax matters where they relate to road safety since the Council could become liable for any accidents that occur in the future resulting from their advice. It was confirmed that the Transportation Team would look at the revised drawings and would only withdraw their objection if they were satisfied on road safety grounds. Due to problems over the years, the Transportation Team would not only require drawings to demonstrate that visibility could be designed into the scheme, but also they would require details of deliverability to be submitted with a planning application, i.e. proof that the drawings had a realistic chance of being implemented. Discussions followed regarding what mechanism would be needed to demonstrate proof. An agreement between landowners and a clause in the deeds was deemed necessary.

### Build-up of Housing in the Countryside

The planning officer confirmed that there were no policy exceptions in the Moray LDP that would allow a farmhouse to be built in this location. However, there was an understanding that this was a special case with specific needs. Whilst the officer was unable to state one way or another whether an application based on the supported case for farmer's affordable accommodation in this location would be successful, they did not appear to be ruling out the option of presenting a case for consideration. An application was not directly encouraged but neither was it strongly discouraged. Moray Council would need to look at the full case put forward before concluding.

The planning officer raised no other concerns regarding the planning application.

After this initial discussion, further engagement took place with the Transport Team, who have now confirmed that the main access and the new access are acceptable. The final drawing reflects the agreed position with the Transport Team. As such the technical matters have now been resolved.

To deal with the in-principle objection, Bowlts have prepared an Agricultural Needs Assessment, which together with arguments presented within this Statement, demonstrate the need for an affordable dwelling for farming succession in this location, thereby promoting this application as being acceptable as a departure to policy.

## **Conclusion**

The Proctors have decided to re-submit this application, supported by a robust justification and a comprehensive assessment of the proposals against all the policies in the Moray Local Development Plan 2020 (MLDP20). The intention is to demonstrate that there are no legitimate planning reasons to refuse this application.



As stated, having exhausted all other options, this is now the final and only option available to the Proctor family to ensure that this farm continues as a business. If this application fails on a technicality and the material considerations are not considered, there is no affordable accommodation for Mr R Proctor locally and the family business will cease with the retirement of Mr G Proctor.





## **SECTION 3: POLICY ASSESSMENT AND MATERIAL CONSIDERATIONS**

### **3.1 PRINCIPLE OF THE DEVELOPMENT**

#### **General**

**It is a legal requirement that all planning applications must be considered on their own planning merits against planning policy as well as other material considerations.**

Having established the status of the land use of the site and described in detail the site and its surroundings within Section 2 of this Statement, it is appropriate to assess the principle of the future development of this site against the relevant policy framework.

The primary document for those decisions is the Local Development Plan, in this case the Moray Local Development Plan 2020 (MLDP20). However, both national and regional policies provide visions, objectives and aims for policy making in Scotland and reference is made here to any relevant policy statements that promote the approval of this proposed development.

Whilst it is accepted that planning policy cannot be drafted and adopted to cover every development related eventuality or situation, it is required to be flexible. This is not a new situation for which planning policy needs to play catch up. Farming businesses have been handed down through families for time immemorial. The affordable housing needs of the farming sector in rural areas is well known and planning policies should already be in place in all rural areas to support the operational needs of farming businesses and that here is an inherent flexibility within those policies. The housing needs of the farming sector are quite simple and easy to facilitate through planning policy. Planning policies should not be adopted to deliberately omit options or put in place obstacles to prevent this historical established succession practice.

This Statement seeks to demonstrate that the current local policy and its interpretation is unreasonable and extremely inflexible for this succession situation, which must be commonplace in this rural area but has no applicable policy. There should be policies allowing succession planning for farmers. There is none in the MLDP20. As such it is incumbent upon Moray Council to address this situation through allowing exceptions to policy. In their decision-making, there is not just two options of either approving or refusing this application using the strict letter of the policy wording. There remains the option for Councils to approve contrary to their Local Plan policies providing it is justified by material considerations. They could also treat their decision as a departure from adopted policy. It is the applicant's contention that this is a case that justifies a departure from the adopted policy in MLDP20.

First, the case for this proposal starts with the policy, its wording and purpose. The proposals must then be assessed against the policy to establish whether it complies or not.

National policy and guidance are outlined in the National Planning Policy and Scottish Planning Policy; both published in 2014. The adopted policies for the Moray area are now outlined in the Moray Local Development Local Development Plan (MLDP) 2020.

## National Planning Policy

### NATIONAL PLANNING POLICY 3 (NPP3)

NPP3 provides a statutory framework for Scotland's long-term spatial development. The overall planning vision is to have growth that can be achieved that respects the quality of environment, place, and life. It seeks to ensure sustainable growth in Scotland and to create '*sustainable, well-designed places and homes which meet our needs.*'

Increased population growth is vital to sustain rural communities and therefore NPP3 seeks to ensure that development in rural areas is not unnecessarily constrained and sees a continuing need for new housing and a flexible approach in achieving this.

This development to provide succession housing is necessary to meet a specific housing need. A flexible approach to considering this application is in the spirit of NPP3.

### SCOTTISH PLANNING POLICY (SPP) 2014

SPP provides the policy framework to deliver the objectives of NPP3.

One of the core values and policy principles is that the planning system should be plan-led. The goal of SPP is a Scotland with a strong economy, homes, jobs and a "*good living environment for everyone.*"

Outcome 1 of the SPP is "A successful, sustainable place" supporting sustainable economic growth and regeneration.

Outcome 2 of the SPP is 'A low carbon place' to be achieved by reducing our carbon emissions and adaption to climate change.

Through these stated Outcomes, the SPP is therefore in general support of the proposed application in that it seeks to provide an affordable home to support continued sustainable economic growth and regeneration of this well-established farming business, whilst reducing the need to travel and therefore adapting to climate change

Another policy principle of SPP is that development should be design-led; achieved through directing the '*right development in the right place.*'

SPP is of direct relevance to this application since the '*right development*' on this site within the heart of the Sourbank farm holding is residential.

It is clear from the stated national policies that although the MLDP20 is newly adopted, it has failed to address a specific housing need in its policies. It fails to take on board the link between the provision of housing with a geographical need and sustainable economic growth, sustainable development, and adaption to climate change. It is therefore technically out of date with national requirements. This is a minor departure from those adopted policies but fully in accordance with national policy.

## Local Planning Policy

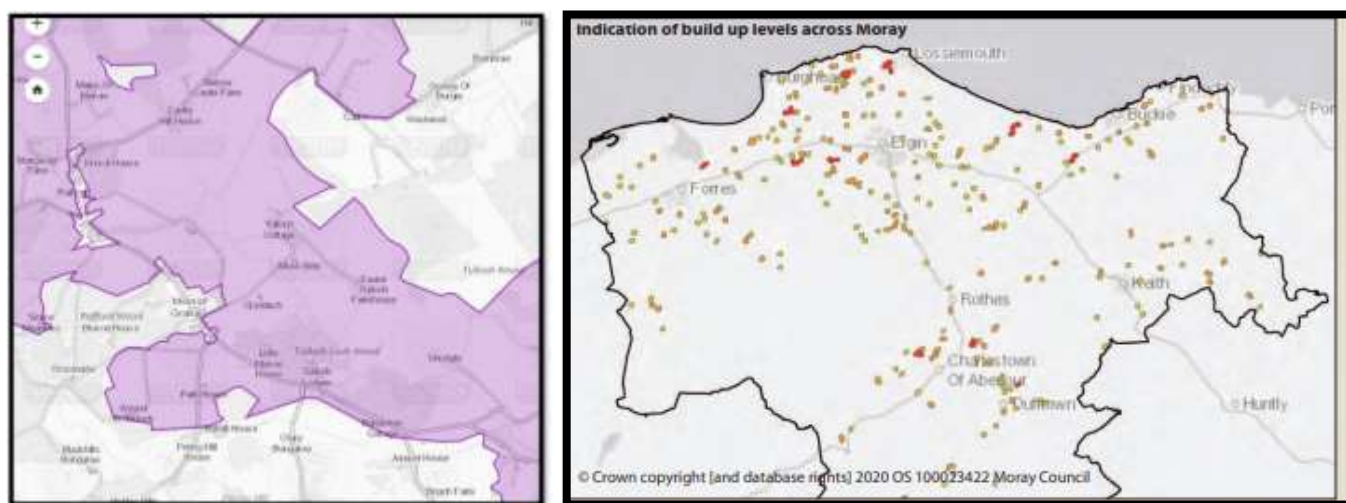
### Moray Local Development Plan 2020 (MLDP20)

MLDP20 was formally adopted on 27 July 2020.

This Statement will demonstrate compliance in principle and in detail with MLDP20 planning policies and provide a robust case for this proposed housing development at Sourbank.

The vision of the MLDP20 is *'to provide a generous supply of housing land to meet the needs of various sectors of the market.'* In the introductory section, it is clearly stated that *'providing affordable housing is a key priority for the Moray Council.'*

Housing can be built in towns, settlements and within Rural Groupings (where housing is specifically mentioned). Whilst there remains policy backing to build individual houses in the countryside, these must be outwith the designated pressurised and sensitive areas (PSA's) (**Plan 15**) and must comply with a long list of criteria based on the actual identified pressurised areas shown on **Plan 16**.



### ***Plans 15 & 16: Extracts from Interactive Proposals Map and MLDP Guidance: MPDP20 (c) Moray Council***

The relevant policy for deciding planning applications for housing in the countryside in MLDP20 is:

#### **POLICY DP4 RURAL HOUSING**

A rural hierarchy has been identified in the policy whereby rural housing is initially directed to allocated rural groupings, followed by the re-use/replacement of traditional stone and slate buildings in the countryside and then lastly to the open countryside. The policy is also specific that where proposals meet the locational requirements, all proposals must meet the general siting and design criteria to ensure that there is low impact and the house is of a high design quality, integrates sensitively into the landscape and reflects the rural character of the area.

Detailed policies are set out outlining the criteria if the house is to be sited in a rural grouping or is a re-use/replacement. Of most relevance to the current proposal is section (d) of this policy which relates to New Houses in the Countryside. Any development is now limited to a single house and,

*due to the landscape and visual impacts associated with build-up and landscape and environmentally sensitive areas, no new housing will be permitted within the identified pressurised and sensitive areas*

The policy is clear that no housing will be permitted within the identified pressurised and sensitive areas (As shaded purple on [Plan 15](#) above for the area around Sourbank). There are no given exceptions to this policy. There is no flexibility for applying this policy to any housing in this defined area.

Further justification is provided on page 52 of MLDP20, which states that:

*In Moray there are identified locations where the cumulative build-up of houses in the countryside has negatively impacted on the landscape character of an area. To assist in addressing this, pressurised areas have been identified that restrict further housing in the open countryside.*

A more detailed set of siting and design criteria are outlined for those houses in the intermediate area of pressure.

Thereafter, the introduction to the Policy Guidance Note on Cumulative Build Up (provided on page 53 of the MLDP20) states that:

*Cumulative build-up of rural housing is occurring across Moray, this can take the form of sequential build up when travelling through the area, the concentration of new houses in an area that overwhelms traditional buildings and identifiable clusters of suburban development.*

To help identify where build-up is becoming an issue and having unacceptable landscape and visual impact, siting and design indicators have been developed to demonstrate where and how this build-up is causing harm to the landscape. There is a plan accompanying this section, but it is impossible to identify the sites in terms of overlaying them on the designated Plan. However, the dots shown on the plan do not reflect the swathes of purple on the designated plan and appears to apply a protection to extended areas without justification. [Photo 20](#) was included in MLDP20 to demonstrate the harm being caused.

The siting and design indicators are as follows:

#### Siting Indicators

- *The number of new houses overwhelms the presence of older buildings, such that new houses are the predominant components of the landscape and the traditional settlement pattern is not easy to perceive.*
- *The incidence and inter-visibility of new houses whereby these are a major characteristic of the landscape.*
- *There is a prominence of new houses from key viewpoints such as roads, adopted core paths or long-distance paths and existing settlements.*
- *There are sequential visual effects of cumulative build of new housing experienced when travelling along roads in the vicinity of the site.*
- *New housing would result in ribbon development by effectively joining up concentrated clusters of development contrary to the traditional dispersed settlement pattern*

#### Design Indicators

- *The rural character is eroded by suburban features such as accesses built to an adoptable standard (rather than gravel tracks) and large bin storage areas at the end of tracks required to serve the numerous houses.*

- *The scale and proportion of new houses contrasts to the generally smaller size of older buildings, cottages and farms and results in the development being out of keeping and incongruous in its setting.*
- *There are numerous incidences of open prominent elevations that are visible in the landscape and are orientated for views, in contrast to the traditional settlement pattern.*
- *A new architectural design is prevalent which has overwhelmed the older vernacular style.*

For a single new house to be acceptable in principle, it must be located outwith the purple areas shown on **Plan 15**. A long list of siting and design criteria, which are set out on pages 46-50 of the adopted LDP do not apply and are for housing within the purple areas. Presumably, this lack of connection between the criteria with the restrictive designated PSA is to reassert that there is no flexibility for any house development within those areas.

This policy is a housing policy. However, its key driver is clearly landscape protection given the guidance provided. The impact upon landscape is therefore **THE TEST** for the acceptability of the proposals.

However, irrespective of this driver, in applying the strict policy to the proposal, the only test as drafted is singular requirement: Is the site in a Pressurised and Sensitive Area (PSA): Yes or No If yes, then there is no housing allowed with no exceptions. If No, then the house is permissible in principle providing it fully complies with a set of detailed siting and design criteria apply.

The proposal site is within the designated PSA, as shown on **Plan 15**. No housing development is therefore allowed planning permission within this area purely because of its location in this somewhat randomly defined area (as indicated by the difference between the dispersal of dot locations and the extensive designated PSA). (**Plans 15 & 16**.)

As stated above, this policy is landscape driven. It is important to therefore point out that the site does not fall within any formal landscape designation, e.g. Area of Great Landscape Value. It is not of any particular special quality requiring such restrictive policy to be applied.

It can be concluded on this restrictive test that the proposal is not acceptable in principle. It is in the wrong area regardless of the actual landscape context and any proven landscape impact.

## Landscape Assessment

### Introduction

Given the guidance it is considered that the following are considered also to be appropriate key policy tests in this case regardless of the dead end of the 'No' development cited in Policy DP4:

- Whether the proposal triggers any of the siting and design indicators?
- Whether there is an unacceptable landscape and visual impact on the countryside?

It is important to ensure that any landscape assessment is not solely based in 2D format using an OS extract or plans. Landscape assessment is a visual tool and should be in 3D and experienced in person in the actual context of the landscape. This assessment has been carried out in the field.

This assessment will consider and apply the following tools before concluding there is no impact on the landscape resulting from this development:

- SNH Review



- Siting and Design Indicators
- Siting and Design Criteria

### SNH Review

Reference has been made to the Scottish Natural Heritage Landscape Review 101: Moray and Nairn Landscape Assessment 1998.

For descriptive purposes of their Review, the site is located within the Rolling Farmlands and Forests. The predominant land use is agriculture. The landscape is diverse with mixed woodlands, scrublands, and irregular rolling pastures, which are intercepted by many traditional farm buildings, *often partially set within woodland backdrops*.

The Review advises that within areas of open agricultural land there should be an avoidance of increasing isolated new housing .... *instead group houses close to an existing property or as a small cluster of houses*. Housing should be located within small enclosures and largely visually contained by woodland taking advantage of any screening from existing woodland and undulating topography or in small gap sites. Development should avoid disrupting the smooth horizons of the more open hill slopes by designing the housing to be long and low in character. Access roads should avoid a suburban appearance.

In general terms, the Review advises that new built development could be sensitively accommodated within many parts of the study area. It should be appropriately sited and designed. Using materials which fit within the landscape and particular care needs to be taken to conserve the setting and character of existing settlements. Good planning and design guidance need to be consistently enforced throughout the study area. It is this approach rather than a carte blanche restriction on development that is more appropriate.

This detailed and general advice given at national level is directly relevant to the appraisal of this proposal. Good planning is also about dealing with proposals on their own individual merits and not about saying no without planning reason. In many cases, providing appropriate siting and design is applied, a proposal may be acceptable without harming the landscape.

The advice provided by SNH for this area has been applied and found to be acceptable. The house is not proposed on an isolated site but within a group of established houses, which already fit within the landscape. The site takes advantage of the natural landscape. It is surrounded on two of its three sides by mature woodland and landscaping and set against a backdrop of large areas of mature woodland.

The following appraisal against the siting and design indicators and criteria demonstrate that the proposals have been appropriately sited and designed.

### Siting and Design Indicators

Using the Siting and Design Indicators as landscape assessment tools, compliance with policy will be ascertained demonstrating that none of them are triggered because of this proposal.

Several photographs have been taken of the site and surrounding area from various viewpoints to demonstrate that no siting or design indicators are triggered.





***Photo 19: Photograph showing general close-up view of Sourbank Farm***

The siting indicators are not mutually independent and do overlap. To avoid repetition, the following assessment deals with the siting indicators and then the design indicators as a group rather than individually.

#### Siting Indicators

**Photo 19** shows the roof of the large open farm building at Sourbank at the back of the current housing cluster and largely hidden by the woodland. Only three of the 'cluster' of houses in the vicinity are visible from the public road approach and fit within their wooded and shrub backdrop. Similarly, the proposed house will nestle in with the established cluster, immediately behind the house (Parkview) in the foreground, as suggested as being appropriate by the SNH Review.



***Photo 20: (NOT THE APPLICATION SITE) Extract from MLDP20 (showing an example of undesirable build-up)***



***Photo 21: View of Site from approach road, near Cloddach Farm***

When carrying out a direct comparison of **Photo 21** and that provided in the MLDP20 guidance (p. 53) as **Photo 20** here, it is evident that the development of this site within this small cluster of existing housing has no comparable impact upon the character of the area. Any impact will be negligible. The new house will not ‘overwhelm’ the presence of older buildings nor will it become the predominant component of the landscape, which will remain rolling woodlands and forest as shown in **Photo 21**. A visualisation (Visual Impact by PM Designs) has been submitted to further demonstrate this point.

There will be no incidences of intervisibility caused by the proposed house development since the houses are separated by the road and tracks and face in different directions in the landscape. This is evident from the OS plan assessment. See **Plan 1**.

No joining of Clusters would occur forming a ribbon effect on the road. This is also evident from the OS plan assessment. See **Plans 1 & 2**.

There will be no predominance of the house when viewed arriving at the site from the B9010 and U102E public roads as indicated by the Visual Impact submitted and the following series of photographs taken whilst approaching the site from the main B9010 junction up the U102E. In each photograph/view, the site and the cluster of existing houses is barely visible, with the natural landscape of rolling irregular fields and woodlands being predominant. Neither is there a sequential visual effect of any cumulative build-up evident from viewing the site when travelling in the surrounding roads.







## Design Indicators

The existing track is shown in *Photos 14 - 17* in Section 2 and in *Photo 22* below.



*Photo 22: Existing Access Track*

The final part of the access road to the proposed house will lead from this track over to the right and up through the field. The rural character will not therefore be eroded by suburban features.

The scale and proportion of the new house is minimal compared to some of those adjacent. It is a modest single storey (with roof accommodation) 3 bedroomed property with a height of 6.74 m. It is low and long, as suggested as appropriate by the SNH Review for this landscape. (*Plans 3 & 4*)

The proposed house will be sited with the front facing east and the rear facing west. It is of a traditional design with no open prominent elevations and will not be visible within the landscape (as shown by the series of photographs above dealing with siting indicators). There is no traditional settlement pattern in this location to dictate appropriate orientation. The building is orientated to maximise solar gain.

The design of the building is of a traditional bungalow with appropriate proportions in terms of roof, walls, windows etc. It would not therefore stand out or overwhelm the older vernacular style, of which there are no houses in the immediate vicinity.

It can be concluded that the proposal does not trigger any of the siting or design indicators and therefore the location is appropriate for housing development. These indicators are intended to identify a potential build up that may have an unacceptable landscape and visual impact. The lack of any identification of indicators for this site demonstrates that there would be no resultant cumulative build-up of rural housing resulting from this proposed development.

## Siting and Design Criteria

Whilst Policy DP4 provides siting and design criteria for housing in the Areas of Immediate Pressure, this logically does not apply to housing in the Pressurised and Sensitive Areas, where it is stated that no housing is permitted. However, notwithstanding this negative policy, the proposals have been designed to fully comply with those criteria as follows:

### Siting Criteria (See Plan 2)

- The site is bounded by woodlands and a landscape strip to the north and east accordingly
- The house is located within a rural cluster and therefore does not create ribbon development. For the detailed reasons demonstrated within the landscape assessment, the proposal does not contribute to an unacceptable build-up of housing or detrimentally alter the rural character of the area. It is not prominent in its location and is not adjacent to the roadside
- There has been no artificial mounding, cut and fill and/or clear felling of woodland to create this plot. It is an existing open field
- The proposal includes over 25% landscaping with native tree species, in excess of the 15% required. The landscaping does not impinge upon sightlines and is located a safe distance from the house and garage buildings. They are positioned in the north east to maximise solar gain.

### Design Criteria (See Plans 3 & 4)

- The height of the roof is 6.75m
- The main form of the house is of simple design and of appropriate scale and massing and composed from simple well-proportioned symmetrical elements. There is no excessive detailing such as gable features or balconies.
- There is no artificial stone detailing. There are only two primary external wall finishes – timber and render
- The pitched roof is 40.5 degrees (within the 35 – 50-degree parameter) meeting the requirements of the gable/pitch formula
- The windows have a vertical emphasis.
- Boundary treatments are traditional post and wire fencing
- The access arrangements are of a traditional rural design avoiding over engineering and follow the field boundary to the south

All the siting and design criteria set out for the intermediate areas of pressure have been satisfied demonstrating that there will be no impact on the landscape resulting from this proposed development.

## **Conclusion**

National planning policy and the vision within MLDP refer to the need to provide housing for all sectors and to promote the rural economy. There is general in principle support for a single house for the purpose meeting a genuine housing need, which in supporting this farming business to progress is promoting the rural economy.

The purpose of Policy DP4 is to control development in the countryside, which is not considered to be sustainable if allowed to cumulatively build up and have a detrimental impact upon the surrounding countryside. The driver behind this policy is landscape protection.



Moray Council concludes that in the PSA there will be an unacceptable build-up of housing, detrimentally impacting upon the landscape. It has been demonstrated using the above thorough landscape assessment, using the SNH Review for the area and indeed Moray's own adopted criteria (siting and design indicators and siting and design criteria), that there would be no unacceptable landscape and visual impact upon the surrounding countryside. This is visually demonstrated by the photographic evidence above, the Visual Impact submission, and specifically the direct comparison of the proposed site shown on **Photo 21** against the demonstrated impact to be avoided shown in **Photo 20**.

It is of significance that only two issues have been raised regarding these proposals: the principle and the roads issues. The principle has been solely based on policy DP4 regarding the location of the site. No negative feedback has ever been provided regarding the details of the proposal in terms of the siting and design. This suggests that if the DP4 locational barrier were lifted, there would be no objections to the siting and design of this house.

## 3.2 OTHER MATERIAL CONSIDERATIONS

### General

Significant concerns are constantly being raised by farming bodies (e.g. NFU Scotland, Rural Housing Scotland) and through national professional press (e.g. The Scottish Farmer) with governmental sympathy regarding the lack of consideration given by associated policy makers to the worsening in availability of suitable affordable housing for succession planning. This is a problem that is already escalating and likely to get much worse in the future.

The shortage of affordable housing in rural areas is well documented including an article by Gordon Davidson entitled '[Scotland's Rural Housing Crisis](#)' in The Scottish Farmer, March 2019. Rural Housing Scotland have advised that rural areas "*will never unlock their economic potential while there isn't enough affordable housing for working age people to live in.*" One of their policy requests is that they want to "*ensure local planning authorities develop positive and flexible planning policies to deliver rural affordable housing.*"

Barclays Bank, about rural farming businesses, have advised that "*having no succession plan for the future of the business can leave the business open to increased risks and uncertainties*"

*"This transfer of business control and ownership to the next generation is one of the most critical stages in the development of a farming business"* according to Savills call for an explicit recognition of succession housing for rural businesses in the emerging NPF4

### Policy Background

As stated, MLDP2020 Policy DP4 does not allow for any exceptions for housing. Yet it is a statutory requirement that planning decisions should be based on the merits of the proposals and to consider material considerations. Aside from the policy appraisal above, there also needs to be another planning assessment, which is based on a strong material consideration in this case.

Is this proposal for a legitimate functional need, providing affordable housing for a well-established and viable rural farming business, having positive benefits in securing its long-term future in the countryside?

This assessment will be considered here and conclude with yes.

Both Scottish planning policy and Moray planning policy already express a desire to ensure the resilience of the Scottish rural economy. Their policies are also already clear that housing development in principle should be provided for all sectors and all the needs of the community. However, there is an omission because this is not followed through in their detailed housing policies within MLDP20. Unfortunately, although farming continues to be a significant component of the Moray rural economy, there are no policies in the MLDP20 to assist the farming sector with their housing needs.

In Moray, policies are too restrictive to enable these specific needs to be met and all housing is mainly restricted to settlements/rural groupings. It is a fact that farms are not conveniently located in settlements/rural groupings. Shelter Scotland in its 2014 report: Planning to meet the needs: Delivering affordable housing through the planning system in Scotland, states that it believes that *“houses built outside settlements may well meet the needs of people living locally in the rural community, particularly those in farming families.”*

Whilst it is accepted that there is increasing pressure for housing for A N Other to be built in the countryside with no specific links to the area or any locally specific needs, this should not be prejudicial to the genuine housing needs for farmers who have no choice but to live where they work.

It is of note that in a recent decision by Moray Council on application 19/01031/APP using Policy DP4 in MLDP20, also involving a housing need for a farming family, that there was significant sympathy from local Councillors regarding the matter. The vote at the Local Review was 50:50 with the Chair's casting vote making the final decision for refusal. At that meeting it was apparent that the difficulty some Members had was that they had no evidence having been submitted to allow them to make an alternative decision. It is the intention of the supporting facts and evidence in this Statement to provide officers (and Members should it be necessary) with all the relevant information that is needed to make the alternative decision of approval in this case.

The housing needs of farmers is not generally understood, and this is perhaps the reason that policies are not always included in LDPs. Although it is interesting to note that the adjoining Council areas: Highland and Aberdeenshire, which are similarly predominantly rural in their character, do include policies for succession planning and for agricultural workers. The following outlines the relevant facts about succession planning in farming businesses.

## Background to Succession Planning in Farming

The farming sector is unique in terms of any business within rural areas and are one of the few businesses that embrace succession planning. The uniqueness of the needs of farming businesses is a material consideration in the determination of this application.

Farming is a business that is family run. The life cycle and succession of members of those families is a key component to their success. Inevitably older family members must retire; albeit traditionally they have a longer working life than most professions. Younger members of the family will take their place. There is a transition period during which older and younger family members work together. The workload/hours decrease and increase accordingly. Not only does this allow the business to continue but it also allows continuation of support and advice for the younger farmer and a reciprocal provision of care for the older farmer.

Family members cannot all live in one property. As families expand, they need their own separate accommodation. The need for and type of accommodation for those family members is also unique.

Farming is also about working in a specific location. It is not possible to just build another farm in a different location close to housing. Family members cannot just rent or buy any house off the market or indeed present themselves to the Council for assisted housing in any location and commute, as is the case with most other businesses and employees. Their needs are unique due to the requirement to be on site 24/7 to respond to emergency events, for example, animal husbandry. Their working day is not the usual 9-5 involving the shutting of premises and going home. It is long involving ad-hoc, unsociable hours and weekends. They need to work efficiently within those hours and avoid unnecessary time wasting. In summary, they need affordable accommodation on the farm to avoid time and money spent commuting.

### **Material Case for Sourbank**

Notwithstanding the lack of policy in MLDP20 to deal with succession planning in farming businesses, even if there had have been a relevant policy it would still be for the applicant to demonstrate that there was an actual housing need. The following presents a detailed case demonstrating a functional need for affordable housing for Mr R Proctor at Sourbank.

The material case for Sourbank is based on both the findings of Bowlts Agricultural Needs Assessment (October 2020) and a complementary detailed assessment of the following:

- Facts
- Affordability
- Functional Needs

Bowlts report and the details outlined in this Section of this Statement should be read in tandem.

### **Facts**

First, whilst it is inevitable that suspicions will arise when an application is submitted for housing in the countryside, it is worth pointing out the following facts for consideration:

- This farming business is a viable entity and is currently run by Mr G Proctor and Mr R Proctor, who carry out all operations.
- This is not an application for a house for A N Other in the countryside.
- The Proctors have acknowledged the importance of their family and community responsibilities and embraced the need for succession planning for their farming business
- There is no alternative accommodation within the ownership of the Proctors which has been sold that could have been used.
- There are no other development opportunities on the land within the Proctor's ownership
- This proposal is based on the specific needs of this farm and not any personal preferences of the Proctor's.
- Provision of a new house for Mr R Proctor is not just a nice thing to have it is functionally required.

This application should be considered based on this honest and open submission, which is for an established farming family to plan for succession of their business to the wider benefit of the rural economy and the local community.

It has already been demonstrated that this is a bona fide farming family and the Proctors are now in their 4<sup>th</sup> generation of family members who have farmed the area. It has already been stated that the son, Mr R Proctor lives with the father, Mr G Proctor and that he needs separate accommodation to continue the farming business. It should not be reasonably expected that Mr R Proctor should continue to live with his partner (and future family) in his father's house other than in the very short-term whilst arranging his own accommodation. It has also been demonstrated that the Proctor family have taken their responsibilities seriously and spent a decade going through all the available site options as outlined in [SECTION 2: BACKGROUND AND CONTEXT](#).

### Affordability

The case for this farmhouse for the Proctors needs to outline the affordability aspects within succession planning for this farming business.

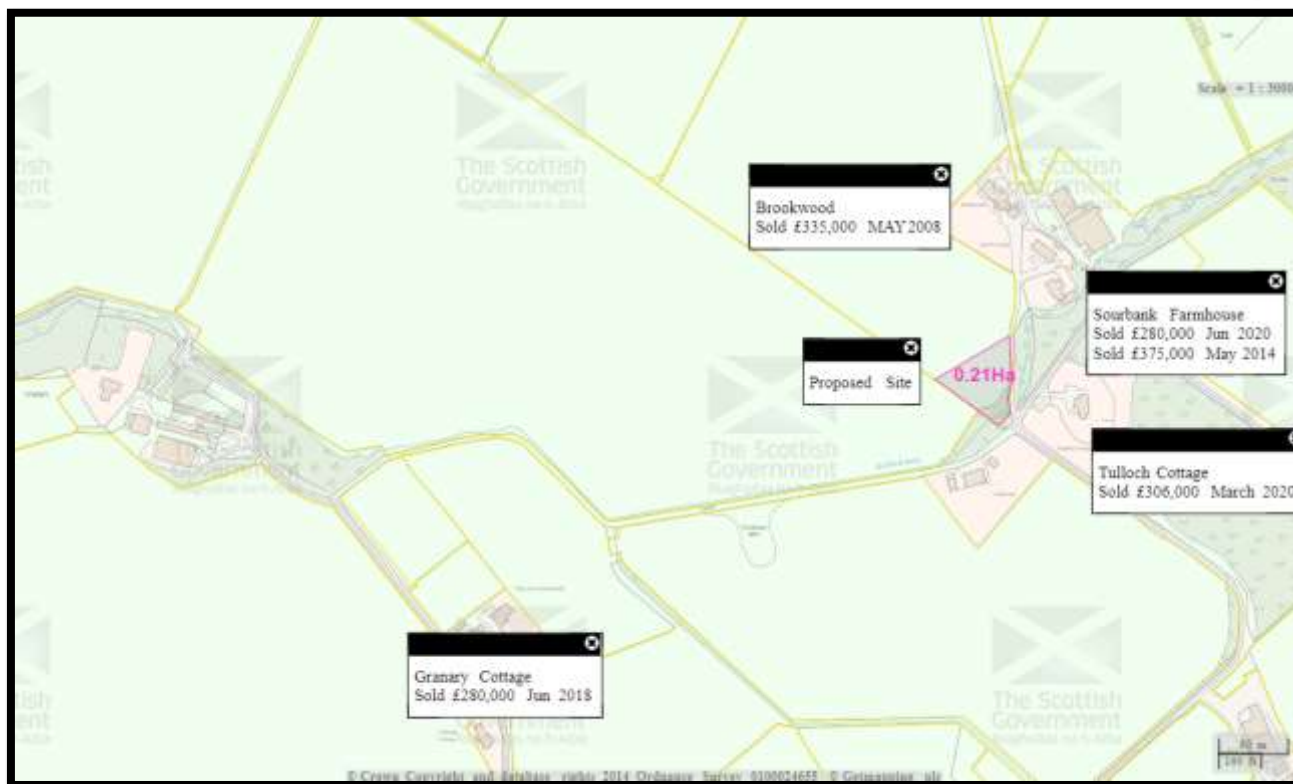
Mr R Proctor is in his twenties and at the beginning of his farming career. He has attended university to gain the necessary qualifications and knowledge and has inevitably also gained a sizeable student debt in doing so. The option of buying a house on the general market is therefore not a realistic option nor one that the banks would probably support.

To meet the necessary locational need i.e. on the farm, there is already a significant restriction of those properties that might become available. As evidenced in [Plan 17](#), the availability is poor, the sale prices are not within the means of a young farmer and there are few properties that come on the market timeously. The four properties below, the most recently sold between 2008 and 2020, range between £280,000 and £375,000 (in 2014).

Furthermore, the Proctors are included in the Scottish Government's definition of 'key workers' since they are critical to the food supply chain. As a key worker, it is essential that the Proctor's have access to affordable housing.

It should also be acknowledged as fact that according to Rightmove, property prices in the local area have risen 22% in the last year to an average of £269,200. This is not affordable housing.

There is clear evidence of a lack of affordable housing options available to the Proctors. The only realistic option available to the Proctors is a self-build. In pursuing this option, the land value is removed and there are only the costs associated with the development.



**Plan 17: House Sales of Neighbouring Properties at Sourbank © Proctor**

## Functional Needs

It is important to demonstrate that essential functional needs exist for Mr R Proctor to live permanently on the farm. This is outlined in detail in the submitted Agricultural Needs Assessment, which has been carried out by Bowlts. To complement this Assessment, it is necessary to summarise the functional needs as follows:

### Sustainability/Viability

The strong relationship between the farm business and the surrounding community is vital to its existence. If the farming business does not function as a sustainable enterprise and is not financially viable, then it will no longer exist. It will no longer fulfil its role as part of the surrounding rural community.

Bowlts report outlines the labour requirement to run the existing farming business at Sourbank. Its conclusion based on the farming industry led requirements indicates a “real and reasonable need” for accommodation on site for this farm. The location of the farm as proposed is concluded as being an essential requirement of good animal welfare and husbandry.

This farming business is viable but to continue to be, it needs to evolve, and the family needs to commit to continuous improvement. Improvements inevitably involve removing practices that drain resources in terms of manpower/hours and costs. For this farming business to continue as a viable enterprise, it is essential that Mr R Proctor lives on the farm and is always available. To continue to spend vital hours and money on



inefficient practices, such as commuting and travelling to and from Balnakeith or indeed any other off-site accommodation is not sustainable.

The proposed house for the Proctors will therefore allow the continuation of its role within the wider context of the community and rural economy in line with the more strategic Scottish Government and Moray Council planning policies.

### Sustainability/Climate Change

The Scottish Government and Moray Council strongly promote sustainability measures to minimise the impacts of climate change.

Current farming practices at Sourbank involve frequent travel to and from Balnakeith to both run the farm in general terms and for animal husbandry reasons. There are no welfare facilities available on the farm and this also increases the number of necessary journeys. This is not sustainable and increases the carbon footprint of this farming businesses.

Bowlts report outlines in detail the travel calculations in terms of miles, time, fuel consumption, cost, and carbon emissions. The summary figures indicate an annual mileage of over 6000 miles and a week of time used. That equates to 963 litres of petrol at a cost of £1204 per annum. The annual carbon emissions is 2.46 tonnes of CO<sub>2</sub>.

The provision of a house for Mr R Proctor to live on site on the farm, will significantly reduce all those journeys and therefore the farm's carbon emissions. When dealing with the cattle at the steading he will be in walking distance further reducing carbon emissions.

### Animal husbandry.

Sourbank is a mixed farm and includes livestock, cattle. As advised by Bowlts, cattle management and husbandry are a labour-intensive element of the farm operation, with feeding, provision of replacement bedding, tagging, monitoring health and welfare and calving as some of the necessary tasks.

It is fact that if a farmer is not readily available to attend a sick animal or cows during calving then there is a high risk of livestock death. It is therefore essential that a qualified and experienced farmer/farm worker is constantly available to deal with these events.

The welfare of their cattle is of the highest priority to the Proctors. The potential for animal care events at short notice is constant. The cattle need to be regularly checked at all hours. Any delays in attending inevitably result in an increase in mortality rates, which in turn affect the viability of this farm with reduced profits. Unfortunately, without currently having onsite accommodation, the Proctors have had to accept this situation and travel to and from the farm regularly to deal with events and inevitably there are casualties as a result.

Calving percentages have reduced to slightly lower than the farming industry benchmark at Sourbank. Also, mortality rates on the farm have been higher in recent years and is higher than the farming industry benchmark. Increasing calving percentages and lowering mortality rates is essential to improve the viability and future growth of this farming business.

The only way to now resolve this important functional need and ensure that the Proctors comply with their moral and legal duty for animal welfare is for Mr R Proctor to live on site, with onsite welfare facilities and near the steading for animal care and calving purposes.



## Health and Safety

Health is now a material consideration in planning matters, as evidenced in the recent publication of 'Mental Health in Town Planning' by the RTPI in October 2020.

Farmers work excessively long and unsociable hours. To work the hours that are required managing livestock is not sustainable to their health and wellbeing. Adding to this already heavy workload and stress in this case is travel to and from Balnakeith, several times a day and night. It is not reasonable to expect Mr R Proctor to continue this unsustainable practice of regularly commuting to and from Balnakeith and significantly adding to his working day by doing so, particularly when there is a simple solution by having onsite housing.

Furthermore, farming is one of the most dangerous occupation industries in the UK with significant number of injuries and deaths caused by cattle or through the operation of machinery with limited sleep. This is evidenced through reports from the Health and Safety Executive.

The Proctors are on occasion working alone up at the farm and faced with potentially dangerous situations whilst operating machinery and handling livestock. It is inevitable given the travel distance from Balnakeith that the likelihood of someone else being there immediately would be remote. It could be a significant and life-threatening time before they are found if anything goes wrong.

The proposed house would reduce the long hours and travel time for Mr R Proctor, significantly improving his health and wellbeing. It would also allow for his partner to be immediately on hand in any dangerous incidents if he got into difficulty.

## Security

Farming businesses by virtue of their remote locations, are extremely vulnerable to theft, fly tipping and vandalism. Farms hold high value livestock, vehicles, machinery, and equipment making them prime targets for theft. It has become a growing concern for farmers (Bowlts)

By having an onsite presence close to machinery and cattle at the steading, will act as a deterrence and significantly reduce the risk of this occurring.

## **Conclusion**

It has been demonstrated that there is a clear identifiable material planning consideration that applies to this case. The assessment carried out in this section shows that significant weight should be given to this material planning consideration given the lack of up to date policies in MLDP20 to deal with the legitimate housing needs of the farming sector.

Existing and emerging strategic planning policies within planning are striving to promote and assist the rural economy in Scotland. Farming businesses are fundamental to the future of the rural economy. Local planning policy and decisions need to reflect this.

The facts are evident that this is a genuine affordable housing need for a well-established farming business. A detailed analysis of the functional needs has been carried out and by reason of the sustainability, viability, climate change, animal husbandry, health and safety and security needs, all outlined above, it has been demonstrated that there is a real functional need for a farmhouse to be sited at Sourbank.

### 3.3 DETAILED POLICIES

#### Assessment

Whilst no other material planning considerations were raised during the appraisal of the withdrawn application 19/01599/APP for completeness, the application has been assessed in this section of the Statement against the following detailed policies to demonstrate full compliance.

Policy	Policy Title	Policy Requirement
PP1	<b>Placemaking</b>	To generally create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
PP3	<b>Infrastructure and Services</b>	Development must be planned and co-ordinated with infrastructure to ensure that places function properly and that proposals are adequately served by infrastructure and services.
DP1	<b>Development Principles</b>	All developments must consider the development principles of design, transportation, and water environment, pollution, and contamination
DP2	<b>Housing &amp; Policy Guidance Note on Affordable and Accessible Housing</b>	Requires a design statement to be included to deal with infrastructure, access, service vehicles, landscaping, affordable housing, and drainage and other matters that the LPA may consider as being required.
DP4	<b>Rural Housing &amp; Policy Guidance Note on Rural Housing</b>	Identifies a rural development hierarchy whereby new housing is directed to rural groupings, re-use and replacement and areas of intermediate pressure in the open countryside
EP12	<b>Management and Enhancement of the Water Environment</b>	New development is not supported if it would be at significant risk from flooding or would materially increase the possibility of flooding elsewhere. Surface water from development must be dealt with in a sustainable manner that has a neutral effect on flooding or which reduces the risk of flooding. Proposals and associated construction works must be designed to avoid adverse impacts upon the water Environment.
EP13	<b>Foul Drainage</b>	Outlines how foul drainage should be dealt with by development. Where a private system is deemed to acceptable soakaways will be necessary.
EP14	<b>Pollution, Contamination &amp; Hazards</b>	Development proposals on potentially contaminated Land will be approved where they comply with other Relevant polices and if there is evidence of Contamination that effective remediation measures are agreed and implemented.

**Table 1: Relevant Detailed Policies in MLDP20**

These policies are provided in **Table 1** above and then assessed to demonstrate full compliance.

### Placemaking

The proposal is of a high-quality design, meeting all the siting and design criteria set out in policy. The design requirements set out in Policy DP1 are met as demonstrated in the detailed landscape assessment within this Statement. Transportation requirements have been met and agreed in full. The drainage and construction details outlined in the proposal meet with full approval of SEPA.

**The proposed development fully complies with Policy PP1 and DP1 of the MLDP20**

### Provision of Access and Parking

The access will be taken from the public road, via a private farm track, across a field to the house. A double garage together with external parking is proposed to accommodate a minimum of four vehicles on site.

It has been confirmed by Moray Council's Transport Team that the design of the junction of the B9010/U102E and the proposed access from the farm track both fully comply with their requirements for road safety.

**The proposed development fully complies with Policy PP1, PP3 and DP1 of the MLDP20**

### Sustainable Design

The detailed proposals demonstrate good sustainable design. The detailed design as outlined in this Statement fully meets requirements, including for example the provision of more than 25% native tree planting (which is significantly more the policy required 15%), a high standard of insulation, the use of air sourced heating and the use of reclaimed roofing slates. The house is built with future accessibility in mind with a ramp, wet room, sleeping accommodation and all facilities available within a fully accessible ground floor.

**The proposed development fully complies with Policies PP1, PP3, DP1 and DP2 of the MLDP20**

### Residential Amenities

There would be no impact on residential amenities resulting from this development.

The neighbouring residential properties are a significant distance from the proposed house site. As such there would be no direct impact, for example, loss of privacy or loss of light. See **Plans 1 & 2** and **Photos 22 - 24**.



**Photo 22: Farm track showing location of access to house on the right © Proctor**

The existing track adjacent to Parkview is to be used to link to a new access to the proposed house. The track together with Granary Farm, to which it provides private access, has been in the Proctor's sole ownership since 1996. The track is therefore available for use by the Proctors, e.g. farm vehicles, at any time 24/7 in association with the farm businesses. The track is also used for access to the Scottish water pumping station, the public for walking and horse riding and by the occupants of Parkview to access their property. It is likely that the occupants of Parkview have a prescriptive right of way, i.e. it is "used openly, without force and without consent". The proposal does not obstruct the track or prevent the continued use by all those parties.



**Photo 23: Rear Elevation of Parkview showing windows (and associated use of rooms) © Proctor**

Notwithstanding the landownership of this track and any rights of access, the Proctors are mindful of potential concerns regarding use of the track to access the new house in terms of noise, disturbance, privacy, and car light intrusion. Accordingly, the Proctors initially engaged with the occupants of Parkview to discuss any practical solutions they may have wanted included in the proposals to allay their concerns. However, the engagement was refused and in the absence of any discussions and to be neighbourly in this small rural community, the Proctors have sought to provide their own design solutions to any of those perceived problems.

### Noise and Disturbance

It is of relevance that the track can be used by the Proctors by farm vehicles, which have the potential to cause noise and disturbance 24/7. The proposed use for access to one residential property will be insignificant in terms of any additional noise and disturbance caused by car users. The traffic increase will also be insignificant from the addition of one three-bedroom family house. The track runs along the back of Parkview, which was constructed to take advantage of the wider countryside views to the south. As such, as shown in **Photo 23**, the rooms to the rear are secondary, in terms of bedroom, bathroom, kitchen and dining areas, with the primary room (living areas) located at the front.

Regarding the installation of the air source heat pump. This will be installed to comply with British Standards, which includes noise insulation. The use of this alternative method of heating is encouraged by the Scottish Government to promote green energy. The Council's Environmental Health Officer when consulted on the previous application raised no objections. The proposals remain the same and would not give rise to any impact.

### Privacy

As well as Scottish Water employees and the public (either on foot or on horseback) already can be on this track and look toward Parkview. The track is also used by the Proctors to gain access to carry out maintenance work, as is evident in **Photo 24**. This work can be carried out using vehicular machinery as well as hand-held machinery. All such work will be carried out by people, who already can drive, walk, and stand on this track, and have the potential to look towards Parkview. As also indicated from **Photo 23**, two of the windows are obscurely glazed, serving bathroom accommodation, and therefore there is no potential for overlooking issues. It is also demonstrated from the photographs that when standing on the track, due to orientation of Parkview, it is not possible to see into any of the windows. As such, any loss of privacy is a perception rather than a reality.

### Car Headlight Intrusion

The design of the driveway taken from this track has deliberately incorporated a curve at its end point approaching the track. It has been designed to follow the natural line to eliminate any potential light intrusion from cars accessing and exiting from the proposed house. Any cars accessing/exiting the driveway will face towards the garage rather than directly at the windows at Parkview. To supplement this design a native evergreen hedge screening is proposed to be planted. It is evident from **Plan 2** and **Photo 24** car headlights as they emerge or access the driveway will not affect the amenities at Parkview. It is also worth noting the distance between the car user and the track and the level differences. Parkview is sited below the track, reducing any direct impact.





**Photo 24: Proposed Access facing Garage at Parkview © Proctor**

**The proposed development complies with Policy of PP1 and DP1 the MLDP20**

#### Contaminated Land

As confirmed by the consultation response from Environmental Health on the previous application for a house on this site, there are no contaminated land issues relating to this proposal.

**The proposed development complies with Policies PP1 and EP14 of the MLDP20**

#### Flooding and Drainage

As indicated by SEPA's flood maps, the site is not located within a flood area. There is no history of flooding at the site according to their maps. There are no surface water flooding issues.

In response to the previous planning application for a house on this site, the Moray Council Flood Risk Management Team raised no objections or comments on the application and made no recommendations for conditions to be imposed on any planning permission.

The proposed crossing over the Rafford Burn to access the site has been designed with the full co-operation of SEPA, who have confirmed that the proposals are acceptable and likely to be consentable under the The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) (as amended). They have confirmed that upon consultation of the submitted application, it is likely that they will request a condition to be imposed on any planning permission requiring the proposal of any opportunities to offset environmental footprint after culverting a watercourse, for example the compensatory habitat creation.

The Proctors are happy to accept a condition on this basis.

Sewerage systems will include the installation of a new 3800 litre septic tank connected to a soakaway is proposed for foul water. A rainwater soakaway trench is proposed for surface water drainage.



Similarly, SEPA have advised that they welcome this confirmation of proposed discharge of wastewater through soakaway to the ground and that this will have no overflow pipe towards the burn. They have advised that it is likely that they will request a condition to be imposed on any planning permission requiring a distance of 10m to be maintained between the proposed soakaway and watercourse and also that no drainage channel is to be installed between the proposed soakaway and watercourse.

The Proctors are happy to accept a condition on this basis.

### **The proposed development complies with Policies PP1, DP1, EP12 and EP13 of the MLDP20**

#### Developer Obligations

In response to the previous planning application for a house on this site, Moray Council Developer Obligations concluded in their Assessment Report that no developer obligations were required for primary and secondary education or for transport. Contributions were required for Health Care (towards the extension at Forres Health Centre, 2 Additional Dental Chairs and reconfiguration to existing pharmacy outlets), and for Sports and Recreation (towards a 3G pitch at Forres). There were no requirements for affordable housing required. This proposal is to meet an affordable housing need.

The Proctors are happy to accept this previously agreed requirement for developer contributions for health care and sports and recreation.

### **The proposed development complies with Policies PP1, PP3 and DP2 of the MLDP20**

#### Servicing

If required, the site would easily be able to accommodate the required waste and recycling facilities commensurate to a single house. This is demonstrated by the provision of a bin storage area adjacent to the detached garage for the permanent storage of recycling and storage bins as shown on the submitted plans.

However, it is understood that Moray Council's Waste Collection Service currently has difficulties with manoeuvring their vehicles on the U102E. As such, bins for this cluster of housing are stored at Cloddach Farm, which is along the U102E public road towards the main B9010 Road. This gives the vehicles ease of manoeuvrability avoiding the need to travel up to these houses. The Proctors are happy to accept a condition in this regard, which is acceptable and achievable in full compliance with policy. Should the Council's Waste Collection Service change their collection practices or vehicle-type, it has been demonstrated that there is sufficient and appropriate space for the storage of waste and recycling bins.

Connection to the public water via Glenlatterach Water Treatment Works. Water supply in the area is more than adequate to the extent that the new house being built at Sourbank at present has had to fit a pressure reducing valve. Whilst concerns were previously raised regarding Scottish Water's response, which indicated they could not guarantee capacity, this is a standardised response for all housing development. It is for the Proctors to deal with this matter separate from planning.

### **The proposed development complies with Policies PP1, PP3 and DP1 of the MLDP2020.**

#### **Conclusion**

**Having carried out the above full appraisal of all relevant planning policies in the MLDP20, it can be concluded that the proposed development of this site fully complies with all the relevant detailed policies of the MLDP.**

## **SECTION 4: CONCLUSION**

### **4.1 SUMMARY CONCLUSION AND RECOMMENDATION**

Following the previous recommendation to refuse a house on this site, the Proctors have re-engaged with Moray Council planning department, the Transport Team and SEPA. They have also engaged with their neighbours. The result has been this amended application with a robust justification provided within this Planning Supporting Statement. This Statement confirms that this application for planning permission for a three bedroomed house with detached garage should be approved. The reasons can be summarised as follows:

#### **Policy Reasons**

The proposals fully comply with all the detailed policies within MLDP20.

The only outstanding issue is a locational one as outlined in Policy DP4. Policy DP4 fails to provide the flexibility in accordance with existing and emerging Scottish Planning Policy and indeed Moray Council's own stated planning vision to provide for affordable housing needs for all sectors and to support the rural economy. Unlike similar neighbouring predominantly rural areas, Moray Council do not provide for any exceptions to their rural housing policy to provide for genuine demonstrable housing needs for viable farming businesses. Without this exception in place, a damaging impact upon the viability and sustainability of this essential sector within the rural economy is a risk.

#### **Other Reasons**

Any planning decision on this proposal is required to not only consider planning policy but also material planning considerations.

Due to the lack of any planning policy support within MLDP20 other than that within the vision statement, the Proctors have been left to rely on their proposals being dealt with as a material consideration or indeed as a departure to planning policy due to the merits/special circumstances of this case.

This is a proposal for affordable housing meeting a genuine need for a well-established farming business in Moray. A robustly argued functional need as set out in this Planning Supporting Statement and the Agricultural Needs Assessment submitted by Bowlts is provided on behalf of the Proctors.

#### **Conclusion and Recommendation**

**This Statement has unequivocally demonstrated in response to the intended reason for refusal for the previous application (which was considered under MLDP15 and is being considered under the newly adopted policies in MLDP20) that a single house on this site would not in any way cause a cumulative build-up of housing in the countryside and would not have a detrimental impact upon landscape. No identifiable harm was expressed by the Council and none has been subsequently been presented.**

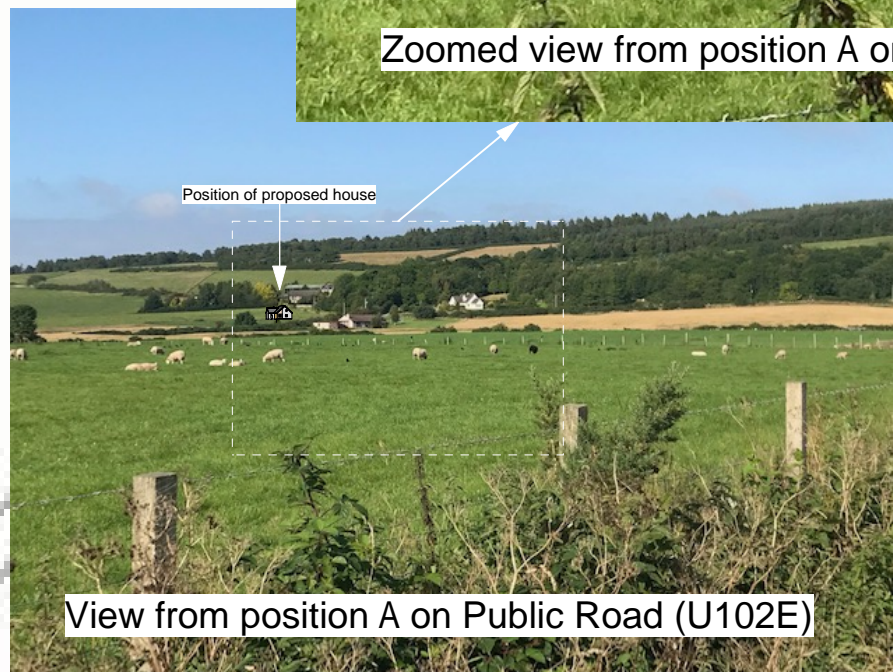
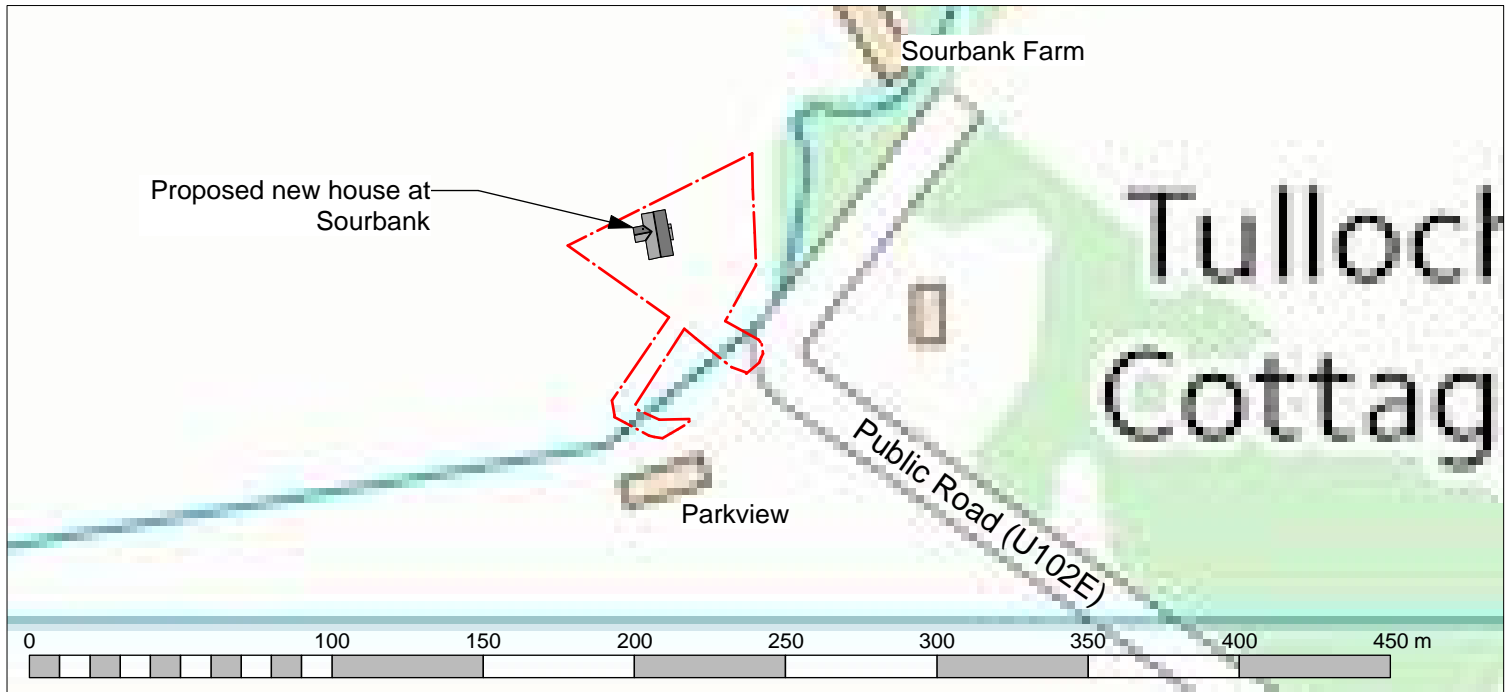
**The proposal has also been amended to comply in full with both Moray Council's Transportation Team and SEPA's requirements, who have already approved the plans as submitted. These were the**



**only stated potential reasons for refusal. A robust case has been provided. The application should therefore be approved.**

**It is therefore recommended that Moray Council reconsider this application taking into account this robust and detailed justification, which unequivocally demonstrate that the site can accommodate a single house without any adverse impact upon the character of the landscape, road safety and the amenities of the neighbouring properties.**





583m to proposed new house from position A

A

Visual Impact of Proposed New House From Public Road Access Near Cloddach Farm  
Scale 1:2500





## **Introduction**

The proposal is for a 1 ½ storey individual house in the open countryside. The applicant has advised it is needed to support farming on the surrounding land. The key policy considerations are DP4 Rural Housing and DP1 Development Principles.

## **DP4 Rural Housing and DP1 Development Principles**

### **Background**

Scottish Planning Policy (SPP) states rural development proposals should promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces. In Moray there are identified issues relating to the adverse landscape and visual impacts associated with the cumulative build up of new housing in and around our main towns, particularly Elgin and Forres.

SPP also states that in pressurised areas easily accessible from Scotland's cities and towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside. On that basis areas within Moray where cumulative build up is prevalent were identified as pressurised and sensitive areas.

In terms of Policy DP4 the proposal is considered under section d) New Houses in the Open Countryside and because of the sites location, subsection ii) Pressurised and Sensitive Areas.

Pressurised and Sensitive areas are identified to direct new housing to the least sensitive locations across Moray. Due predominately to the landscape and visual impacts associated with the build up of houses in and around Rafford no further new housing will be permitted in this location outwith identified rural groupings and Lower and Upper Rafford.

### **Applicants Supporting Information**

The applicant has submitted a detailed planning statement to support the proposed development, setting out the choice of site and how it is considered to comply with the relevant planning policies and the material considerations to support a new house within a pressurised and sensitive area.

In addition to this, an Agricultural Needs Report prepared by a Chartered Surveyor has also been prepared. The farmland is 251 hectares with 32 fields and a herd of 251 cattle. The Agricultural Needs Report sets out that there is no farmhouse at Sourbank and the business operates from Balnageith, north of Forres approximately eight miles from Sourbank. The key considerations evidencing agricultural need are animal husbandry and welfare to ensure the health and welfare standards for livestock are met, the number of labour hours to manage the cattle herd and ability to be available 24/7. Furthermore, eliminating the current 8 mile round trip, provision of on site security and succession planning enabling a younger generation to take over a greater share of the farming business.

Following consideration of all the information provided, it is accepted that in all likelihood there is an agricultural need for a house in this location. There are however no exceptions set out within the policy for houses associated with agriculture. It is worth noting over the last decade and more, justification of new housing on the basis of agricultural need has not been an issue in Moray and doesn't feature within the current policy. Despite accepting there is an agricultural need it is considered there is insufficient justification to support a departure and that the agricultural need

does not outweigh the policy in relation to pressurised and sensitive area. On the basis of the above a new house in this location is not supported and should be recommended for refusal.

#### **Compliance with other criteria set out in DP4**

No siting or design criteria are set out within Pressurised and Sensitive Areas as new housing in these locations is not supported. For the avoidance of doubt, if the proposal were to be considered setting aside the sites location within a Pressurised and Sensitive Area it would still fail to comply with the siting requirements set out in d) iii) of DP4 as follows. The site lacks the required immediate (on the boundary of the site) backdrop of existing landform, trees and buildings to provide acceptable enclosure. The proposal would therefore have a detrimental visual and landscape impact and adversely affect the character and appearance of this rural location.

In addition to this the proposal is considered to constitute unacceptable cumulative build up. The number of new houses in this location has eroded the traditional settlement pattern. Modern housing is the predominant component of this landscape and an additional house in this location would have an adverse impact on the character and appearance of this rural area.

#### **Conclusion**

The proposal should be refused as it fails to meet the requirements of DP4 and DP1. The introduction of a new house in this identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as impacting on the character and appearance of this rural area. There is no policy exception to allow new housing in pressurised and sensitive areas on the basis of agricultural need and the supporting information provided is not considered sufficient to outweigh Local Development Plan policies DP4 and DP1.

# **Consultee Comments for Planning Application 20/01658/APP**

## **Application Summary**

Application Number: 20/01658/APP

Address: Site South West Of Sourbank Farm Rafford Forres Moray

Proposal: Erect a 1.25 storey dwelling house and detached timber garage on

Case Officer: Emma Mitchell

## **Consultee Details**

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

## **Comments**

Approved unconditionally





**From:**DeveloperObligations  
**Sent:**17 Dec 2020 04:11:32  
**To:**Emma.Mitchell@moray.gov.uk,  
**Subject:**20/01658/APP Erect a 1.25 storey dwelling house and detached timber garage on Site South West of Sourbank Farm, Rafford  
**Attachments:**20-01658-APP Erect a 1.25 storey dwelling house and detached timber garage on Site South West Of Sourbank Farm, Rafford.pdf,

---

Hi  
Please find attached the developer obligations assessment that has been undertaken for the above planning application. A copy of the report has been sent to the applicant.  
Thanks,  
Rebecca  
**Rebecca Morrison** | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development  
[Rebecca.morrison@moray.gov.uk](mailto:Rebecca.morrison@moray.gov.uk) | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)



# Developer Obligations & Affordable Housing: ASSESSMENT REPORT



**moray**  
council

**Date:** 17/12/2020

**Reference:** 20/01658/APP

**Description:** Erect a 1.25 storey dwelling house and detached timber garage on Site South West of Sourbank Farm, Rafford

**Applicant:** G & AG Proctor

**Agent:** PM Designs

This assessment has been carried out by Moray Council. For developer obligations, the assessment is carried out in relation to policy PP3 Infrastructure and Services of the adopted Moray Local Development Plan 2020 (MLDP2020) and Supplementary Guidance (SG) on Developer Obligations which was adopted on 30 September 2020. And, for affordable housing, the assessment is carried out in relation to policy DP2 Housing of the MLDP2020. Affordable housing is a policy requirement not a developer obligation however for ease of reference the Affordable Housing contribution is included within this assessment.

The MLDP2020 can be found at [www.moray.gov.uk/MLDP2020](http://www.moray.gov.uk/MLDP2020) and the Developer Obligations SG can be found at <http://www.moray.gov.uk/downloads/file134184.pdf>

## Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare ( <i>Contribution towards extension at Forres Health Centre, 2 Additional Dental Chairs and reconfiguration to existing Pharmacy outlets</i> )	
Sports and Recreation ( <i>Contribution towards 3G pitch in Forres</i> )	
<b>Total Developer Obligations</b>	
Affordable Housing	
<b>TOTAL</b>	

## Breakdown of Calculation

Proposals for developer obligations are assessed on the basis of Standard Residential Unit Equivalents (SRUE) which is a 3-bedroomed residential unit. This application is considered to comprise of the following:

3 bed = 1 SRUE

This assessment is therefore based on 1 SRUE.



**Moray Council DEVELOPER OBLIGATIONS**



## INFRASTRUCTURE

### Education

#### Primary Education

The pupils generated by this development are zoned to Anderson's Primary School. The school is currently operating at 64% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

**Contribution towards Primary Education = Nil**

#### Secondary Education

The pupils generated by this development are zoned to Forres Academy. The school is currently operating at 75% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

**Contribution towards Secondary Education = Nil**

### Transport

The Moray Council Transportation Services has confirmed that no developer obligations will be sought for this proposal.

**Contributions towards Transport = Nil**

### Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The

recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m<sup>2</sup>.

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development (based on the average household size of 2.17 persons -Census 2011).

Forres Health Centre is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Forres Health Centre is working at design capacity and the existing space will be required to be extended and that 2 Additional Dental Chairs and a reconfiguration to existing Pharmacy outlets will be required.

Contributions are calculated based on a proportional contribution of £[REDACTED] per SRUE for the healthcentre, £[REDACTED] for the additional dental chairs each and £[REDACTED] per SRUE for the pharmacy.

**Contribution towards Healthcare= £[REDACTED]**

### Sports and Recreational Facilities

#### Sports and Recreation Facilities

The nearest sports and recreational facilities that serve this development are located in Forres. The Moray Local Development Plan 2020 identifies a requirement for new development to contribute towards additional capacity of sports and





recreational facilities. As set out in the Review of Sport, Leisure and Recreational Provision in Moray (April 2014), current pitch provision in Forres falls below national standards in terms of both quantity and quality. The Review set out the preference is to provide synthetic grass pitches given the ever improving developments of synthetic turf technology, flexibility offered by the surface in terms of game size and capacity for repeated play without detrimental effect.

The Planning Facilities Model 2018 sets out that Moray currently meets 0.5 pitches per 10,000 population, which is significantly lower than the national average of 0.9 pitches per 10,000 population. Moray Council has agreed that the Council aim is to provide every secondary school with convenient/adjacent access to a 3G pitch given that sportscotland stipulates that pitches should be adjacent to schools. Therefore, contributions will be sought towards a 3G pitch in Forres on the following basis:

**Contribution for Sports and Recreation Facilities =** [REDACTED]

---

## AFFORDABLE HOUSING

The average market value of a serviced plot for 1 Affordable Unit is [REDACTED] Contributions are based on 25% of the total number of units proposed in the application:

[REDACTED]

Therefore, the total contribution towards affordable housing is:

1 proposed unit = [REDACTED]

Affordable housing is a policy requirement not a developer obligation and will not be subject to negotiation.





## TERMS OF ASSESSMENT

This assessment report is valid for a period of 6 months from the date of issue.

Please note that any subsequent planning applications for this site may require a re-assessment to be undertaken on the basis of the policies and rates pertaining at that time.

## PAYMENT OF CONTRIBUTIONS

Remittance of financial obligations can be undertaken either through the provision of an upfront payment or by entering into a Section 75 agreement. The provision of an upfront payment will allow a planning consent to be issued promptly. However, where the amount of developer contributions are such that an upfront payment may be considered prohibitive a Section 75 will likely be required. The payment of contributions may be tied into the completion of houses through a Section 75 Agreement or equivalent, to facilitate the delivery of development. Please note that Applicants are liable for both the legal costs of their own Legal Agent fees and Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

## INDEXATION

Developer obligations towards Moray Council infrastructure are index linked to the General Building Cost Price Index (BCPI) as published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS) from Q3, 2017 and obligations towards NHS Grampian infrastructure are index linked to All in Tender

Price Index (TPI) as published by the Royal Institute of Chartered Surveyors (RICS) from Q2, 2017.



# **Consultee Comments for Planning Application 20/01658/APP**

## **Application Summary**

Application Number: 20/01658/APP

Address: Site South West Of Sourbank Farm Rafford Forres Moray

Proposal: Erect a 1.25 storey dwelling house and detached timber garage on

Case Officer: Emma Mitchell

## **Consultee Details**

Name: Mr EH Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: [ehplanning.consultations@moray.gov.uk](mailto:ehplanning.consultations@moray.gov.uk)

On Behalf Of: Environmental Health C12

## **Comments**

Approved unconditionally



## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Moray Flood Risk Management

**Planning Application Ref. No:** 20/01658/APP

**Erect a 1.25 storey dwelling house and detached timber garage on Site South West Of Sourbank Farm Rafford Forres Moray for G & AG Proctor**

I have the following comments to make on the application:-

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <input checked="" type="checkbox"/>  |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/>             |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>             |

<b>Contact:</b>	Javier Cruz	<b>Date.....</b> 25/01/2021
<b>email address:</b>	Javier.cruz@moray.gov.uk	<b>Phone No .....</b>
<b>Consultee:</b>	The Moray Council, Flood Risk Management	





Tuesday, 08 December 2020



Local Planner  
Development Services  
Moray Council  
Elgin  
IV30 1BX

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: Site South West Of Sourbank Farm, Rafford, Forres**  
**PLANNING REF: 20/01658/APP**  
**OUR REF: DSCAS-0028380-93S**  
**PROPOSAL: Erect a 1.25 storey dwelling house and detached timber garage**

**Please quote our reference in all future correspondence**

## Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

## Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Glenlatterach Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

## Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.



SW Public  
General

To find out more about connecting your property to the water and waste water supply visit:



### So, how are we doing?

We'd love to know what we're doing well or could do better. We promise we're listening, [click here](#) to tell us...



## Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

---

## Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

## General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - ▶ Site Investigation Services (UK) Ltd
  - ▶ Tel: 0333 123 1223
  - ▶ Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - ▶ [www.sisplan.co.uk](http://www.sisplan.co.uk)
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be



adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

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## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

### **▶ Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### **▶ Trade Effluent Discharge from Non Dom Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and



launderettes. Activities not covered include hotels, caravan sites or restaurants.

- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

### Planning Application Team

Development Operations Analyst

[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk)

### Scottish Water Disclaimer:

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*



# Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	22nd December 2020
<b>Planning Authority Reference</b>	20/01658/APP
<b>Nature of Proposal (Description)</b>	Erect a 1.25 storey dwelling house and detached timber garage on
<b>Site</b>	Site South West Of Sourbank Farm Rafford Forres Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133072956
<b>Proposal Location Easting</b>	307493
<b>Proposal Location Northing</b>	856126
<b>Area of application site (M<sup>2</sup>)</b>	2568
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QKYJIGBGJKV00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QKYJIGBGJKV00</a>
<b>Previous Application</b>	19/01599/APP
<b>Date of Consultation</b>	8th December 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	G & AG Proctor
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Balnageith Farm Balnageith Forres Moray IV36 2SX
<b>Agent Name</b>	PM Designs
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Sonas Todholes Dallas Forres Moray IV36 2RW
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Emma Mitchell
<b>Case Officer Phone number</b>	01343 563326
<b>Case Officer email address</b>	emma.mitchell@moray.gov.uk
<b>PA Response To</b>	consultation.planning@moray.gov.uk



**NOTE:**

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](http://www.moray.gov.uk/moray_standard/page_121513.html)

For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No:** 20/01658/APP

**Erect a 1.25 storey dwelling house and detached timber garage on Site South West Of Sourbank Farm Rafford Forres Moray for G & AG Proctor**

I have the following comments to make on the application:-

**Please**

- |     |   |                                     |
|-----|---|-------------------------------------|
| (a) | I OBJECT to the application for the reason(s) as stated below   | <input type="checkbox"/>            |
| (b) | I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <input type="checkbox"/>            |
| (c) | I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input checked="" type="checkbox"/> |
| (d) | Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>            |

*This proposal is for the erection of a new dwelling and includes improvement works to the existing U102E Sourbank Road/ B9010 Main Road junction, including improvements to the existing visibility splays. Evidence of the applicant's ability to provide the junction improvement works and visibility splays (over third party land) has also been submitted. The following conditions would apply:*

#### **Condition(s)**

1. No development shall commence until a visibility splay 2.4 metres by 70 metres has been provided in both directions at the site access onto the public road, and maintained thereafter at all times free of any obstruction greater than 0.6m in height measured from the level of the carriageway.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.

2. No development shall commence until a visibility splay 2.4 metres by 90 metres has been provided to the south at the junction of the U102E Sourbank Road onto the B9010 Main Road, with boundaries set back to a position behind the required visibility splay; and thereafter the visibility shall be maintained thereafter at all times free of any obstruction greater than 0.26m in height measured from the level of the adjacent carriageway.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users.

3. No development shall commence until the U102E/B9010 junction has been widened to the Moray Council standards and specification in accordance with submitted drawing

GRP/09/19/0907. The works shall include alterations/ extension to the existing junction road markings and provision of a new junction marker bollard. Note- Roads Construction Consent shall be required for the junction widening works.

To enable acceptable vehicular access to the development in the interests of road safety.

4. No development works shall commence on the dwelling house until a detailed drawing (scale 1:200) has been submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority confirming the provision of, or location where a future Electric Vehicle (EV) charging unit is to be connected to an appropriate electricity supply, including details (written proposals and/ or plans) to confirm the provision of the necessary cabling, ducting, and consumer units capable of supporting the future charging unit; and thereafter the EV charging infrastructure shall be provided in accordance with the approved drawing and details prior to the first occupation of the dwelling house.

Reason: In the interests of an acceptable form of development and the provision of infrastructure to support the use of low carbon transport, through the provision of details currently lacking.

5. Two car parking spaces shall be provided within the site prior to the first occupation of the dwelling house. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

6. Prior to the occupation of the dwelling house, the first 10m of the site access track, measured from the edge of the public carriageway, shall be constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the vehicular access shall be minimum 3.5 metres, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.

Reason: To ensure acceptable infrastructure at the development access.

7. Prior to the occupation of the dwelling house, an access lay-by shall be provided at the edge of the public road in accordance with submitted drawing GRP/09/19/02 Revision C. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with the Moray Council specification and surfaced with bituminous macadam.

Reason: To enable visiting service vehicles to park clear of the public road in the interests of road safety.

8. Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.

Reason: To ensure the construction of an acceptable access in the interests of road safety and effective drainage infrastructure.

9. No water shall be permitted to drain or loose material be carried onto the public

carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.

10. A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.

Reason: To ensure the provision for vehicles to enter/exit in a forward gear in the interests of the safety and free flow of traffic on the public road

### **Further comment(s) to be passed to applicant**

Planning consent does not carry with it the right to carry out works within the public road boundary.

The provision of Electric Vehicle (EV) chargers and/or associated infrastructure shall be provided in accordance with Moray Council guidelines. Cabling between charging units and parking spaces must not cross or obstruct the public road including footways. Infrastructure provided to enable EV charging must be retained for this purpose for the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

Before commencing development the applicant is obliged to apply for Construction Consent in accordance with Section 21 of the Roads (Scotland) Act 1984 for new roads (junction widening). The applicant will be required to provide technical information, including drawings and drainage calculations. Advice on this matter can be obtained from the Moray Council web site or by emailing [constructionconsent@moray.gov.uk](mailto:constructionconsent@moray.gov.uk)

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing [roadspermits@moray.gov.uk](mailto:roadspermits@moray.gov.uk)

The developer should note that (communal) waste/ recycling is undertaken remote from the proposed dwelling.

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

**Contact: AG**  
**email address: [Transport.develop@moray.gov.uk](mailto:Transport.develop@moray.gov.uk)**  
**Consultee: TRANSPORTATION**

**Date 22 December 2020**

**Return response to**

**[consultation.planning@moray.gov.uk](mailto:consultation.planning@moray.gov.uk)**

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.





Received by email on 05 January 2021

Dear Development and Building Standards Manager

I wish to object to this application on the grounds that there are already more than enough houses in this rural area which is now classified as sensitive and pressurised - for good reason. We moved here to enjoy the tranquillity of this spot and have found that the addition of just one house completed this summer has had a much greater impact on us in terms of traffic, visual impact and surface water flooding than we had anticipated. As lay people, we could not fully visualise from the plans how large and visually unappealing the house has turned out to be. We are very concerned that further residential development will have a much greater impact on the rural quality of this small area than is presented in the application.

It appears that this application is arguing a special case on agricultural need as it would normally be rejected due to being in a sensitive and pressurised area as described in DP4 MLDP20.

My understanding is that agricultural need is not a planning consideration in Moray. National planning policy framework does encourage provision for rural workers, but this project is not the only way the agricultural need could be satisfied. Whilst it is clear that living closer to the farm would be more convenient and efficient, the business has been run remotely for 40 years since the sale of the farmhouse by the family business (quoted from the supplementary document). The applicant has been granted planning permission for a house close to their farm buildings but has not proceeded with this option, or any other less prominent potential site on their land,. It is clear from the plans provided in the Agricultural Needs document, the applicant has an extensive area of land, not all of which is in the sensitive and pressurised area. The proposed development is a three bedroom house, which is likely to become too small for Mr R Proctor should he have a family of his own in future. What happens then? An extension? An application for an additional larger dwelling next to the farm buildings and a lucrative house sale or holiday let? The applicants insistence on developing this site rather than something more suitable for a farm house leads me to conclude there is a speculative element to this project in spite of protests to the contrary in the supporting document.

Turning to the supporting document, it is presenting only part of the planning history in this area. It gives the impression that the only planning consideration for the applicants' has been over providing a new farmhouse, it does not mention the other plots which they have sold over the years the development of which has greatly contributed to the now recognised pressure on the area.

The use of the term affordable housing in this context is misleading – there is no way this project supplies affordable housing in policy/planning terms. Elsewhere in the document it is stated that Mr R Proctor is a full partner in the family business, so it would seem unlikely he would qualify for actual affordable housing. The National Planning Policy Framework

contains a definition of affordable housing in Annex2. I am sure as planners you are familiar with it.

If this application is not rejected because it is in the sensitive and pressurised area (DP4 in the MLDP20) then the following factors need to be considered as in HP7 Supplementary Guidance:

The site is raised up and not screened – it is visible and obtrusive from the B9010 road and also the adjacent footpath network. Some of the photos submitted to show visual impact and in the supporting statement were taken in the summer BEFORE Raasay was constructed. This property is now easily visible through the deciduous woodland and because some evergreen vegetation has been removed. Before this building was constructed, there would have been a certain symmetry to the cluster by adding the proposed farm house – this is no longer the case.

To quote HP7 Supplementary Guidance:-

*“For example, successive applications for houses in the corner of fields within a dispersed pattern of settlement may be considered to detrimentally alter the character of the locality. Whilst this may reflect the dispersed pattern of settlement the volume of new houses may impact on the open appearance and tranquil qualities of the rural area.”*

There is a magnificent view of Blervie Castle (Scheduled Monument) travelling west on the U102E which would be obscured by this development.

Road safety - the no through road U102E is narrow and in a poor state. It is frequently used at the south end by HGV's entering into businesses at Cloddach. The surface is pot holed and covered in material from these sites. As a user of the junction between the U102E and B9010, I can say with confidence that the reduced visibility is worst in the Forres direction, so altering the fence line on the other side will not significantly improve it. At the bend opposite the access track there are pre-existing drainage issues which can cause heavy icing in winter and flooding of the track during heavy rain. This has recently been exacerbated by water and material washing down from the newly constructed Raasay. There are also now large deep cavities on the edge of the road caused by surface water flooding. The access track and the public road in front of Tulloch Cottage form part of the local footpath network to Califer viewpoint (Forres Footpath Trust Califer Rafford Walk). It is a popular walk and more traffic on any section of it will create additional hazard, especially farm traffic on a single track way. This right angled bend in the road which has two access tracks opening onto it, is the point of most pressure with regard to residential traffic. It also is the site of numerous drainage elements and electricity infrastructure.

The proposal includes a culvert crossing over Rafford Burn. Calculations have been done using historical data for flood risk. Is it wise to create another pinch point in the burn when climate change is already creating significantly greater rainfall events? The surface water drainage from the fields further up the hill does not appear to be adequate for the volume of water during spells of rain.

The bin storage at Cloddach is already oversubscribed. There appears to be little scope for extension since it is on a bend at the junction used by HGVs into Cloddach. If a resident parks there to dispose of their waste then the timber lorries can't negotiate the bend now, never mind if more bins are placed there. I understand that modern bin lorries are unable to access bins further up the lane and there is no site for a bin store.

Other infrastructure including overhead electricity and water supply may be inadequate for more development. There is no fast broadband.

Light pollution – every dwelling adds to this in general, but for us any headlights on vehicles emerging from the track to Park View shine uphill directly into our property. There is little traffic from the existing dwelling but likely to be much more disturbance from an active farm house.

The Farming Needs document is misleading as it is not immediately clear that Balnakeith is an 8 mile ROUND trip and not 8 miles from Sourbank. Whilst there is no doubt there would be considerable advantages in efficiency and livestock management by living next to the cattle housing, it should be noted that the farm has been managed for 40 years from elsewhere. If proximity to the cattle housing is so vital, then the alternative site to the North would have served that purpose much better. In allowing that permission to lapse, the issue of succession has now been forced onto a prominent and sensitive site.

### Summary Conclusion

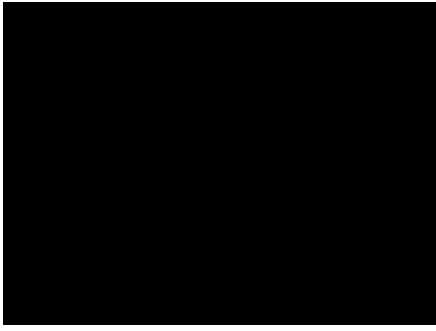
I urge you to consider this application on purely planning grounds. It is in the sensitive and pressurised area identified in Moray's LDP. The argument presented regarding agricultural need is not a relevant planning consideration in Moray and the development does not provide affordable housing in its technical sense. The local infrastructure is inadequate to support further residential development.

The applicant does have other options for housing near the farm and for succession planning.

There have been a number existing houses for sale at Sourbank and Upper Rafford close to the farmyard and the applicant had been given permission to build a house adjacent to the farm yard.

I can supply photographic evidence of visual impact and road surface conditions if required.

Yours faithfully



Received on 05.01.2021

I am writing over our concerns over the proposed planning application documents 20/01658/APP

#### Highlighted concerns

The planning officer stated, 'inappropriately located site' and 'changing the rural character of the area'

The proposed road leading to the new property is essentially the driveway to our home. Thus far, for the past thirty years, we have been the primary users of this access. The new proposed route to the new property will be no more than 15 metres from our front door. My wife and I built our home here in Rafford over thirty years ago with the intention to enjoy country-life living and most importantly, quietness and privacy. These new plans which will have a new road built in front of my kitchen window will be disruptive and ultimately, rather invasive to our privacy. We chose our plot because the likelihood of further housing developments close-by were slim-to-none. Being confronted by the prospect having loud agricultural vehicles consistently using the single-track road mere feet from our house is something that we find incredibly upsetting. The proposed new road is not only mere metres from our front door, but the track is also elevated with our house at a lower level than the road. Having farming machinery frequently using this road that will tower over our property would be remarkably unsettling.

Assessment of flood risk answered – previous severe flooding. The proposal to build a culvert crossing over the burn. This area has been badly flooded in the past due to heavy rainfall that has streamed from the top of the hill. Adding a bridge may cause even more strain on the small burn at times of heavy rainfall which already flooded around our home multiple times.

Proposed widening at junction B9010-U102E – however the road then leads to a single-track road up to the proposed property. This road is already busy with the current residents of properties and increasing this capacity of vehicles and agricultural vehicles will strain this road further in the poor condition that it already is. Widening the junction at the side proposed will make no real difference as the obstructive view of the junction is at the opposite side. There is also the other issue of bins and recycling, currently there are not enough bins and space for the amount of properties using the current collection points.

We also question the timing for this proposed new build. First of all, the proposed new build is planned to be built on a designated "red zone". I wonder if the applicant has better options available to his farming business. Having looked over the application and the "needs" for this property, I am far from convinced that this plan is the most fitting solution to these needs and the applicant's business. The proposal states that the applicant has been investigating a solution for this problem for over ten years. In the past the applicant sold a plot of land situated in close proximity to the discussed steading. This plot of land was then re-listed (for considerable time), then sold again and now on the plot resided the property, "Raasay". After looking at the application, this plot of land would have been ideal for the business needs. There would have been no issues with building, no neighbour's privacy issues, no access issues and ultimately would have been far cheaper to develop. Why was this plot sold in the first place and furthermore why was it not bought back if it would have addressed a major problem for the business? I feel this is one of a few things that highlight inconsistencies and contradictions in this proposal.



In conclusion, surely there are plots of lands that are better equipped to handle a new housing development and even closer to the farm than this one being proposed? I worry why this plot of land has been chosen as it does not appear to be overly practical for the uses that have been put forward. I am also concerned that this one new build can lead to further developments in the area that will be also easy to carry out once one property have been built on the plot. Further housing developments in our area would ultimately be catastrophic.

In summary, our main concerns and objections are ultimately the invasion on our privacy and way of living. We feel the new proposed route is too close to our house and will ultimately have an impact on our way of living and our regularly visiting grandchildren. The proposed new build and access point is disruptive, and we feel that there are better options available for the stated uses as appose to building on a “red zone”. As mentioned above, we also feel that further development in our area in addition to the proposed new build would be devastating to our community and our collective way of living.

Best regards,

[REDACTED]  
[REDACTED]  
[REDACTED]

# Comments for Planning Application 20/01658/APP

## Application Summary

Application Number: 20/01658/APP

Address: Site South West Of Sourbank Farm Rafford Forres Moray

Proposal: Erect a 1.25 storey dwelling house and detached timber garage on

Case Officer: Emma Mitchell

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Civic Group

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: The Forres Footpaths Trusts' attention has been drawn to the Planning Application 20/01658/APP for a house at Sourbank, Rafford.

One of the Trust's Walks, the Califer - Rafford Walk, passes adjacent to this proposed development. This is a non way marked walk described on the Trust's website at Califer02.pdf (forresfootpathstrust.org.uk) This is a relatively popular walk day to day and has also been used during the Moray Walking Festival. This part of the walking route is also included as a Core Path in the draft amendment to the Moray Core Paths Plan as CCP 23.

The walk route uses the lane that is shown as providing access to the proposed development: the land of the lane is owned by the Applicant. If the application is approved, the Trust wish the Planning Authority to ensure that there is no interference with access along this part of the route.

Submitted by Wilson Metcalfe as Chairman Forres Footpaths Trust



Received by email on 09/12/20

I would like to make the following comments on planning application 20/01658/App .

I have a number of concerns relating to the application. As I understand it the case made for the application would be an exception to policy. I would have particular concern over whether this would lead to subsequent applications for development, and in addition, that the siting of any build addressed the issues below

Points as follows :

- the supporting statement to the application makes a case for agricultural need to support an application which would otherwise be contrary to planning policy, as noted in the planning office responses in the supporting statements. The application argues that this should be an exception based on need, and the lack of availability of other properties. However a number of properties have been on the market and sold for prices that would appear compatible with the likely cost of this proposal - notably Sourbank Farmhouse, Tulloch cottage , and the land to the rear of Tulloch Cottage which has recently been built on - in addition to multiple other properties in Rafford and surrounds . There appears to have been a history of plots sold for development which has played its part in the expansion of building in this a particular area. This raises a question about the case for 'need' - and as a minimum would seem to argue for an agricultural occupancy condition for the property, and a planning condition preventing further development

- there is a registered burden relating to the field proposed for the construction of the property in favour of Sourbank Farm House and Sunil an Mara to protect the existing drainage facility for both properties. This includes the drainage field which runs across the field relating to the application. In ensuring that it's the greatest possible distance from the front of Sourbank Farm House and Sunil an Mara, where the soakaway enters the field, it is possible that the proposed siting of the build may mitigate the risk to the existing drainage system. I understand the drainage field extends some distance into the field due to high levels of saturation - so any construction or planting would need not to compromise these existing drainage facilities. The ground drainage assessment submitted with the application does not appear to take account of this.

- in the previous application for building a property on this site, the transport manager noted that the lane to the property had very limited passing options. This particular element of the objection appears to remain extant - and could be aggravated by increased use of agricultural equipment in addition to any my domestic use

- the general infrastructure to this area is already strained - for example with some overhead delivery of electricity, no broadband infrastructure, and comment on the previous application noted concerns over demand on the water supply





## **REPORT OF HANDLING**

<b>Ref No:</b>	20/01658/APP	<b>Officer:</b>	Emma Mitchell
<b>Proposal Description/ Address</b>	Erect a 1.25 storey dwelling house and detached timber garage on Site South West Of Sourbank Farm Rafford Forres Moray		
<b>Date:</b>	29.04.2021	<b>Typist Initials:</b>	LMC

### **RECOMMENDATION**

Approve, without or with condition(s) listed below		N
Refuse, subject to reason(s) listed below		Y
Legal Agreement required e.g. S,75		N
Notification to Scottish Ministers/Historic Scotland		N
Hearing requirements	Departure	N
	Pre-determination	N

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Strategic Planning And Development	27/04/21	Departure from policies DP1 and DP4 of Moray Local Plan 2020
Environmental Health Manager	11/12/20	No objection
Contaminated Land	11/12/20	No objection
Transportation Manager	22/12/20	No objection subject to conditions and informatives.
Scottish Water	08/12/20	No objection
Planning And Development Obligations	18/12/20	Contribution sought
Moray Flood Risk Management	25/01/21	No objection

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP1 Placemaking	N	
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	
DP2 Housing	N	
DP4 Rural Housing	Y	
EP12 Management and Enhancement Water	N	
EP14 Pollution Contamination Hazards	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: FOUR		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p><b>Planning Policy</b></p> <p><b>Issue:</b> The site is raised and not screened making it visibly obtrusive from the B9010 public road and adjacent footpath network.</p> <p><b>Comment (PO):</b> It is agreed that the site is not screened and it would be visibly obtrusive from the surrounding area. The site lacks the required immediate (on the boundary of the site) backdrop of existing landform, trees and buildings to provide acceptable enclosure. The proposal would therefore have a detrimental visual and landscape impact and adversely affect the character and appearance of this rural location.</p> <p><b>Issue:</b> Application argues that there should be an exception to the fact that the proposal doesn't comply with planning policy based on need and the lack of availability of other properties. However a number of properties have been on the market and sold for prices that would appear compatible with the likely cost of this proposal - notably Sourbank Farmhouse, Tulloch cottage, and the land to the rear of Tulloch Cottage which has recently been built on - in addition to multiple other properties in Rafford and surrounds.</p> <p><b>Comment (PO):</b> There is no policy exception to allow new housing in Pressurised and Sensitive areas on the basis of agricultural need and the supporting information provided is not considered sufficient to outweigh the Local Development Plan policies.</p> <p><b>Issue:</b> There are already more than enough houses in this rural area which is now classified as sensitive and pressurised.</p> <p><b>Comment (PO):</b> The introduction of a new house in this identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as impacting on the character and appearance of this rural area.</p> <p><b>Issue:</b> Agricultural need is not a planning consideration in Moray.</p> <p><b>Comment (PO):</b> This is correct, there is no policy exception to allow new housing in Pressurised and Sensitive areas on the basis of agricultural need.</p>		
<p><b>Development within the surrounding area</b></p> <p><b>Issue:</b> There have been a number existing houses for sale at Sourbank and Upper Rafford close to the farmyard and the applicant had been given permission to build a house adjacent to the farm yard. The applicant has not gone forward with any of these options.</p> <p><b>Comment (PO):</b> This is not a material planning consideration.</p> <p><b>Issue:</b> There appears to have been a history of plots sold for development which has played its part in the expansion of building in this a particular area. This raises a question about the case for 'need' - and as a minimum would seem to argue for an agricultural occupancy condition for the property, and a planning condition preventing further development.</p> <p><b>Comment (PO):</b> Scottish Planning Policy does not support occupancy conditions. It is unclear what is meant by the need for a planning condition preventing further development.</p>		

**Issue:** The business has been run remotely for 40 years since the sale of the farmhouse by the family business. Planning permission was granted previously for a house close to the farm buildings but this option was not utilised. If proximity to the cattle housing is so vital, then the alternative site to the North would have served that purpose much better. In allowing that permission to lapse, the issue of succession has now been forced onto a prominent and sensitive site.

**Comment (PO):** This is not a material planning consideration.

## Drainage

**Issue:** There is a registered burden relating to the field proposed for the construction of the property in favour of Sourbank Farm House and Sunil an Mara to protect the existing drainage facility for both properties. The ground drainage assessment submitted with the application does not appear to take account of this.

**Comment (PO):** This is a private matter and not a material planning consideration.

**Issue:** Adding a bridge over the burn that has badly flooded in the past due to heavy rainfall including around the neighbouring property may cause more strain on the small burn.

**Comment (PO):** A Drainage Impact Assessment was submitted with the proposal and full details of the proposed culvert. Moray Flood Risk Management were consulted on the proposal and have no objections.

**Issue:** There are pre-existing drainage issues at the bend where the access track is, this can cause heavy icing in winter and flooding of the track during heavy rain. This has been exacerbated recently by water material washing down from the newly constructed Raasay.

**Comment (PO):** Moray Flood Risk Management were consulted on the proposal and have no objections to it. The proposal has demonstrated through the Drainage Impact Assessment that it will have a neutral effect on flooding and therefore complies with the requirements of policy EP12 Management and Enhancement of the Water Environment.

**Issue:** The proposal includes a culvert crossing over Rafford Burn. Calculations have been done using historical data for flood risk. Is it wise to create another pinch point in the burn when climate change is already creating significantly greater rainfall events? The surface water drainage from the fields further up the hill does not appear to be adequate for the volume of water during spells of rain.

**Comment (PO):** Moray Flood Risk Management were consulted on the proposal and have no objections to it.

## Services and Infrastructure

**Issue:** Electricity and water supply maybe inadequate for more development. There is no fast broadband.

**Comment (PO):** Scottish Water were consulted on the proposal and have no objections. It is unlikely that connecting onto the electricity network would be an issue however this is not a material planning consideration. Not having fast broadband is not a material planning consideration either.

## Road Safety

**Issue:** Increasing the number of vehicles and agricultural vehicles on the single track road will strain it further, it is already in a poor condition. It is used by HGVs entering into businesses at Cloddach. The road has pot holed and covered in material from these sites.

**Issue:** The U102E and B9010 has worse reduced visibility in the Forres direction therefore altering the fence in the other direction will not significantly improve it.

**Issue:** There are some deep cavities on the edge of the road caused by surface water flooding.

**Issue:** The access track and the public road in front of Tulloch Cottage form part of the local footpath network to Califer viewpoint (Forres Footpath Trust Califer Rafford Walk). More traffic on any section of it will create additional hazard, especially farm traffic on a single track way. This right angled bend in the road which has two access tracks opening onto it, is the point of most pressure with regard to residential traffic.

**Comments (PO):** The Transportation Section has considered all these issues as part of the application but does not object to the proposal on road safety and increase in traffic subject to conditions and informatives being attached to the planning consent if permitted.

The Transportation Section has not objected to the proposal on the grounds of road safety on the U102E and the surrounding roads which are capable of dealing with the additional traffic generated.

### **Refuse Collection**

**Issue:** The bin storage at Cloddach is already oversubscribed. There appears to be little scope for extension since it is on a bend at the junction used by HGVs into Cloddach. If a resident parks there to dispose of their waste then the timber lorries can't negotiate the bend now, never mind if more bins are placed there. It is understood that modern bin lorries are unable to access bins further up the lane and there is no site for a bin store.

**Comment (PO):** A bin storage area is shown on the garage plan of the proposal. It is therefore anticipated that the proposals bins (if the proposal was consented) be only brought to the public road on collection days.

### **Privacy**

**Issue:** Access track leading to proposed property is essentially the driveway to the neighbouring property. For the last 30 years the neighbouring property has been the primary users of the access. The route to the proposal site is no more 15 metres from neighbouring front door and will be built in front of the kitchen window, it will be disruptive and invasive to privacy.

**Comment (PO):** The passing of vehicles past the neighbouring property would cause minimal privacy issues.

**Issue:** Neighbouring property built their home in this location to enjoy country living and the peace and quiet and because it was believed that the likelihood of further developments close by was unlikely.

**Comment (PO):** The proposed dwelling is approx. 75 metres away from the neighbouring therefore the impact on the neighbouring amenity would be minimal.

**Issue:** Prospect of loud agricultural vehicles consistently using the single track road mere feet away from neighbouring property is incredibility upsetting.

**Comment (PO):** The proposal is for a dwelling, it is not anticipated that agricultural vehicles will use the track however the track is owned by the applicant and they can use the track as they please.

**Issue:** The access track is elevated above neighbouring property, having farming machinery frequenting this track will be remarkably upsetting given it will tower over the property.

**Comment (PO):** The proposal is for a dwelling not farm buildings. It is speculation that farming machinery would be using the track however the track is owned by the applicant and they can use the track how they please.

**Issue:** The proposal would have an impact on the neighbouring properties way of living and their regularly visiting grandchildren.

**Comment (PO):** The proposed dwelling is approx. 75 metres away from the neighbouring therefore the impact on the neighbouring amenity would be minimal.

**Issue:** Do not believe a property in this location is the most fitting to the needs of the applicant.

**Comment (PO):** This is not a material planning consideration.

### Precedent

**Issue:** If this proposal was allowed it could lead to further developments in the area. Further housing developments in the area would ultimately be catastrophic and devastate the community.

**Comment (PO):** The current application must be assessed on its individual merits and under the current local development plan. Speculation about further development in the area is not material to the current application and such proposals would be separately assessed under separate planning applications.

**Issue:** Concerned that further residential development will have a much greater impact on the rural quality of this small area than is presented in the application.

**Comment (PO):** The area has been designated as a Pressurised and Sensitive Area to prevent further housing impacting the rural character of the area.

### Other

**Issue:** The applicant owns land that is not in the Pressurised and Sensitive Area.

**Comment (PO):** This is not a material planning consideration to this planning application.

**Issue:** The view of Blervie Castle would be obscured by this proposal.

**Comment (PO):** It is not likely that any view of Blevrie Castle would be impacted by the proposal given the lie of the land.

**Issue:** Every new dwelling adds to light pollution.

**Comment (PO):** A single dwelling in this location would cause minimal light pollution.

**Issue:** The proposal states that the applicant has been investigating a solution for this problem for over ten years. In the past the applicant sold a plot of land situated in close proximity to the steading. This plot of land was then re-listed (for considerable time), then sold again and now on the plot resided the property, "Raasay". This plot would have been ideal for the business needs. It is important to highlight the inconsistencies and contradictions in this proposal.

**Comment (PO):** This is not a material planning consideration.

**Issue:** The proposed dwelling could be too small in the future for the applicant. What happens then, an extension, a further dwelling and the proposal dwelling sold or used as a holiday let?

**Comment (PO):** This is speculation and not a material planning consideration.

**Issue:** Supporting document only presents part of the planning history of the area. It fails to mention other plots that have been sold over the years which have greatly contributed to the now recognised pressure on the area.

**Comment (PO):** A full history of the area including previous planning consents for dwellings is noted regardless of it is mentioned in the supporting documents.

**Issue:** The use of the term affordable housing in this context is misleading - there is no way this project supplies affordable housing in policy/planning terms. The applicant is a full partner in the family business therefore it is unlikely he would qualify for actual affordable housing.

**Comment (PO):** The proposal is not classed as affordable housing. It maybe that the proposal is a more affordable option for the applicant however this does not make it affordable housing.

**Issue:** A Forres Footpath Trust walk (Rafford Walk) passes adjacent to the development. It is also included as a Core Path in the draft amendment to the Moray Core Oaths Plan as CCP 23. The walk route uses the lane that is shown as providing access to the proposed development: the land of the



lane is owned by the Applicant. If the application is approved, the Trust wish the Planning Authority to ensure that there is no interference with access along this part of the route.

**Comment (PO):** This is matter for discussion between the land owner and the Forres Footpath Trust. Given that it is not currently an issue the Rafford Walk using the lane and the land owner is not changing it is not anticipated that this would be a concern.

**Issue:** Some of the photos on the supporting statement were taken prior to the neighbouring dwelling Raasay being built (this property is easily visible through the deciduous woodland).

**Comment (PO):** A site visit by the Planning Officer has been undertaken.

**Issue:** Farming needs assessment is unclear - Balnakeith is 8 mile round trip not 8 miles from Sourbank.

**Comment (PO):** It is noted that is it 8 mile round trip from Balnakeith to Sourbank.

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### Proposal

- Planning permission is sought for the erection of a 3 bed dwelling and detached double garage at a site south west of Sourbank Farm, Rafford.
- The dwelling is one and half storey.
- External materials for the dwelling include white k-rend and timber cladding with a slate roof.
- External materials for the garage include timber cladding and slate blue planwell profile sheets for the roof.
- A septic tank with discharge to land via soakaway is proposed and connection to the public water supply is intended.
- Access to the site is via a new track that leads off an existing access from the public road. A 1.2 metre culvert is proposed over the Rafford Burn that the new track passes over.

### Site Characteristics

- The elevated site is within an agricultural field, it is 2568sqm in size and gently rises to the north east, it is located approx. 1km from Rafford.
- It is located on the south-western flanks of Califer Hill.
- The site is bound to the west by agricultural fields and dwellings to the north, west and south.
- The site is located within a Pressurised and Sensitive Area.

### History of planning applications for dwellings within 250m of the proposal site

#### Current application site

- 19/01599/APP - Dwelling - withdrawn due to issues with Transportation -March 2020 (current application site)

#### East of the application site

##### Site 1

- 18/01515/APP - Dwelling - granted permission March 2019 - Works started
- 11/00943/AMC - Dwelling - granted permission August 2011
- 09/02016/PPP - Dwelling - granted permission February 2010

##### Site 2

- 16/00921/APP - Dwelling - granted permission July 2016 - dwelling completed
- 13/00451/APP - Dwelling - granted permission May 2013

### Site 3

- 13/01152/PPP - Dwelling - refused August 2013

### Site 4

- 13/01109/APP - Dwelling - refused February 2014

### Northeast of application site

- 19/00751/AMC - Approval of matters specified in 18/00559/PPP - granted permission October 2019 - works started
- 18/00559/PPP - Renew consent for a dwelling (15/00723/PPP) - granted permission June 2018
- 15/00723/PPP - Amend site boundary of planning application 12/00792/PPP for a dwelling - granted permission June 2015
- 12/00792/PPP - Dwelling - granted permission July 2012
- 09/0383/OUT - Dwelling - granted permission June 2009

### North of application site

- 15/01860/APP - Renew planning consent for a dwelling - granted Dec 2015 - consent expired
- 12/01712/AMC - Dwelling - granted permission November 2012
- 09/01676/PPP - Dwelling - granted permission January 2010

### Northwest of application site

- 05/00838/OUT - Dwelling - refused permission August 2005

### Policy

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

### Siting and Design (DP1 and DP4)

Policy DP1 Development Principles seeks to ensure that proposals meet siting and design requirements, these include development being of scale, density and character to its surroundings and integrating into the landscape, proposals not adversely impacting on neighbouring properties in terms of privacy daylight or overbearing loss of amenity.

Policy DP4 seeks to direct new housing to appropriate locations within the countryside promoted by a rural development hierarchy, firstly by directing development to rural groupings; secondly by the re-use and replacement of traditional stone and slate buildings and finally, to sites in the open countryside. Policy DP4: Rural Housing also contains the necessary siting criteria for assessing new rural housing in the countryside. Proposals for single houses must be well sited and designed to fit with the local landscape and character and will be assessed on a case by case basis taking account of the following siting and design criteria;

1. There must be existing landform, mature trees, established woodland or buildings of a sufficient scale to provide acceptable enclosure, containment and backdrop for the proposed new house. These features must be immediately adjoining the site (i.e. on the boundary). Fields drains, ditches, burns, post and wire fencing, roads and tracks do not provide adequate enclosure or containment.
2. The new house must not create ribbon development, contribute to an unacceptable build-up of housing or detrimentally alter the rural character of an area due to its prominent or roadside location.
3. Artificial mounding, cut and fill and/or clear felling woodland to create plots will not be permitted.
4. 15% of the plot must be landscaped with native tree species (whips and feathered trees at least 1.5 metres in height, planted at a density of 1 per 4 sqm) to assist the development to integrate sensitively. Landscaping must be set back from the public road to ensure sightlines are safeguarded, a safe distance from buildings and positioned to maximise solar gain.

5. A new house must not exceed 6.75m in height, the house must be of appropriate scale and massing, excess detailing involving gable features, balconies etc. that have a suburban feel must be avoided, roof pitches must be between 30 and 50 degrees and meet the gable/pitch formula, windows with a horizontal emphasis must be generally avoided, restrictions on boundary treatments apply and access arrangements must be sympathetic to the rural setting.

#### Background to Policy DP4

Scottish Planning Policy (SPP) states rural development proposals should promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces. In Moray there are identified issues relating to the adverse landscape and visual impacts associated with the cumulative build-up of new housing in and around our main towns, particularly Elgin and Forres.

SPP also states that in pressurised areas easily accessible from Scotland's cities and towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside. On that basis areas within Moray where cumulative build-up is prevalent were identified as pressurised and sensitive areas.

In terms of Policy DP4 the proposal is considered under section d) New Houses in the Open Countryside and because of the sites location, subsection ii) Pressurised and Sensitive Areas.

Pressurised and Sensitive Areas are zones in which no new housing will be permitted. The reason for this is due predominately to the landscape and visual impacts associated with the build-up of houses in and around the area.

Given the proposal site is within a Pressurised and Sensitive area there is no scope for new housing in this location as per policy DP4. No new housing in this area will be permitted out with rural groupings and Lower and Upper Rafford.

No siting or design criteria is set out within Pressurised and Sensitive Areas as detailed above new housing in these locations is not supported. For the avoidance of doubt, if the proposal were to be considered setting aside the sites location within a Pressurised and Sensitive Area it would still fail to comply with the siting requirements set out in d) iii) of DP4 as follows. The site lacks the required immediate (on the boundary of the site) backdrop of existing landform, trees and buildings to provide acceptable enclosure. The proposal would therefore have a detrimental visual and landscape impact and adversely affect the character and appearance of this rural location.

In addition to this the proposal is considered to constitute unacceptable cumulative build-up. The number of new houses in this location has eroded the traditional settlement pattern. Modern housing is the predominant component of this landscape and an additional house in this location would have an adverse impact on the character and appearance of this rural area.

#### Applicants Supporting Information

The applicant has submitted a detailed planning statement to support the proposed development, setting out the choice of site and how it is considered to comply with the relevant planning policies. In addition to this, an Agricultural Needs Report prepared by a Chartered Surveyor has also been prepared.

The Agricultural Needs Report details that the farmland is 251 hectares with 32 fields and a herd of 251 cattle. It sets out that there is no farmhouse at Sourbank and the business operates from Balnageith (north of Forres approximately eight miles from Sourbank). The key considerations evidencing agricultural need are animal husbandry and welfare to ensure the health and welfare standards for livestock are met, the number of labour hours to manage the cattle herd and ability to be available 24/7. Furthermore, eliminating the current 8 mile round trip, provision of onsite security

and succession planning enabling a younger generation to take over a greater share of the farming business.

Further information was requested seeking clarification in respect of the agricultural need which the applicant responded to.

Following consideration of all the information provided, it is accepted that in all likelihood there is an agricultural need for a house in this location. However, it is not considered there is sufficient justification for a departure from policy. There are no exceptions set out within the policy for houses associated with agriculture and therefore a new house in this location is not supported.

To conclude the introduction of a new house in this identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as impacting on the character and appearance of this rural area. There is no policy exception to allow new housing in pressurised and sensitive areas on the basis of agricultural need and the supporting information provided is not considered sufficient to outweigh Local Development Plan policies DP4 and DP1.

### **Access and Parking**

Policy DP1 requires that proposals must provide a safe entry and exit from the development and conform with the Council's current policy on Parking Standards.

The proposal includes improvement works to the existing U102ESourbank Road / B9010 Main Road junction, including improvements to the existing visibility splays. Evidence of the applicant's ability to provide the junction improvement works and visibility splays (over third party land) has also been submitted.

Transportation were consulted on the proposal and have no objections subject to conditions and informatives being attached if consent were to be granted.

### **Drainage and Water (DP1, EP12 and EP13)**

Policies DP1 and EP12 seek to ensure that acceptable water and drainage provision is made, including the use of sustainable urban drainage (SUDS). Policy EP13 requires new development to connect to the main system whenever possible.

A Drainage Impact Assessment (DIA) was submitted with the proposal. This was assessed by Moray Flood Risk Management and they have no objections to the proposal.

Connection to the mains water supply network is proposed. Scottish Water were consulted on the proposal and have no objections.

### **Developer Obligations and Affordable Housing Contribution (PP3 and DP2)**

Policy PP3 Infrastructure and Services states development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services. In relation to infrastructure and services developments can be required to provide contributions towards Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space. Policy DP2 Housing stipulates for proposals of less than 4 market housing units a commuted payment is required towards meeting housing needs in the local housing market area.

Developer obligations are sought towards healthcare, sports and recreation and affordable housing if the proposal were to be consented. Please note the applicant has confirmed willingness to pay this.

### **Recommendation**

Refuse.

## OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

- Agricultural Needs Report – Sourbank Farm
- Planning Supporting Statement
- Site Investigation and Drainage Assessment - Sourbank Rafford
- Culvert Proposals

## HISTORY

Reference No.	Description			
19/01599/APP	Erect detached dwelling house and detached double garage Site South West Of Sourbank Farm Rafford Forres Moray			
	Decision	Withdrawn	Date Of Decision	24/03/20

## ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Forres Gazette	No Premises Departure from development plan	15/01/21	
PINS	No Premises Departure from development plan	15/01/21	

## DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
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## DOCUMENTS, ASSESSMENTS etc. \*

*\* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

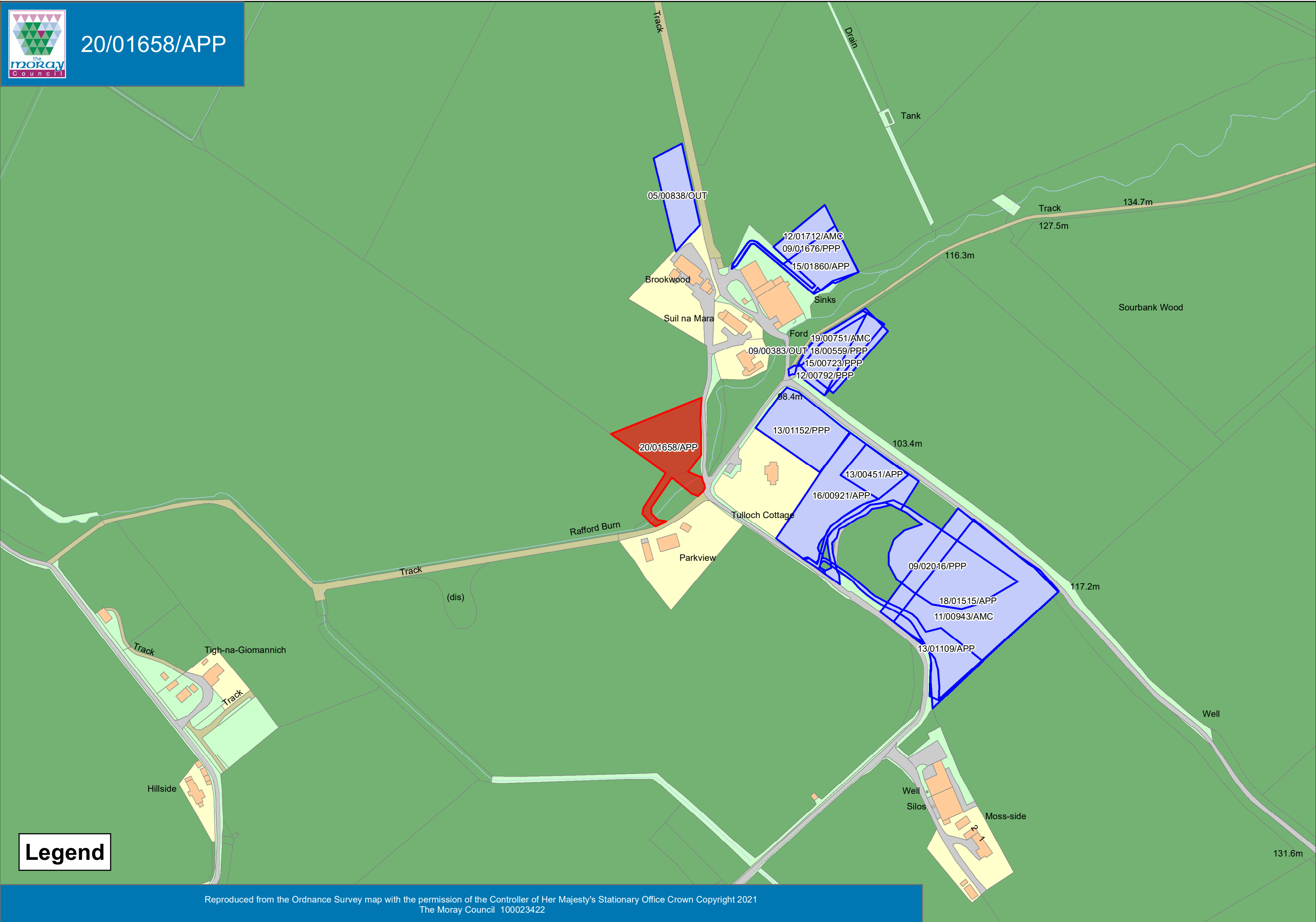
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Agricultural Needs Report – Sourbank Farm	
Main Issues:	Agricultural needs assessment for new residential dwelling at Sourbank	
Document Name:	Planning Supporting Statement	
Main Issues:	The statement sets to demonstrate that the proposal should be approved in compliance with both national and local planning policies.	
Document Name:	Site Investigation and Drainage Assessment - Sourbank Rafford	
Main Issues:	Information on the sites drainage	
Document Name:	Culvert Proposals	
Main Issues:	Information on the calculations demonstrating the required culvert sizing for the proposed new access	



<b>S.75 AGREEMENT</b>		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS</b> (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			





Legend





**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Forres]  
Application for Planning Permission**

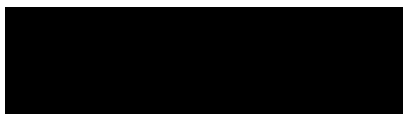
TO G & AG Proctor  
c/o PM Designs  
Sonas  
Todholes  
Dallas  
Forres  
Moray  
IV36 2RW

With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erect a 1.25 storey dwelling house and detached timber garage on Site South West Of Sourbank Farm Rafford Forres Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: **30 April 2021**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

Economy, Environment and Finance  
Moray Council  
Council Office  
High Street  
ELGIN  
Moray  
IV30 1BX

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

By this Notice, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The development is contrary to Policy DP4: Rural Housing and DP1: Development Principles of the Moray Local Development Plan 2020 for the following reasons:

1. The introduction of a new house in the identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as negatively impacting on the character and appearance of this rural area.
2. There is not an acceptable level of enclosure and containment for a new house.
3. Together with other development in the immediate vicinity it would have the effect of detrimentally altering the rural character of the area contributing an unacceptable build-up of housing.
4. It will contribute to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting, particularly in relation to existing new houses in the area
5. There is no policy exception to allow new housing in Pressurised and Sensitive areas on the basis of agricultural need and the supporting information provided is not considered sufficient to outweigh the Local Development Plan policies.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

The following plans and drawings form part of the decision:-

<b>Reference</b>	<b>Version</b>	<b>Title</b>
GRP/09/19/004	A	Elevations
GRP/09/19/003	A	Floor plans
GRP/09/19/001	A	Location plan
GRP/09/19/002	C	Site plan
GRP/09/19/005	A	Garage details
GRP/09/19/006	A	Cross section
GRP/09/19/007		Visibility splay



**NOTICE OF APPEAL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.





## **APPENDIX 2**

# **NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS**



# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN  
RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.**  
**Failure to supply all the relevant information could invalidate your notice of review.**

**Use BLOCK CAPITALS if completing in manuscript**

## Applicant(s)

Name **Graeme Proctor**

Address **Balnageith Farm  
Forres**

Postcode **IV36 2SX**

## Agent (if any)

Name **Jane Shepherd  
TheTownPlanner**

Address **The Craigies,  
Grant Road  
Grantown on Spey**

Postcode **PH26 3LA**

Contact Telephone **01479 872 953**

E-mail **jane@thetownplanner.co.uk**

Mark this box to confirm all contact should be  
through this representative: **X**

**Yes**

Do you agree to correspondence regarding your review being sent by e-mail to Agent?

Planning authority

**Moray Council**

Planning authority's application reference number

**20/01658/APP**

Site address

**Site South-West of Sourbank Farm, Rafford, Forres**

Description of proposed  
development

**Erect 1.25 Storey Dwelling House and Detached Timber Garage**

Date of application

**7 December 2020**

Date of decision (if any)

**30 April 2021**

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

1. Application for planning permission (including householder application) **X**
2. Application for planning permission in principle
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
4. Application for approval of matters specified in conditions

**Reasons for seeking review**

1. Refusal of application by appointed officer **X**
2. Failure by appointed officer to determine the application within the period allowed for determination of the application
3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions
2. One or more hearing sessions
3. Site inspection
4. Assessment of review documents only, with no further procedure **X**

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions, or a hearing are necessary:

N/A

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes      |
|--|----------|
| 1. Can the site be viewed entirely from public land?                                 | <b>X</b> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <b>X</b> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A



**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

**Please see attached Planning Statement 25 May 2021 (TheTownPlanner)**

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

**No**  
**X**

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

N/A

**List of documents and evidence**

Please provide a list of all supporting documents, materials, and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

**All materials previously submitted with the planning application:**

**Covering Letter & Design Statement (PM Designs)**  
**Location Plan (PM Designs)**  
**Site Plan (PM Designs)**  
**Floor Plans (PM Designs)**  
**Elevations (PM Designs)**  
**Garage Plans (PM Designs)**  
**House Cross Section (PM Designs)**  
**Visibility Splays (PM Designs)**  
**Visual Impact (PM Designs)**  
**Bowls Agricultural Needs Assessment (Confidential)**  
**GMC Site Investigation and Drainage Survey**  
**GMC Culvert Proposals**  
**Planning Supporting Statement (TheTownPlanner)**

**Together with:**

**Planning Statement (dated 25 May 2021) referred to above in Statement Section of this Notice Form.**

Note. The planning authority will make a copy of the notice of review, the review documents, and any notice of the procedure of the review available for inspection at Council Office, High Street, Elgin until such time as the review is determined. It is also available on the planning authority website.

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### Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review.
- ☒ All documents, materials, and evidence which you intend to rely on (e.g., plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g., renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

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### Declaration

**I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.**

Signed

*Jane Shepherd*

Date

26 May 2021

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# PLANNING STATEMENT

(in support of the review of planning decision  
reference 20/01658/APP)

**SITE: SITE SOUTH-WEST OF SOURBANK FARM, RAFFORD, FORRES**

**PROPOSAL: ERECT 1.25 STOREY DWELLING HOUSE AND DETACHED TIMBER GARAGE**  
**CLIENT: GRAEME PROCTOR**

Jane Shepherd MRTPI  
25 May 2021

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- 2: Scottish Local Planning Authorities (LPAs): LDP Policies and Guidance for Housing for Farm Enterprises and Farm Workers**

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## SECTION 1: INTRODUCTION

The purpose of this Planning Statement is to draw upon the details as already submitted to demonstrate that the proposed house and garage (planning application reference 20/01658/APP) should have been approved given its compliance with existing and emerging national planning policies and compliance with the principle aims set out in MLDP and associated material considerations.

This Statement is not intended to provide new supporting information but instead to respond to the assessment made in the Officer's Handling Report and the reasons for refusal as outlined in the Decision Notice, by providing additional policy referencing and photographic evidence. These are provided to counter argue the points in the reasons for refusal and those outlined in the Officer's Handling Report. The photographic evidence is also intended to assist the Local Review Body Members given the difficulties in site visits during the ongoing COVID restrictions. Reference to policy and visual aspects during site inspections would have been available and be used by the planning officer in determining this proposal and are not therefore new material.

Given the statutory requirement that all applications should be assessed on their own individual merits against planning policy and material planning considerations, this Statement will concentrate on the consideration of whether the proposals meet the policy requirements in principle as set out in national policy and guidance, and then regarding Policy DP1 (Development Principles) and DP4 (Rural Housing), as included in the reasons for refusal. Relevant and significant material considerations are also presented throughout the Statement, that must be considered in assessing this application.

It is important and specifically requested that the Local Review Body Members read this Statement alongside all the previously submitted Statements and Reports to enable a comprehensive review of all the facts and merits involved in these proposals before making their decision on this case.



## SECTION 2: PLANNING CONTEXT

### Previous Planning History

The full planning history is outlined within the Planning Supporting Statement and must be read in full to appreciate the background to this current proposal.

### Pre-application 2009-2019

Of most direct relevance is that the applicant, Mr G Proctor has invested heavily in exploring all the various options for a succession house for his son, Mr R Proctor. This has included engagement with the Planning Service at Moray Council from 2009 to the current day. There have also been ongoing discussions with both SEPA and the Moray Transport Team seeking input and solutions to the any detailed design issues that have arisen.

Alternative locations have been explored over the years and these are fully detailed in the Planning Supporting Statement and have included the options of conversions and other sites for a new farmhouse. This exploration has by default accorded with the currently adopted rural development hierarchy by looking at existing properties and conversions but found no feasible options. This has left the only option available being a house in the open countryside, which due to farm's location and the new MLDP, is now located in the newly identified Pressurised and Sensitive Area.

During those discussions with the Planning Service, the current site was identified as an option as far back as 2009 but at that time the site north of the steading was deemed to be the best site to pursue. Unfortunately, whilst permission was granted in 2009, 2012 and 2015 for that site, it soon became apparent that it was incapable of implementation, mainly due to servicing and SEPA related issues.

Having concluded that this remaining gap site was the only realistic remaining option available, a planning application was submitted (reference 19/01599/APP) on the basis that it was envisaged that the original pre-application advice would be honoured. Full details of this proposal, consultation and planning responses are provided in the Planning Supporting Statement. In summary, there were road safety issues relating to visibility splays (from the Transport Team) and concerns in principle regarding landscape and visual impacts relating to the cumulative build up of housing in the countryside (from the Planning Team). The application was subsequently withdrawn to enable discussion and for an acceptable proposal to be drawn up for re-submission.

### Pre-application (post 19/01599/APP and prior to 20/01658/APP)

Following withdrawal of application 19/01599/APP, the applicant further engaged with the Transport Team to achieve an acceptable solution by creating an alternative location for the access. This then led to a different access being created to meet those requirements. As a result, further





discussions were also necessary with SEPA to ensure that the required crossing over the Rafford Burn for access purposes met with their detailed requirements.

Further discussions took place with the Planning Team and research undertaken, including the commissioning of an Agricultural Needs Assessment, with the view to creating a strong case for an exception to policy such that would demonstrate that the proposal was required to meet a specific and affordable housing need in an appropriate location relating to this well-established farming business. A detailed landscape assessment was also undertaken.

### **Planning Application (the subject of this Review)**

Full planning permission to Erect a 1.25 storey dwelling house and detached timber garage (on Site South-West of Sourbank Farm, Rafford, Forres, Moray was subsequently sought on 7 December 2020 and validated as application 20/01658/APP on the same date. The application was submitted on the basis that a strong case for an exception to policy formed part of the submission.

### **SUBMISSIONS**

In support of the planning application, the following documents were provided:

- GRP/09/19/001A – Location Plan
- GRP/09/19/002C – Site Plan
- GRP/09/19/003A – Floor Plans
- GRP/09/19/004A - Elevations
- GRP/09/19/005A – Garage Plans
- GRP/09/19/006A – House Section
- GRP/09/19/007 – B9010/U102E Junction
- Visual Impact
- Design Statement
- Agricultural Needs Assessment
- Site Investigation and Drainage Survey
- Culvert Proposal
- Planning Supporting Statement

As part of the planning process, the following additional information was provided on request of the planning officer:

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- Details of the driveway materials
- Confirmation of payment of developer contributions
- Further details relating to the Agricultural Needs Assessment

It is of note that other than the plan drawings, there are no supporting documents available online under the application reference or the additional information supplied above. It is important that the Local Review Body Committee has full access to all the submission papers as part of the Review process.

### REPRESENTATIONS

In response to neighbour notification, four representations were received and raised the following issues:

#### Alternative Options for housing for the applicant and Need:

Much is made of there being alternative options, including the lapsed permission for the site north of the Steading, other houses for sale in the area, sale of land by the applicant etc. These are not material planning considerations. However, for completeness, the applicant is content to advise the rationale behind the current location for the proposed house, which was also detailed in part within the Planning Supporting Statement and the Agricultural Needs Assessment.

The fact is that the applicant has spent over 12 years looking at all the available options, and these have been discounted for genuine practical and financial reasons, all as detailed in the Planning Supporting Statement. Affordable housing for farmers in rural areas is in short supply. Housing must be location-specific to suit operational needs.

It is also worth noting that it not just the cost of building a house in this specific area that is of relevance. Building a house in this area involves servicing provision, roads requirements and drainage solutions. Each of these issues present problems that must be overcome and has resulted in the discounting of several seemingly achievable options in the vicinity of Sourbank farm by those objecting.

On top of eliminating options based on operational needs, practicalities and financial constraints, the applicant has also had to factor in planning restrictions and requirements. It has therefore not been easy to find a site that ticks all the boxes.

Given the operational needs of rural farming enterprises, the building of a new house remains the most affordable option over the alternative of managing the farm holding from an existing house in the wrong location, involving unnecessary and unsustainable (cost and time) journeys. The alternative of moving into an existing house is also not affordable to a young farmer. The cost of housing in rural areas is escalating, particularly since



COVID as the area has become more desirable, making it impossible for farm workers and lower paid workers in rural businesses to find affordable accommodation in appropriate locations relative to the land and animals they manage.

Whilst agricultural need does not form part of the criteria or options available within the formally adopted policy in Moray, it presents a bona fide need for housing in Scotland, particularly in rural areas. As demonstrated in [Appendices 1 and 2](#) of this Statement, housing for rural business, including specifically farming enterprises, is catered for as part of national planning policy and in local planning policies in all but Shetland and Moray Councils. Therefore, whilst this need and provision may not form part of Moray's planning policy, it is the applicant's assertion that their policy should deal with this genuine housing need and provide a specific policy reference to enable its provision. The alternative is that the rural economy in Moray will be seriously affected due to lack of accommodation for the continuation of farming enterprises as farmers retire and young workers are not encouraged or enabled to continue the family business or indeed enter farming businesses anew. It is accepted that this does not currently form part of the MLDP. However, the strength of the applicant's case should be considered as an allowable departure until such a time that policy exceptions may be available.

The final fact is that this proposal is now the only remaining option available to the applicant.

### [Precedent](#)

As stated in this Statement and agreed in the Officer's Handling Report, each application must be dealt with upon its own merits against the Local Development Plan and material planning considerations. The outcome of this application would not create a precedent for this area since to do so, a further application presenting the same or similar merits would have to occur.

It is extremely unlikely that there is another farmer at Sourbank or within the vicinity who has exhausted all the options for alternative housing through the need for succession planning for their farming business. Furthermore, Moray Council has already indicated in the Officers Handling Report that this has not been an issue in the past and that is one of the reasons why there are no policy or exceptions provided for this scenario in the MLDP. The fear of the floodgates opening due to the Council being inundated by applications for new housing for farmers is therefore unfounded.

### [Drainage, Services Infrastructure, and Refuse Collection](#)

Following extensive discussions with SEPA and the Moray Flood Risk Management, a scheme has been submitted which is to their satisfaction.

Similarly, the scheme has been designed to ensure that there will be electricity and water connections. Connection to electricity and a fast broadband are not material planning considerations.

Adequate refuse storage is provided in the proposal and this has been accepted by the Council.

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Any objections on the grounds of flooding, connections to services and refuse storage provision are therefore unfounded.

### Road Safety

Following extensive discussions with Transportation Team, a scheme has been designed to their satisfaction. This involves the creation of visibility splays, at the applicant's cost. The addition of one single house for a farmer who already uses the local roads to access the farm will not cause additional traffic that the road network is not capable of dealing with, a fact that the Transportation Manager has agreed with.

Any objections on the grounds of roads matters, traffic and road safety are therefore unfounded.

### Residential Amenity and General Amenity Issues

As identified in the Officer's Handling Report, there would be no significant impact upon the amenities currently enjoyed by nearby residents due to its proximity in relation to nearby properties and the ownership of the track.

The light pollution generated from one additional house in this area would be minimal. If there was a local issue of this nature, then the existing houses would not have gained planning permission, nor indeed other housing within the Moray area.

Any objections raised on amenity issues are therefore unfounded.

### Other Issues

As confirmed in the Officer's Handling Report and by the applicant, there would be no impact upon recreational users of the Rafford Walk.

It is of note that only two comments are raised regarding the landscape and any impact upon it, meaning that it is not a contentious issue for local people. The two comments were:

- (1) the house would be visually obtrusive from the B9010 and footpath network, and,
- (2) the view of Blervie Castle would be obscured.

The latter point is not supported in the Officer's Handling Report.

The Planning Supporting Statement together with this Statement deals with the former point in detail below under the Landscape Assessment and Policy Assessments.





Furthermore, it is of note that the developments that have taken place and are taking place at Blervie (see [Photographs 11-15](#) in the Material Considerations Section of this Statement) are examples of how housing development allowed by Moray Council have and are having the impact of involving cumulative build up and causing harm to the setting of Blervie Castle and to the surrounding rural landscape.

In conclusion, many of the objections are covered off in more detail in the Officer's Handling Report and demonstrate that the issues raised (excepting the point in principle of a new house in the Pressurised and Sensitive Area and the one of the landscape issues above) are not of concern to the Council as they have been dismissed or categorised as being non-material that cannot be considered.

### CONSULTATION RESPONSES

Consultation responses were received from: Environmental Health, Contaminated Land, Transportation Manager, Planning and Development Obligations, Moray Flood Risk Management, and Scottish Water. No objections have been raised by any of these consultees. Objections have been raised by Development Planning based on Policies DP1 and DP4 and these will also be dealt with in the Policy Assessment in this Statement.

### CONCLUSION RELATING TO REPRESENTATIONS AND CONSULTATION RESPONSES

In conclusion, the planning application did not generate any expert objection, other than those from Development Planning, or any demonstrable third-party objections.

### DECISION NOTICE

Despite the merits of the proposals as outlined in the submission, the planning application reference 20/01658/APP was refused on 30 April 2021 as follows:

**The development is contrary to Policy DP4: Rural Housing and DP1: Development Principles of the Moray Local Development Plan 2020 for the following reasons:**

1. **The introduction of a new house in the identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as negatively impacting on the character and appearance of this rural area.**
2. **There is not an acceptable level of enclosure and containment for a new house.**
3. **Together with other development in the immediate vicinity it would have the effect of detrimentally altering the rural character of the area contributing an unacceptable build-up of housing.**

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4. It will contribute to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting, particularly in relation to existing new houses in the area.
5. There is no policy exception to allow new housing in Pressurised and Sensitive areas on the basis of agricultural need and the supporting information provided is not considered sufficient to outweigh the Local Development Plan policies.





## SECTION 3: POLICY ASSESSMENT

### General

The most important point to note in reviewing this planning case is that:

**It is a statutory requirement that all planning applications must be considered on their own planning merits against planning policy and other material considerations.**

The primary document for planning decisions is the Moray Local Development Plan 2020.

In addition, national policies provide visions, objectives and aims for policy making in Scotland and reference is made both in [Appendix 1](#) of this Statement and here to relevant national policy statements promoting the approval of this proposed development meeting a genuine housing need.

### National Policy

Current national planning policy is provided through the National Planning Framework (NPF3) and Scottish Planning Policy (SPP).

A full assessment of national policy and guidance is outlined in [Appendix 1](#) of this Statement, which provides details relating to NPF3 (and the emerging NPF4) and SPP 2014 (as revised December 2020). An assessment is also provided regarding other relevant national policy and advice documents (Circulars 04/1998 and 3/3012, and PAN 72)

It is not considered that the planning visions, objectives, aims and policy principles, as outlined in [Appendix 1](#) of this Statement and here, have been sufficiently acknowledged in the Officers Handling Report or applied in their interpretation of local policy to allow this application to be approved based on agricultural need. The Report merely states there is no policy exception available, and the supporting information provided is not enough to outweigh LDP policies, and therefore on that basis it should be refused. The material considerations are disregarded.

Further consideration of the relevant policies within NPF3 and SPP is necessary to enable a fair and balanced assessment of the proposals that are before the Local Review Body for review.

### NATIONAL PLANNING FRAMEWORK 3 (NPF3)

The salient point in NPF3 is '*homes which meet our needs*'.

Outwith the Central Belt, Scotland is predominantly a rural area. It only survives and thrives due to the existence of rural enterprises, of which the backbone is farming. Without farming enterprises, the economy within rural areas of Scotland would be in serious decline. It is imperative that support

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is given to the continuation of these businesses and to the provision of homes to meet the needs of those who work in farming, particularly where a genuine case is presented.

Increased population growth and support for rural-related enterprises remain vital to sustain rural communities long into the future, in line with NPF3's long-term spatial planning framework. NPF3 seeks to ensure that development in rural areas is not unnecessarily constrained and sees a continuing need for new housing and a flexible approach to successfully achieve this.

As stated previously, following an assessment of LDPs throughout Scotland that similarly cover rural areas (see [Appendix 2](#) of this Statement), policies do exist to ensure that cases of genuine housing need for farming enterprises can be considered without the need for exceptions to be made or a departure from policy to be considered.

In refusing this planning application, the Council are taking an unnecessary constrained approach which is neither flexible nor catering for the continued need for new housing to meet the needs of succession planning for farming families, who have farmed the land for centuries, or indeed the need for farm labour.

Moray Council is therefore out of line with the other Scottish rural planning authorities in this respect. This is prejudicial in that because the Proctor's farming enterprise is in the Moray area it is not afforded the same consideration or opportunities to meet succession and labour needs.

**This development to meet a specific housing need in relation to a well-established rural-related enterprise, is required to sustain the surrounding rural communities and beyond.**

**A flexible approach to considering this application for this specific housing need is also in the spirit of NPF3, which is not found in MLDP policies, unlike the other 29 rural Local Planning Authorities in Scotland.**

#### SCOTTISH PLANNING POLICY (SPP) (as revised 18 December 2020)

SPP takes up the NPF3 requirement for planning policies to be '*flexible enough to adapt to changing circumstances over time.*'

Whilst full details of the Proctor's farming enterprise have been provided in the planning submission, including a detailed Agricultural Needs Assessment and Planning Supporting Statement, it has not been acknowledged through the consideration of this planning application that this is a long-standing farming enterprise that has been passed through four generations of the Proctor family.

The changing circumstances here involve a succession planning process for this farming enterprise; a long-established practice to ensure the continuation of farming in Scotland and beyond.



The Proctor family are continuing to take full responsibility for the future of this farming enterprise in Moray. There is of course a supply chain for their produce and not only does the Proctor family manage their own business, but they also directly and indirectly support other rural businesses in the area, through the supply of that produce.

Like all farming families, there is an inherent responsibility for succession planning, and this also includes forward thinking in terms of how the business can be sustained into the future in the most efficient and effective way. Farming enterprises already readily adapt to the changing circumstances over time and this flexibility and sustainable ethos is fully supported by SPP. It is likely that the applicant's son will introduce his own way of working to improve efficiencies into the future to ensure the business is sustainable.

No other business takes succession planning seriously and it does so because the stakes are high, not only for the family itself but for the local community and the future of the Scottish economy. Without assistance through government policies, including planning, it is unlikely that such businesses will be able to survive into the future. This is evidenced later in this Statement using quotations from relevant parties, including the Scottish Farmer's Union, and as detailed under the consultation for the emerging NPF4 in [Appendix 1](#) of this Statement.

**The SPP is therefore in support of the proposed application in that it seeks to provide a home to support continued sustainable economic growth and regeneration of this farming enterprise.**

## **Local Policy**

Moray Local Development Plan (MLDP) 2020 is the current LDP against which all planning applications are to be considered.

### [MORAY LOCAL DEVELOPMENT PLAN \(MLDP\) 2020](#)

Whilst the assessment of this proposal against the detailed policies within MLDP are covered later in this Statement, it is important to first demonstrate alignment of the proposals with the aims, objectives, and spatial strategy within the MLDP.

One of the aims of the MLDP is a '*growing, diverse and sustainable economy*.' It also aims to '*direct the right development to the right place*.'

It is asserted in this Statement that the provision of housing for this specific agricultural need assist both with the future needs of this farming enterprise and is ensuring that this need is met in the '*right*' and sustainable location.

The MLDP Spatial Strategy refers to [Placemaking](#) and the associated [Social, Environmental and Economic elements](#).

Under [Social](#), reference is made to retaining young people, attracting working age population, providing for ageing populations, providing a range and choice of house types, tenures, and locations. The provision of associated housing to meet the needs of farming enterprises meets these social



requirements in retaining younger farmers and allowing for the retirement of older farmers (through the succession process). It also meets social requirements by allowing housing to meet the needs of farmers on a locational basis.

Under [Economic](#), reference is made to providing opportunities for existing businesses to grow through the creation of attractive places to work and live and aligning development to support business growth. Supporting rural enterprises, particularly where they are essential to the future of the rural (including farming) community assists in making the economy strong and resilient.

Under [Environmental](#), reference is made to supporting a low carbon economy and protecting and strengthening landscape character. Locating housing associated within farm enterprises is sustainable in terms of locating workers next to their workplace and thereby reducing the need to travel.

**The aims, objectives, and spatial strategy of the MLDP are therefore in support of the proposed application in that it seeks to provide a home to support continued sustainable economic growth and regeneration of this farming enterprise.**

**This support is of relevance and a material consideration even if the principle policy for housing outlined in Policy DP4 may not completely align or follow through these intentions of the MLDP.**

In terms of the detailed policies in the MLDP,

The proposals are stated to comply with Policy PP1: Placemaking and therefore it must be assumed that the above matters of Social, Economic, and Environment are accepted and complied with in principle.

The proposals are also stated to comply with Policies PP3 (Infrastructure and Services), DP2 (Housing), EP12 (Management and Enhancement Water) and EP14 (Pollution Contamination Hazards)

A full assessment against all the relevant detailed planning policies in MLDP was provided in the Planning Supporting Statement within Pages 42 – 47 and found to fully comply in the Officer's Handling Report.

The following are the policies listed in the Officer's Handling Report and the Decision Notice as being relevant to the refusal of this proposal. [Table 1](#) outlines those policies listed in the reason for refusal.





POLICY	POLICY STATEMENT
<b>DP1: DEVELOPMENT PRINCIPLES</b>	<p>This policy applies to all development and will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances.</p> <p>Development will be supported if they conform to the relevant LDP policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts.</p> <p>The policy then sets out 10 Design Criteria, 9 Transportation Criteria, and 8 Water Environment, Pollution and Contamination Criteria.</p> <p>The Officer's Handling Report confirms general compliance with Transportation and Water Environment Pollution and Contamination Criteria. and therefore, it is only the specific Design Criteria and one design criteria raised under Transportation that are of relevance in the reasons for refusal. These are:</p> <p><u><a href="#">Design:</a></u></p> <p>(a) Scale, density, and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.</p> <p>(b) The development must be integrated into the surrounding landscape, which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g., distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the 'Right Tree in the Right Place.'</p>



	<p>(c) Make provision for new open space and connect to existing open space and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted.</p> <p>(d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours, and integrate into the landscape.</p> <p>(e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight, or overbearing loss of amenity.</p> <p>(f) Proposals do not result in back land development or plots that are subdivided by more than 50% of the original plot.</p> <p>(g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.</p> <p>(h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.</p> <p>(i) Proposals must orientate and design buildings to maximise opportunities for solar gain.</p> <p>(j) All developments must be design so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions for their use.</p> <p><u>Transportation:</u></p> <p>(b) Car parking must not dominate the streetscene and must be provided to the side or rear and behind the building line.</p>
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<b>DP4: RURAL HOUSING</b>	<p>A rural housing hierarchy is set out as being:</p> <ol style="list-style-type: none"><li>1. Rural groupings</li><li>2. Re-use and replacement of traditional and slate buildings in the countryside</li><li>3. Open Countryside</li></ol> <p>Within the third area, the open countryside, housing is directed to the least sensitive locations (Areas of Intermediate Pressure) for which Siting and Design Criteria are outlined. Opportunities are limited to single houses.</p> <p>Due to the landscape and visual impacts associated with build-up and landscape and environmentally sensitive areas, no new housing is permitted within the identified Pressurised and Sensitive areas. The above Siting and Design criteria do not therefore comply here. If housing were permitted as a departure under this policy therefore only the Design Criteria outlined in Policy DP4 would apply.</p>
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**Table 1: Policies referred to in reasons for refusal from MLDP2020**

The determination of this application therefore rests with points of principle; should a house to meet the needs of the Sourbank farming enterprise be allowed here and does it cause significant harm to the rural landscape such that it should be refused.

The conclusion asserted here on behalf of the applicant is that there is a strong case for approval for this proposal, which is backed up by national planning policy and a detailed landscape assessment, neither of which is acknowledged fully within the Officer's Handling Report before concluding that the application should be refused for the five reasons outlined.

In the first instance on a point of principle, it is relevant to consider the proposal against Policy DP4: Rural Housing, which is supplemented by the case set out under the Material Considerations section of this Statement. Reference should also be made to the submitted Planning Supporting Statement and the Agricultural Needs Assessment.



## POLICY DP4: RURAL HOUSING

Regarding Policy DP4, the reason for refusal concludes:

**There is no policy exception to allow new housing in Pressurised and Sensitive areas based on agricultural need and the supporting information provided is not considered sufficient to outweigh the Local Development Plan policies.**

## ASSESSMENT OF PROPOSALS AGAINST POLICY DP4

The site is in a Pressurised and Sensitive Area. No housing is allowed in such areas.

As such, in strict policy terms, it is accepted that the proposals do not fully comply with Policy DP4 because there are no exceptions available in the written policy that would allow any housing in the designated Pressurised and Sensitive areas.

As stated in the Officer's Handling Report, this policy seeks to direct new housing to appropriate locations within the countryside promoted by a rural development hierarchy.

Full details supporting an approval of this proposal as a departure from Policy DP4 are comprehensively outlined in the submitted Planning Supporting Statement, the Agricultural Needs Assessment and below in the Material Considerations section of this Statement.

## POLICY DP1: DEVELOPMENT PRINCIPLES AND DP4: RURAL HOUSING

Regarding Policy DP1 and DP4, the reasons for refusal relating to detailed landscape issues conclude:

**The introduction of a new house in the identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as negatively impacting on the character and appearance of this rural area.**

**There is not an acceptable level of enclosure and containment for a new house.**

**Together with other development in the immediate vicinity it would have the effect of detrimentally altering the rural character of the area contributing an unacceptable build-up of housing.**

**It will contribute to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting, particularly in relation to existing new houses in the area.**

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## ASSESSMENT OF PROPOSALS AGAINST POLICY DP1 and DP4

This section will first deal with each of the relevant reasons for refusal before re-stating and supplementing the argument that the proposals fully comply with Policy DP1, against each of the design criteria set out. It must be acknowledged that the assessment of any impact upon the landscape related to policy DP4 is completely misdirected, as detailed below.

The correct assessment should be based on:

- Whether the proposal triggers any of the siting and design indicators as detailed in the MLDP guidance.
- Whether there is an unacceptable landscape and visual impact on the countryside, using the SNH Review and assessments on site and of the surrounding area.

It was found that there were no impacts using both areas of these assessments as fully detailed in the Planning Supporting Statement and verified by photographic evidence.

Whilst the applicant did provide a comprehensive assessment in the Planning Supporting Statement (Page 34) relating to the siting and design criteria in Policy DP4, (which is incorrectly being used to refuse this application), this was merely to demonstrate that notwithstanding full compliance with the correctly applied assessment above, it still complied with those criteria for assessment of housing in the Areas of Intermediate Pressure. It is demonstrated that had the site been in the adjacent Areas of Intermediate Pressure, then the proposed house would comply with those criteria and therefore it has been sited and designed to an appropriate high standard.

It is also important to note that the four stated reasons deal with placemaking principles. The proposals are stated to comply with PP1: Placemaking in the Officer's Handling Report. The assumption therefore is in full compliance with placemaking principles, which include an assessment of developments within their surrounding context. It is confusing that the proposal can be agreed as being compliant with PP1, yet in complete contradiction found not to be acceptable in siting terms under another policy.

The four reasons stated above serve to overstate a mis-directed and perceived harm to the local rural landscape. The wording is also unclear regarding exactly what detailed or significant harm is caused and how this aligns with the correct policy requirements.

Specifically, the wording used in the reasons for refusal cross references the siting criteria outlined in Policy DP4, which does not relate to the location of this specific site and therefore cannot correctly be applied. Non-compliance with these criteria cannot therefore be stated as reasons for refusing this application.



There is also a failure to appraise the proposals to assess whether any of the Siting or Design Indicators set out in the associated adopted guidance are triggered to demonstrate harm being caused. These Indicators and guidance are not mentioned in the Officer's Handling Report, yet they are relevant to this case.

It is instead asserted by the applicant that for a proposal to fail to comply with Policy DP1 and DP4 in terms of landscape impact it must be shown that the indicators are triggered from Policy DP4 and the wording of the Policy DP1 is not complied with. Those criteria are the correct tests for this proposal and are dealt with in detail below.

Dealing first with each of the standalone reasons for refusal in turn:

**Reason for Refusal 1: The introduction of a new house in the identified pressurised and sensitive location would have a detrimental landscape and visual impact as well as negatively impacting on the character and appearance of this rural area.**

It is wrongly assumed in the Officer's Handling Report that just because the new house is in the identified area it will automatically have a '*detrimental landscape and visual impact*' and will '*negatively impact (sic) on the character and appearance of this rural area*'.

This assumption is without foundation. This assertion goes against the statutory requirement that each application must be considered on its own individual merits and this impact cannot be assumed without a full assessment being undertaken of the specific site and the case and merits put forward by the applicant. It is the applicant's assertion that the wrong assessment has been carried out and therefore the wrong conclusions are made.

The applicant's assessment is as fully outlined in the Planning Supporting Statement and involves reference to the Scottish Natural Heritage's (SNH) Landscape Review of the area (Page 28 of the Planning Supporting Statement), a site context assessment and photographic survey, and an assessment against well-established landscape principles. The full landscape assessment is outlined on Pages 27 – 34 of the Planning Supporting Statement, which specifically demonstrates that regardless of the MLDP's identification of a Pressurised and Sensitive Area, exceptions can be made, and the proposal specifically complies with the advice set out by SNH, the government experts in such matters, for this area in Moray.

The Officer's Handling Report makes no reference to the applicant's assessment nor rebuts any of these demonstrated and detailed findings. This is of concern to the applicant, particularly given the extensive attention paid in detail to the representations covering a substantial part of their Report.

The Siting and Design Indicators identified in the Moray Policy Guidance Note on Cumulative Build Up (Pages 53 – 54 of the MLDP) should have been used to identify whether there is an impact being created in the first instance but are not used in the Development Planning consultation response or the Officer's Handling Report.



It is incorrect and irrelevant for an assessment against the siting and design criteria in Policy DP4 (as outlined on pages 7 and 8 of the Officer's Handling Report). The proposals are stated to not comply with siting criteria 1 and 2, which are dealt with in the remaining three reasons for refusal.

Notwithstanding the point that these criteria have been incorrectly applied, it is of interest that the proposals are not stated as failing to comply with any of the design criteria nor any specific appraisal or mention of the proposed design, use of materials, scale, form etc, suggesting the design is acceptable.

The following **Photographs 1 – 5** demonstrate that the alleged impact upon the rural landscape is unfounded.





**Photograph 1: View towards Site from public road U102E**





**Photograph 2: View towards Site from public road U102E**

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**Photograph 3: Zoomed View of Site from public road U102E**

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**Photograph 4: View of Site from public road U102E**

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**Photograph 5: View of Site from public road U102E**

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### **Reason for Refusal 2: There is not an acceptable level of enclosure and containment for a new house.**

This is stated as a standalone criterion and reason for refusal referenced to the proposals thereby being contrary to Policy DP1 and DP4. However, this criterion does not apply, as detailed above. It does not relate to proposals in the Pressurised and Sensitive Area. It cannot therefore be used to support a reason for refusal.

Notwithstanding this point, the applicant's submission details that there is in fact a full enclosure and containment for this proposed house. This is clearly shown on Page 8 of the Planning Supporting Statement in Photos 2 – 5. This proposed triangular-shaped housing site is fully bounded on two sides with mature planting, comprising trees and shrubs along these sides and in the bottom corner (as approaching the site from the south). Along the track from which the access is to be taken, there is further mature landscaping as also shown in the photographs. It is only on the south-west side that there are no trees.

The following three additional photographs fully demonstrate the tree backdrop on two sides and landscaped containment on three sides. The views taken from the road both in the Planning Supporting Statement and here as [Photographs 6 - 8](#) show that the house is fully contained and there are no impacts on the rural landscape from the viewpoints, and in most circumstances the house would be barely visible. This is demonstrated in [Photographs 1 – 5](#) above.





**Photograph 6: View towards the Site from the proposed access to the the South-West (showing the extensive treed/landscaped site boundaries)**

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**Photograph 7: Panoramic View of the Site from the Field to the South-West of the Site (showing extensive landscaped enclosure and backdrop)**

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**Photograph 8: View from Site looking towards Tulloch Cottage (showing the well landscaped North-Eastern boundary/backdrop)**

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Furthermore, the landscaping plan as submitted with the planning application also includes a significant area of supplementary tree planting. Notwithstanding this, there is no requirement for housing to be sited within a fully enclosed area surrounded by trees on all sides. To suggest this would be out of character with the surrounding landscape in which most sites accommodating both older and new properties are either open or landscaped on one or two sides only. The SNH landscape review and advice for this area does not reflect this requirement for full enclosure or containment. The housing in Blierwie (shown in [Photographs 11-15](#) below) demonstrates recent approvals for housing that has not required to even be set against a landscaped backdrop on one side of their curtilages.

**Reason for Refusal 3: Together with other development in the immediate vicinity it would have the effect of detrimentally altering the rural character of the area contributing an unacceptable build-up of housing.**

**Reason for Refusal 4: It will contribute to a sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting, particularly in relation to existing new houses in the area.**

These two reasons appear to be dealing with the same issue of impacts of build-up of housing and are mentioned further in the Officer's Handling Report and it is difficult to understand the difference between these two points of concern being raised. Of issue is these statements being made with assertion of fact but not being backed by any specifically detailed factors causing these stated impacts or what the actual significant harm being caused is here.

As stated above, the Siting and Design Indicators identified in the Moray Policy Guidance Note on Cumulative Build Up (Pages 53 – 54 of the MLDP) should be used to identify whether there is a build up being created in the first instance. These are not mentioned in the Officer's Handling Report to enable the above conclusions to be made.

These Indicators have been used in the applicant's case to demonstrate that there is no trigger of these Indicators such that a build-up, cumulative or otherwise, would be created here because of this proposed development (Pages 26 – 27 and 29 - 33 in the Planning Supporting Statement).

The comparison of the example of undesirable cumulative build-up (shown in Photo 20 on Page 29 of the Planning Supporting Statement) with the site and its surroundings when viewed from the only public road that the site could be viewed from (shown in Photo 21 on Page 30 of the Planning Supporting Statement) demonstrates that there is no undesirable build up as existing or proposed. Even by zooming in on this photograph (Photo 19 on Page 29 of the Planning Supporting Statement) which is not a '[view experienced when travelling along the roads](#)' indicating that the proposal would result in an undesirable build-up in the countryside; far from it.

In addition to those photographs taken from the U102E and provided in the Planning Supporting Statement, the following photographs have been taken from the B9010 public road ([Photograph 9](#)) and the footpath network ([Photograph 10](#)) to demonstrate that the houses at Sourbank are barely visible from this public road and therefore the new house and a cumulative build-up of houses will not be experienced from these views as alleged.



**Photograph 9: View towards Sourbank from B9010 public road towards Rafford in the distance**

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**Photograph 10: View towards Site from Local Path Network**

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Reference is also made in the Officer's Handling Report to erosion of the traditional settlement pattern, yet this does not align to the SNH review, which defines the landscape as being '*diverse*' (see next paragraph). It is also worth re-stating that the new houses being referred to have been allowed by Moray Council under previous and recent policies for occupants with no specific need to be in the countryside.

The applicant's proposal involves building one modestly proportioned house within an existing small cluster (comprising a handful of houses and a farm steading), barely visible from the viewpoint from the road (Photo 21 in the Planning Supporting Statement) within a backdrop of a '*diverse*' landscape with mixed woodlands, scrublands, and irregular rolling pastures, which are intercepted by many traditional farm buildings, often partially set within woodland backdrops (SNH). Due to the existing topography and mature landscaping, even the existing houses at Sourbank are not visible as one group and only glimpses are afforded of some from different view points.

Incidentally, the house to the right of Photo 21 in the Planning Supporting Statement (identified as the white building) was only recently constructed and allowed under MLDP's recent policies, yet it did not cause the significant harm now being alleged for this proposal.

Having rebutted the written Reasons for Refusal 1 – 4 above, a brief assessment is now necessary against the correct criteria in Policy DP1 relating to the siting, design and landscape issues raised since this is the policy being asserted against the refusal reasons.

Reference should again be made to the details provided in the submission, including the Planning Supporting Statement relating to siting, design, and landscape matters. The policy criteria are set out below (as previously identified in [Table 1](#)) and below each one, the applicant's case is presented.

### Design

- (a) Scale, density, and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.

It has been confirmed in the Officer's Handling Report that the proposals comply with Policy PP1. There has been no assessment or claim that the scale, density, or character of the proposals are inappropriate to the surrounding area.

- (b) The development must be integrated into the surrounding landscape, which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g., distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the 'Right Tree in the Right Place.'





No trees are being lost or impacted because of this proposal. The topography of the land is unchanged. No stone walls are lost. The burn is necessarily culverted to create an access into the site. However, no objections have been received from SEPA or the Moray Flood Risk Team on flooding grounds. Additionally, no consultee objections have been raised on this matter in the Officer's Handling Report.

Substantial tree planting is proposed as shown in the landscaping scheme submitted. No consultee objections have been raised on this matter in the Officer's Handling Report.

- (c) Make provision for new open space and connect to existing open space and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted.

The plot includes a garden. A landscaping plan was submitted for assessment. The existing Rafford Walk connecting Sourbank to the local area is unaffected. No consultee objections have been raised on this matter in the Officer's Handling Report.

- (d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours, and integrate into the landscape.

There are no proposed changes to the original land contours and there is no impact upon either the natural or built environment and cultural heritage resources. No objections have been raised on this matter in the Officer's Handling Report.

The proposal, as concluded in the submitted landscape assessment, is demonstrated to integrate into the existing landscape, contrary to the findings in the Officer's Handling Report. The applicant's case on this is provided within the submission documents and elsewhere in this Policy Assessment section of this Statement.

- (e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight, or overbearing loss of amenity.

The proposals have been demonstrated to have no impact upon residential amenities in terms of privacy, daylight or being overbearing. Whilst objections were received from neighbours, no objections have been raised on this matter by the Officer in their Handling Report.

- (f) Proposals do not result in back land development or plots that are subdivided by more than 50% of the original plot.

This is not applicable as the proposal does not result in back land development or plots that are subdivided by more than 50% of the original plot.

- (g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.

The proposed house and garage have pitched roofs. No box dormers are proposed. No objections have been raised on design matters by the Officer in their Handling Report.



- (h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.

No stone walls on buildings or boundaries are affected. All the boundaries to this site are either open or bounded by trees/shrub landscaping or post and wire fencing. This is a proposal for a house not an alteration or extension. The design and form involve a traditional form, scale and design using traditional and appropriate materials. No objections have been raised on this matter by the Officer in their Handling Report.

- (i) Proposals must orientate and design buildings to maximise opportunities for solar gain.

The proposed house has been orientated and designed to maximise opportunities for solar gain. No objections have been raised on this matter by the Officer in their Handling Report.

- (j) All developments must be design so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions for their use.

The proposed house has been sustainably designed. No objections have been raised on this matter by the Officer in their Handling Report.

#### Transportation:

- (b) Car parking must not dominate the streetscene and must be provided to the side or rear and behind the building line.

The proposed garage is of a proportionate scale and located to the side to be subservient to the main dwelling. As such it will not dominate the 'streetscene'. No objections have been raised on this matter by the Officer in their Handling Report.

**It is therefore concluded, that through applying the correct design criteria as outlined in Policy DP1, the proposals fully comply in this respect.**

#### POLICY CONCLUSION

Planning policy is required to be flexible, as identified above within national policy, to ensure the ongoing resilience of the Scottish rural economy. Planning policy is clear that housing should be provided for all the needs of the community, and that should include those families who are willing to take on the hard work involved in running farming enterprises 24/7 for the benefit of the local community and Scotland's rural economy. The failure of this proposal to strictly comply Policy DP4. that is neither flexible, supports the ongoing resilience of the Scottish rural economy, nor caters for the housing needs of farming businesses, should not result in the dismissal of this proposal for a genuine housing need.



Furthermore, the applicant has clearly demonstrated through the submission of a comprehensive landscape assessment, using well-established principles set out by SNH, and Placemaking, that the proposed house would fit within the context of the surrounding housing and would not cause the impact outlined in the MLDP Siting and Design Indicators or significant harm to the rural landscape such that it should be refused under Policy DP1 and DP4, as alleged. The applicant's case is not assessed or mentioned in the Officer's Handling Report. The reasons for refusal are vague, use incorrect criterion, and do not specify or demonstrate the factors that are alleged to cause the perceived harmful impact.

## **MATERIAL CONSIDERATIONS**

### **INTRODUCTION**

It is necessary to restate the statutory requirement that the determination of planning applications must take into account any material planning considerations. There are fundamental material planning considerations clearly identified by the applicant to support their application within both the Planning Supporting Statement and the Agricultural Needs Assessment. These are restated and supplemented within this Statement.

Notwithstanding there being no exceptions in Policy DP4, it has been accepted that there is demonstrated agricultural need here. This has been agreed by the Development Planning Team and within the Officer's Handling Report. Yet this application has been dismissed on the basis that the Policy DP4 is of paramount importance in terms of restricting any housing in the Pressurised and Sensitive Areas in Moray.

In accordance with national planning policy, flexibility should be given to the provision of housing for farmers, irrespective of this designation. This flexibility, as previously established, is afforded every farmer in Scotland across 29 other rural Local Planning Authorities (except for those located Moray and Shetland) through adopted LDP policies ([Appendix 2](#) of this Statement).

As with all farming enterprises, a farm holding, and associated structures are fixed entities and cannot just move to be nearer to the planning policy led desired housing locations in rural groupings or settlements. Farming is not like other businesses, that can relocate, as necessary.

**Whilst flexibility is not available in Policy DP4, what is forgotten is that exceptions are in fact available to decision-makers through departures from policy.**

The option of agreeing a departure from adopted policy is always available to Officers, Planning Committee Members, and the Local Review Body Committee Members on behalf of Moray Council should they consider a strong case has been made for this specific housing need. Any potential concerns regarding precedent or weakening a policy for the determination of future applications (particularly a newly adopted policy) are unfounded given the specific nature of the need presented. Each case must be dealt with upon its merits, as set out in statute. Government policy is clear that if a strong case is presented and found to be acceptable there should be no concerns regarding granting such proposals for housing for farming or other rural enterprises, regardless of the ability to impose occupancy conditions.





## GENERAL MATERIAL PLANNING CONSIDERATIONS

### Other Recently Approved Housing in the Area

As mentioned in the Representations section of this Statement, the following Photographs 11 - 15 are of local examples of housing within the vicinity of the application site, that have recently been allowed and built using Moray Council's planning policies, relating to housing in the countryside and placemaking or design matters. These photographs could easily be used in the LDP and guidance as poor examples of what should be avoided.

Whilst it is acknowledged that some of these were approved under previously adopted policies and not the current LDP, they were approved during the period that these policies were emerging and within the last few years. Also of note, under Policy H7 of the previous MLDP the following siting and design criteria were required to be met:

'Reflect the traditional pattern of settlement in the locality and is sensitively integrated with the surrounding landform using natural backdrops particularly where the site is clearly visible in the landscape. Obtrusive development (i.e., on a skyline, artificially elevated ground or in open settings such as the central area of a field) will not be acceptable.'

'It does not detract from the character of setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development.'

'It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and'

'At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g., dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).'

Whilst access is no longer available for Moray Council planning policies prior to MLDP2015, it is assumed that design criteria did exist to enable assessment of proposals within the rural landscape, which prevented new houses having a dominant and prominent feature in that landscape. Even without such criteria, planners are required as part of their planning assessment to consider such significant material planning matters.

A general assessment of these nearby developments shows that these houses have been granted planning permission contrary to even general siting and design principles and latterly adopted policy and guidance criteria, yet incredibly the applicant's proposals are being criticised on siting and design grounds for the four reasons listed.



None of these houses were presumably required to be in the countryside unlike the applicant's proposed house, yet they have been allowed. Frustratingly for the applicant, it is the harm they have caused that has presumably now resulted in the embargo against genuine housing need being allowed for in the latest MLDP.



**Photograph 11: View of New Build Houses in Blervie from main public road through Blervie looking South-West.  
(One complete and the other under Construction, showing prominence and no landscaped enclosure or containment)**

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**Photograph 12: New Build at Blervie (showing prominence on raised land with no landscape enclosure or containment)**

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**Photograph 13: View towards Blervie from Local Path Network (showing cumulative build-up of housing in the context of Blervie Castle)**

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**Photograph 14: Isolated New Build at Blervie (showing prominence and lack of enclosure and containment)**

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**Photograph 15: New Build at Blervie (showing prominence and lack of enclosure or containment)**

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This Planning Statement including Appendices may only be used by Graeme Proctor for the purposes provided, in support of an appeal to the Moray Local Review Body for application 20/01658/APP.

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Unlike the applicant's proposed house, these examples demonstrate how harmful housing can be to the rural landscape and historic features within that landscape. These houses prominently stand out on the brow of this hill having a significantly adverse impact upon the rural landscape and the historical Blervie Castle. They fail to respect the local topography and dominate the landscape due to the lack of any natural landscaping features.

These houses include '**no acceptable level of enclosure and containment.**' They have been allowed to progressively build up to resulting in **detrimentially altering the rural character of the area contributing an unacceptable build-up of housing.** They have contributed to a **sequential visual effect of cumulative build-up of new housing experienced when travelling along roads in the vicinity of the site in terms of its siting, particularly in relation to existing new houses in the area.** All this proven significant harm, yet they have been allowed.

Changes in policy relating to the principle of locating housing in the countryside aside, Moray Council's assessments and policies on design and landscaping matters should be long standing and have prevented this housing that is so dominant and prominent in the landscape such as these houses.

The applicant's proposed house by direct contrast has an acceptable level of enclosure and containment, results in no cumulative build-up of housing and is not read in association with the adjacent housing.

#### [General Agricultural Needs, Rural Economy, Scottish Economic and Sustainable Development](#)

Reference should be made to the Planning Supporting Statement and the Agricultural Needs Assessment for the detailed case on all these matters.

The first relevant and material planning consideration is that the Scottish economy outside of the Central Belt is reliant upon farming and other rural businesses. Support for those businesses, including through the provision of appropriately located housing, is of paramount importance, as set out in national planning policy. This importance is accepted by 29 of the 31 rural Planning Authorities in Scotland in their LDPs ([Appendix 2](#)).

Although well-presented throughout this Statement, as to why a departure from MLDP policy should be applied, it is important to re-iterate this with a clear background to the farming sector and succession planning to aid understanding of this specific agricultural need for affordable housing.

The farming sector is unique in terms of any business within rural areas, and this is also a material consideration in the determination of this application. They are one of the few businesses that embrace succession planning. This is an application for a house for an established and viable farm in the countryside, which is necessary for the future of this farm as unequivocally demonstrated in the submission.

It needs to be acknowledged that farming is a business that is traditionally run by families and handed down the generations. The life cycle and succession of members of that family is a key component to their success. Inevitably older members of the family must retire; albeit they have a significantly longer working life than most professions. Younger members of the family will then take up the reins. Family members cannot all live in





the one property and as their families expand and they become more involved in the business they have a greater need for onsite accommodation and separate homes.

Farmers needs are also unique due to their requirement to be on site 24/7 on occasion and on an ad-hoc basis at random times to respond to emergencies and animal husbandry needs. They need to work efficiently within those hours and avoid unnecessary time wasting, e.g., commuting needs to be eliminated for time and safety reasons which rules out housing at a distance from the farm enterprise. Reducing the need to travel is also sustainable and supported by NPF3 and SPP policies together with the aims, objectives, and spatial strategy in the MLDP as evidenced in the Policy Assessment section of this Statement. Hence their accommodation needs to location-specific and cannot be sited in rural groupings, settlements or towns and villages.

Significant concerns are constantly being raised by farming bodies (e.g., NFU Scotland, Rural Housing Scotland) and through the national professional press (e.g., The Scottish Farmer, specifically in an article by Gordon Davidson entitled 'Scotland's Rural Housing Crisis', March 2019) with governmental sympathy regarding the lack of consideration being given by associated policy makers to the worsening in availability of suitable housing for succession planning. The NFU have made relevant submissions to the consultation for the emerging NPF4 (as detailed in [Appendix 1](#) of this Statement). This is a problem that is escalating and likely to get much worse in the future without intervention and the provision of positive policies and support for farmers. Other examples of concerns regarding the future of farming enterprises are outlined in the following quotations.

Barclays Bank with reference to farming businesses, have advised that '*having no succession plan for the future of the business can leave the business open to increased risks and uncertainties.*'

According to Savills, '*This transfer of business control and ownership to the next generation is one of the most critical stages in the development of a farming business*' and they explicitly called for the recognition of succession housing for rural businesses in the emerging NPF4.

It goes without saying that the farming sector is essential for both the provision of food locally and nationally, and for the success of the rural economy.

Finally, regarding sustainable development, it is concerning that unfounded criticism has been placed at the applicant's door that there is a need to '*protect against an unsustainable growth in car-based commuting.*' The ethos behind this development is one of sustainability and to significantly reduce car-based commuting. The intention is for the applicant's son to live at his place of work and be able to walk to the steading at Sourbank to manage wintering cattle. The proposed house is located to be central within the farm holding. The applicant and his son are currently located an unacceptable distance outwith this farm holding, which is far from ideal and involves commuting to and from the farm on a frequent basis throughout the day and night. The intention is to significantly reduce commuting and not increase it, as is alleged.



## THE APPLICANT'S CASE SPECIFIC MATERIAL PLANNING CONSIDERATIONS

The applicant's detailed material planning case is outlined in full in the Agricultural Needs Assessment and within pages 37 – 41 of the Planning Supporting Statement. The case is based on Facts, Affordability and Functional Needs.

The Facts are repeated here:

- This farming business is a viable entity and is currently run by Mr G Proctor and Mr R Proctor, who carry out all operations.
- This is not an application for a house for A N Other in the countryside.
- The Proctors have acknowledged the importance of their family and community responsibilities and embraced the need for succession planning for their farming business for this 4<sup>th</sup> Generation succession.
- There is no alternative accommodation within the ownership of the Proctors which has been sold that could have been used.
- There are no other development opportunities on the land within the Proctor's ownership.
- This proposal is based on the specific needs of this farm and not any personal preferences of the Proctor's.
- Provision of a new house for Mr R Proctor is not just a nice thing to have; it is functionally required backed by evidenced agricultural need.

This application should be considered based on this factually honest and open submission, which is for an established farming family to plan for succession of their business to the wider benefit of the rural economy and the local community.

The facts relating to Affordability are also fully outlined in the Planning Supporting Statement on pages 38 & 39 and include details of the housing market in the area, demonstrating the availability of affordable options, and indeed the lack of any options of alternative housing.

The Functional Needs are outlined on pages 39 – 41 of the Planning Supporting Statement and demonstrate an agricultural need, which has been accepted by both the Development Planning Team and as outlined in the Officer's Handling Report; albeit this need is not considered by Officers as a sufficient reason to agree a departure from policy.

The planning assessment of this application does not appear to consider the future of this farming enterprise or the importance of succession planning to realise this. The current refusal of this application has meant that this succession cannot occur and therefore endangers the future of this farming enterprise. Having exhausted all the options, the Proctors do not have a Plan B other than to hope that the Local Review Body fully consider their case and agree to a departure from Policy DP4 along with confirmation that the proposals will not impact on the surrounding rural landscape.

If the Proctor family are unable to take the business forward, then it is extremely likely in the long-term, particularly when the applicant retires, that farming will cease at Sourbank. Furthermore, if the Proctors cannot make the business work with their experience and knowledge, then it is extremely



unlikely that someone else will take over the reins or be able to operate without suitable onsite residential accommodation. Clearly this is not beneficial to the Proctor family, the local community or Scottish rural economy.

In terms of the specific facts relating to this case, Ross Proctor, the applicant's son, is the legitimate successor under the Agricultural Holdings (Scotland) Act 1991 and working on the farm is and will be their main employment as the succession progresses. This is not a house proposed for a member of the public, who could easily live elsewhere. There is no intention to sell the house privately. It will be owned by the farming business. To sell the house on would be illogical given the agricultural need and specifics of this case, all as fully outlined in the submission documents.

Furthermore, whilst an objector has stated that Balnageth is an ongoing option for the future running of the farm and the family has operated remotely to date without issue. Balnageth is not ideally or practically located for the ongoing management of this farming enterprise. Notwithstanding sustainability issues it would be completely impractical from an operational standpoint to continue to farm remotely. This has proven to be the case with the current arrangements and another reason why the site on the holding has been chosen for the applicant's successor.

Similarly, to conform with Policy DP4, Sourbank Farm cannot be practically or efficiently managed from the suggested rural groupings in Lower and Upper Rafford, or indeed any other policy accepted housing location.

Realistically and practically, from the perspective of the applicant's son Ross, he also cannot continue to live with his father at Balnageth. He needs his own independent on-site accommodation for his future and that of his family.

Furthermore, from the applicant's perspective, he has given his whole working life to this farm and cannot just move away from his family into a house elsewhere. It is unreasonable to expect him to uproot and move away from his close family and have his support in his senior years taken away. During the succession process there is an agreed reciprocal family support between the farming generations involving childcare and elderly care and the two families need to be locationally close.

It is well documented by the Scottish Government that farms have been significantly affected by the lack of successors or young people choosing farming as a career, resulting in existing farmers working well beyond retirement age and a significant lack of available labour. It is notable that the applicant's son has chosen this career to continue the family business.

This application appears to be being unfairly treated as a new house for A N Other in the countryside. This is not the case. Yet the other newer houses in the vicinity have been permitted under recent policy, catering for individuals with no locational need to live in the countryside. This proposal is for the genuine need to allow a farmer to enter the farming succession process to enable him to pass on the reins of Sourbank farm to his son.





## CONCLUSION ON MATERIAL CONSIDERATIONS

In this specific case, full details within the Planning Supporting Statement (Pages 35 – 41) and an Agricultural Needs Assessment were submitted which demonstrate the genuine need for this house. This agricultural need case is accepted by Officers in the Handling Report. It is not clear what more the applicant can do or what additional information the applicant can provide to demonstrate that these are important material consideration that warrant a departure being made in this specific case.

The existence of housing in the vicinity of this site recently allowed demonstrates poor design with the local rural landscape. The applicant's proposals by contrast fit within the landscape and would not cause the significant harm being alleged in the reasons for refusal.

## **SECTION 4: CONCLUSION**

The planning submission supplemented by this Statement have comprehensively demonstrated that the proposal to construct a house and garage on this site are supported in principle by national planning policy and guidance.

Similarly, it has been shown that the proposal complies with Policy DP1 (and DP4) in terms of any perceived landscape impacts. There has been no failure on the applicant's part to demonstrate that this proposal causes no harm to the rural landscape. Unfortunately, no part of the applicant's landscape assessment case has been acknowledged or considered in the Officer's Handling Report and the wrong criteria and assessment has been applied in reaching the conclusions in the reasons for refusal.

The only real matter outstanding relates to the reluctance to treat this application as a departure from Policy DP4, despite the agreement that there is an agriculture need demonstrated in the submission. There has been no failure on the applicant's part to provide sufficient information to demonstrate that this is a genuine case of agricultural need relating to the succession planning for Sourbank Farm, that should, in line with national policy, outweigh local planning policies.

Instead, Moray Local Development Plan policies unreasonably and inflexibly contrary to national planning policy fail to provide any exceptions to meet this need unlike the 29 other rural Local Planning Authorities in Scotland.

In a nutshell, this is a house for a succeeding farmer, whose family has worked farms locally for four generations. It is the intention of the applicant to make way for his son as the next generation of Proctors, to work and manage Sourbank farm. Farms are in rural areas and fixed entities that cannot relocate. Farmers and farm workers must live in houses near their farms for operational, practical, animal husbandry, security, and sustainability reasons, as clearly evidenced in the submission. All other housing options have been considered and unfortunately discounted for genuine operational,



practical, locational, and financial reasons. No other suitable or affordable housing is available locally. A new house therefore needs to be built. This proposed house is now the only available option for the Proctors. There is no Plan B for the future of Sourbank Farm.

There is no demonstrated reason why this application cannot be treated as a departure from Policy DP4. This application should not just be dismissed on a point of strict non-compliance with this policy and all the relevant and significant material considerations must be considered.

Finally, it has been demonstrated through the original submission and the consideration in the Officer's Handling Report, that in all other respects the proposed development is in accordance with those relevant planning policies, subject to conditions to ensure compliance. Furthermore, there are no other material considerations or matters raised by third parties, which would outweigh the merits and benefits of the proposed development.

**It is a statutory requirement that all planning applications must be considered on their own planning merits against planning policy and other material considerations.**

**The proposed residential development of this site is demonstrated to be acceptable when considered against national planning policies, the aims of the MLDP, and taking into account the material planning considerations presented in the submission and within this Statement.**

**It is therefore requested that the Local Review Body allow this application, considering this robust and detailed justification, which demonstrates that this house development can be delivered to the benefit of the future survival and success of Sourbank Farm, to the benefit of the local rural economy and community, and without any significant or adverse impact upon the surrounding rural landscape.**





APPENDIX 1: NATIONAL POLICY AND GUIDANCE RELATING TO HOUSING IN RURAL AREAS		
POLICY AND GUIDANCE DOCUMENT	STATEMENT OF POLICY	COMMENTS
<b>NATIONAL PLANNING FRAMEWORK 3: NPF3</b> NPF3 provides a statutory framework for Scotland's long-term spatial development	<p>The overall planning vision is to have growth that can be achieved that respects the quality of environment, place, and life. It seeks to ensure sustainable growth in Scotland and to create <i>'sustainable, well-designed places and homes which meet our needs.'</i></p> <p>Increased population growth is vital to sustain rural communities.</p> <p><b>NPP3 seeks to ensure that development in rural areas is not unnecessarily constrained and sees a continuing need for new housing and a flexible approach in achieving this.</b></p>	<p>This development to provide succession housing is necessary to meet a specific housing need. A flexible approach to considering this application is in the spirit of NPF3.</p>
<b>NATIONAL PLANNING FRAMEWORK 4: NPF4</b> NPF4 will provide the future statutory framework for Scotland.	<p>Reference is made to the <b><i>'need for policies to reflect diverse housing and accommodation needs, including those living in rural communities.'</i></b></p> <p>Reference is made to <b><i>'providing greater flexibility for housing development that provides accommodation for rural businesses.'</i></b></p>	<p>Reference is made to consultation responses relating to the specific matter of succession for farms.</p> <p>NPF4 makes it clear that there is a need for policy to cater for the housing needs of all, including those to support the rural economy and businesses.</p>



	<p><u>Background Research Findings:</u></p> <p>1. <b><u>Consultation Analysis</u></b> reference is made to the issue of succession housing for rural businesses being raised and the need to explicitly recognise that building a new home in the countryside is justified when it will enable a farmer to retire and transfer a farm to the next generation.</p> <p>2. <b><u>Rural Planning Policy to 2050 (research to inform the Preparation of NPF4)</u></b> reference is made to the recurrent theme of importance of housing for the sustainability and development of rural businesses:</p> <p><b>“Housing is key. Our big challenge is workforce. We don’t have the workforce that we need .... Housing continues to be a major challenge that can hold back succession planning for a farm and prevents new entrants from taking on farms. By extension, it also sometimes keeps elderly farmers working beyond times in their life when this is optimal.”</b> (Gemma Cooper, Head of Policy Team, National Farmers’ Union Scotland)</p> <p>Under Objective 3: Housing and Settlement</p>	
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	<p>Housing has a fundamental role in relation to the rural economy and in the sustainability of rural communities. The research results indicate that this is widely held to be a transformational form of development because of its centrality to the wider development prospects of an area. Its significance relates to supporting schools and services, providing a local workforce, giving people the opportunity to develop businesses, <b>enabling succession planning on farms</b> and other businesses, releasing business expansion, and retaining and attracting economically active people. Affordable and housing and appropriate types of housing are key. The challenges of providing rural housing are multi-faceted (cost, availability of land in the right place, infrastructure, planning, construction sector skills gaps, availability of finance) and require action across a range of sectors.</p> <p>This leads into: <b>Recommendation 5:</b> Planning should also recognise and develop housing policies suited to rural areas, where housing is perceived as a transformational form of development in relation to the wider rural economy and societal needs.</p>	
<p><b>SCOTTISH PLANNING POLICY 2014</b> (revised December 2020)</p> <p>SPP provides the policy framework to deliver the objectives of NPP3.</p>	<p>One of the core values and policy principles is that the planning system should be planned. Another is that planning services should be 'proportionate.'</p>	<p>Through these stated Outcomes, the SPP is therefore in general support of the proposed application in that it seeks to provide an affordable home to support continued sustainable economic growth and</p>



<p><b>CIRCULAR 4/1998: The Use of Conditions in Planning Permissions.</b></p>	<p>It also introduces the presumption in favour of sustainable development and in doing so confirms a set of principles relating to sustainability factors, including that it should be <i>‘flexible enough to adapt to changing circumstances over time’</i> and <i>‘support existing business sectors, taking account of whether they are expanding or contracting.’</i></p> <p>The goal of SPP is a Scotland with a strong economy, homes, jobs and a <i>“good living environment for everyone.”</i></p> <p>Outcome 1 of the SPP is “A successful, sustainable place” supporting sustainable economic growth and regeneration.</p> <p>Outcome 2 of the SPP is ‘A low carbon place’ to be achieved by reducing our carbon emissions and adaption to climate change.</p> <p>Another policy principle of SPP is that development should be design-led; achieved through directing the <b><i>‘right development in the right place.’</i></b></p>	<p>regeneration of this well-established farming business, whilst reducing the need to travel and therefore adapting to climate change.</p> <p>SPP is of direct relevance to this application since the <b><i>‘right development’</i></b> on this site within the heart of the Sourbank farm holding is residential. It is clear from the stated national policies that although the MLDP20 is newly adopted, it has failed to address a specific housing need in its policies. It fails to take on board the link between the provision of housing with a geographical need and sustainable economic growth, sustainable development, and adaption to climate change. It is therefore technically out of date with national requirements. This is a minor departure from those adopted policies but fully in accordance with national policy.</p>	
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<p>Circular 4/1998 provides statements of Scottish policy on use of conditions in planning permissions.</p>	<p>were relevant planning concerns regarding this matter.</p> <p>Paragraph 91 refers to planning control being more concerned with the use of land rather than the identity of the user and therefore question restrictions being placed on the occupancy of a development.</p> <p>Paragraph 95 elaborates on this by stating that there will seldom be any good reason on land use planning grounds to restrict occupancy of houses to a particular type of person (e.g., those already living or working in the area.</p> <p>Paragraph 102 states that where it has been imposed it needs to ensure that it does not prevent future occupation by a retired agricultural worker or their dependents.</p>
<p><b>Letter from the Scottish Government Chief Planner - 4 November 2011 – Occupancy Restrictions and Rural Housing</b></p>	<p>Clarification was given to the use conditions or legal agreements to restrict occupancy on new houses in the countryside.</p> <p>Restates that SPP promotes a positive approach to rural housing and requires development plans to support more opportunities for small-scale housing</p>





	development in all rural areas, including housing which is linked to rural businesses.  Confirms that: <b><i>The Scottish Government believes that occupancy restrictions are rarely appropriate and so should be avoided</i></b> and that, <b><i>'Where the authority is satisfied that an adequate case has been made, it should not be necessary to use formal mechanisms to restrict occupancy.'</i></b>	
<b>CIRCULAR 3/2012: Planning Obligations and Good Neighbour Agreements.</b>  Circular 3/2012 provides statements of Scottish policy on planning obligations and good neighbour agreements.	<p>This reinforces the 2011 Letter from the Scottish Government's Chief Planner (see above).</p> <p>Paragraph 49 refers to the historical use of restrictions on the use of housing in rural areas involving the requirement for legal agreements.</p> <p>It is advised that these can <b><i>'introduce unnecessary burdens or constraints'</i></b> and that these <b><i>'are rarely appropriate and so should generally be avoided.'</i></b></p> <p>It further states that <b><i>'where the authority is satisfied that an adequate case has been made, it should not be necessary to use a planning obligation as (formal mechanisms to restrict occupancy or use.'</i></b></p>	



APPENDIX 2: SCOTTISH LOCAL PLANNING AUTHORITIES (LPAs): LDP POLICIES AND GUIDANCE FOR HOUSING FOR FARM ENTERPRISES AND FARM WORKERS		
RURAL LOCAL AUTHORITY AREAS	DATES OF CURRENT LDP/ PROPOSED LDP	POLICY & SUPPLEMENTARY GUIDANCE (SG)
Aberdeenshire	2017	R 1 – Supports accommodation within the immediate vicinity of the place of employment. R 2 – Supports single homes permitted for the retirement succession of a viable farm holding.
	2021	R 1.2 – Supports accommodation within the immediate vicinity of the place of employment required for a worker in a primary industry, where the presence of a worker is essential to the efficient operation of the enterprise. R 2.15 – Supports single homes permitted for the retirement succession of a viable farm holding within or in immediate vicinity to the main farm hub.
Angus	2016	SG - Supports development of a single house to meet an essential worker requirement for the management of the land or other rural business, or for a retired farmer.
Argyll & Bute	2015	DM1 – Supports development directly supporting agriculture. SG – Supports single houses in open/undeveloped countryside where a specific locational/operational need.
	2021	02 – Support same as 2015.
Cairngorms National Park Authority	2021	1.3 and SG – Supported for housing that is necessary for or improve the operational and economic viability of an active business which has a locational requirement directly linked to the countryside.



Clackmannanshire	2015	SC23 – Supports accommodation where it is demonstrated there is a requirement for a countryside location. SC24 – Supports accommodation where it is demonstrated that the proposal is integral to, and is necessary for, the full-time management of an existing and well-established countryside business or activity such as farming.
Dumfries and Galloway	2019	H3 – Supports housing essential for the needs of agriculture or other business requiring a rural location. SG – <i>'Farming continues to be a significant component of the rural economy and it is important that planning policy continues to support the operational needs of farming enterprises'</i> Section 4 – Supports housing for the succession planning of a viable farm holding.
East Ayrshire	2017	RES 6 – Supportive of new build houses for agricultural workers
East Dunbartonshire	2017	6 - Single Houses within Green Belt only permitted for a full-time worker in an agricultural or other appropriate countryside enterprise who is required to be present on site.
	2021	12 – Single houses in Green Belt only permitted for a full-time worker in an agriculture or other farming related work.
East Lothian	2018	DC4 & SG – Supports new build housing in the countryside in the case of a single house that is a direct operational requirement of a viable agricultural business.
East Renfrewshire	2015	D3 – Consider sympathetically development related to agriculture. SG – New dwelling house only permitted in Green Belt and countryside where specific properly evidenced need to be in that location in the countryside, account taken of conversion or other site, required for person working full-time in agriculture or other appropriate rural use, for a viable business.
	2021	D3.3 - New build housing in the countryside supported where for workers engaged in an existing rural business, where demonstrated that there is a direct operational requirement.



Eilean Siar	2018	DS1 – Allows housing if of high quality. PD3 – Housing not allowed unless it is demonstrated that there is a need for housing in the specific area.
Falkirk	2020	HC05 – Supports housing required for the pursuance of agriculture for which a countryside location is essential. SG01 – As above
Fife	2017	8 – Supports accommodation where it is essential to support an existing rural business
Highland	2012 – Highland Wide	35 & 36 & SG – Exceptions for housing in countryside outlined as where it is essential for land management or family purposes related to management of the land. Is a dwelling for a retiring farmer and their spouses.
Inverclyde	2019	14- Development only permitted where it is associated with agriculture and justified.
Midlothian	2017	RD1 – Permitted if required for the furtherance of agriculture, need is shown that cannot be met within an existing settlement and that the occupier will be employed full-time in the associated countryside activity. SG – As above and states that the most common reason for such houses are on site presence for security and animal husbandry.
Loch Lomond and Trossachs National Park	2017	2 and SG –New housing is supported where it is demonstrated as necessary to support the sustainable management of an established rural business or newly formed croft. Affordable housing may be supported in some instances where this forms part of a long term far or estate-wide business management plan.
<b>MORAY</b>	2020	DP4 – No policy or exceptions allowed.



North Ayrshire	2019	Countryside Objective Policy – Supports proposals outwith towns and villages for ancillary development for existing rural businesses and uses, including housing for workers engaged in agriculture.
North Lanarkshire	2012	NBE3 – Allows housing for farm units if need demonstrated.
	2018	PP4 & PP5– Accommodation supported if demonstrated to support a Green Belt appropriate use.
Orkney Islands	2017	Vision – Support for delivering new houses for farmers, crofters, and agricultural workers where they are needed. 5E – Supports single houses where involves provision for a rural business where 24-hour supervision is an operational requirement or to allow for the retirement succession of a viable farm holding. SG – Support and requirements for submission of application.
Perth and Kinross	2019	19 – Support for single houses with proven economic need. 43 – Permitted where is essential for agriculture operations. SG – New houses in the open countryside with reference to genuine need being considered favourably e.g., economic activity, including agricultural workers.
Renfrewshire	2014	No policy or exceptions allowed.
	2021	ENV1 – New housing in Green Belt where there is a need to support an established green belt activity, including in support of agriculture uses.
Scottish Borders	2016	HID2 – Housing with a location essential for business may be acceptable, including with a direct operational requirement of an agricultural enterprise appropriate to the countryside and for a worker predominantly employed and presence is essential for the efficient operation, or for succession.
	2020	HID2 – Support same as 2016.





Shetland Islands	2014	No policy or exceptions allowed.
South Ayrshire	2014	Rural Housing – Supports housing to meet rural business requirements. SG – May give favourable consideration to the provision of on-site residential accommodation for a worker employed in an existing rural business.
	2020	B8 – Supports new housing in the countryside that accords with Rural Housing policy and SG. SG Rural Housing – Supports a new home that is essential to a rural business that is economically viable.
South Lanarkshire	2021	4 – Within countryside, there needs to be a specific locational requirement and established need.  GBRA10 & SG – Support with circumstances where a house in the rural area is required for a person employed in a rural business where the nature and demands of the work associated with the business necessitate someone close by. Traditionally this has related to housing for agricultural workers.
Stirling	2018	2.10 – Support for new houses outwith existing groups or infill situations for a single house at a specific type of site for a specific purpose are supported. Support given to single houses in the Green Belt, where associated with agriculture. SG – Support if demonstrated that there is a genuine need to be housed in the vicinity for agriculture in an established rural business where there is a clear operational need.
West Dunbartonshire	2010 & 2015	WC1 – Support for development in wider countryside if required for the purposes of agriculture. DS2 – Development outwith the urban area will be restricted to development associated with agriculture, including new houses justified as required to support that use.
	2020	GB1 – Support for development in Green Belt and countryside restricted to development associated with agriculture, including residential developments.



West Lothian	2018	ENV2 – Supported if by lowland crofting policy. ENV7 – Supported if demonstrated there is a specific locational need which cannot be met elsewhere and need for incursion into the Countryside Belt can be demonstrated.
<p><b><u>KEY</u></b></p> <p><b>Green</b> – LPAs with policies and guidance (SG) supporting housing related to farm enterprises and farm workers.  <b>Red</b> – LPAs with no policies or guidance (SG) supporting housing related to farm enterprises and farm workers.</p> <p><b><u>EXPLANATORY NOTES:</u></b></p> <p>Table includes 29 out of the 32 Local Planning Authorities and both National Park Authorities. The remaining 2 Local Planning Authorities (Edinburgh, Glasgow, and Aberdeen City) are all predominantly urban and where Green Belt areas exist, policies allow development associated with appropriate Green Belt uses, e.g., agriculture.</p> <p>Where there are 2/3 dates for LDP; the first date is that of the adopted LDP and the second date is that of the Proposed Plan (either awaiting submission to DPEA or awaiting examination)</p>		



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Planning Department  
The Moray Council  
High Street  
ELGIN, IV30 1BX

29<sup>th</sup> November 2020

Dear Sir/Madam

### **RE. Erect 1.25 Storey Dwelling House at Sourbank, Rafford, Forres, Moray, IV36 2SL**

This is a resubmission of Planning Application 19/01599/APP. The original application was withdrawn on 24/03/20 to allow time to address the Local Plan requirements it did not meet and the visibility issues with the vehicle access from the U102E Public Road and the U102E junction with the B9010.

In accordance with The Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004, as this application (which is of “the same character or description of development on the same site”), is being submitted within 12 months of its original submission date of 10 December 2019, there is no fee requirement.

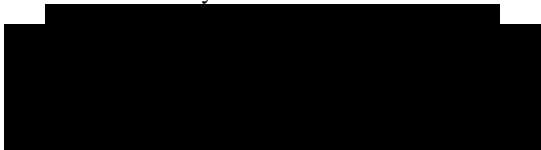
Following the withdrawal, a Planning Consultant was engaged to address the issues identified and any subsequent issues that may arise. The consultations with the Moray Council and other statutory bodies are now complete and we are in a position to resubmit the Planning Application.

The following drawings and supporting documents have been submitted as part of the e-Planning application on behalf of the applicants, G & AG Proctor

GRP/09/19/001A - Location Plan (A4 size)  
GRP/09/19/002C - Site Plan (A1)  
GRP/09/19/003A – Floor Plans (A1)  
GRP/09/19/004A – Elevations (A1)  
GRP/09/19/005A – Garage Plans (A1)  
GRP/09/19/006A – House Section (A2)  
GRP/09/19/007 – B9010/U102E Junction (A3)  
Visual Impact Photos (A4)  
Client's Design Statement dated 8<sup>th</sup> December 2019.  
Agricultural Needs Assessment by Bowlts (TO BE KEPT PRIVATE)  
Planning Supporting Statement Jane Shepherd (TheTownPlanner)  
Site investigation and drainage survey by GMC Surveys  
Culvert Proposal by GMC Surveys

We trust that this is all in order but if you have any queries please do not hesitate to contact this office.

Yours faithfully

A large black rectangular redaction box covering the signature area.

Mr. PM Mitchell

For **PM Designs**



## PM Designs

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FORRES, IV362RW  
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M: 0788 146 2217  
www.pmdesigns.eu

29<sup>th</sup> November 2019

Job No. P/App GRP/09/19

**Re: Proposed Erection of 1.25 Storey Dwelling House at Sourbank, Rafford, Forres, Moray, IV36 2SL**

### Design Statement on Behalf of The Planning Application Applicants

We wish to build an environmentally friendly energy efficient home, whilst keeping it in character with local properties as far as possible, yet still reflecting the era in which it is being built. The house will enable the next generation of the Proctor family to live adjacent to the farmland the family works. The development is sited in the corner of a field owned by our family and is adjacent a cluster of both old and new houses at Sourbank, Rafford.

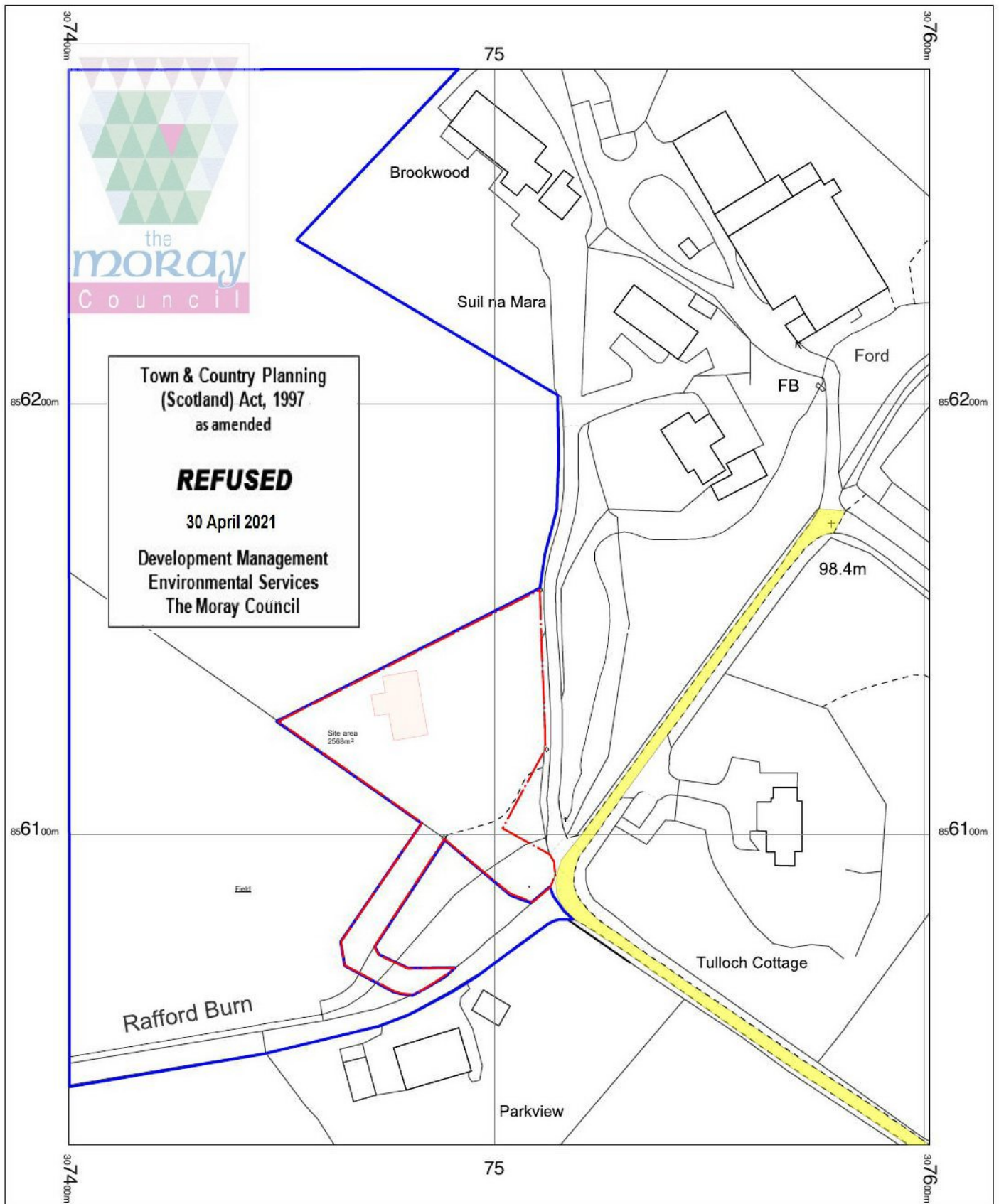
To achieve a sympathetic appearance and energy efficiency we have incorporated the following design features into the proposed building.

1. Timber frame construction with mainly rendered external walls, with some locally sourced larch cladding to compliment the nearby woodland setting and the proposed tree planting. The colours are indicative only but the final shades are unlikely to differ markedly from those shown.
2. The house is 1¼ storey high with a roof pitch of 40.5 degrees and will be covered with reclaimed welsh slate.
3. A high standard of insulation, along with high specification glazing and an air sourced heating system will make this an energy efficient home for the 21<sup>st</sup> century. A wood burning stove will supplement the heating system in the winter months and provide a focal point within the property.
4. A woodland area will be created in the northern corner to provide 25% tree cover and will help to screen the proposed house from neighbouring properties, as well as providing wildlife habitat.



Peter M Mitchell, **PM Designs** (Agent)  
On behalf of the applicants  
G & AG Proctor  
Balnageith Farm,  
Balnagieth,  
Forres,  
Moray,  
IV36 2SX





**Notes**

1. Land subject to this application is indicated thus:-
2. Adjacent land owned by the applicant is indicated thus:-

Drawing Title	Date
Location Plan	28/11/20
Drawing No.	Client
GRP 09/19/001A	G & AG Proctor
Location	OS MasterMap 1250/2500/10000 scale
Sourbank Farm Site, Rafford, Forbes, Moray, IV36 2SL	Wednesday, November 27, 2019, ID: BLJT-00844098
Project Title	www.planningapplicationmaps.co.uk
Erect 1.25 Storey Detached House	1:1250 scale print at A4, Centre: 307501 E, 856153 N
Scale (A4 print)	1:1250

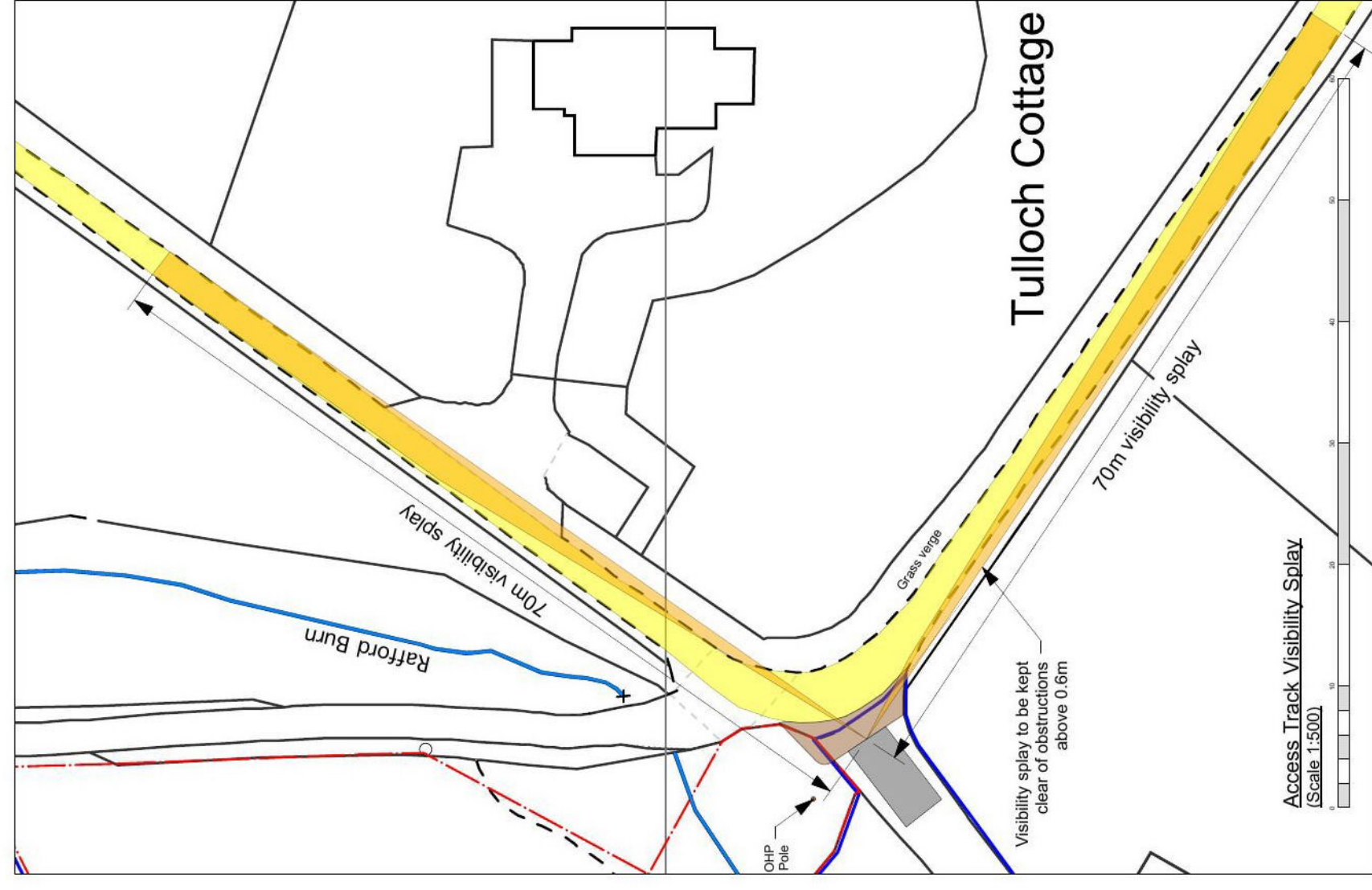
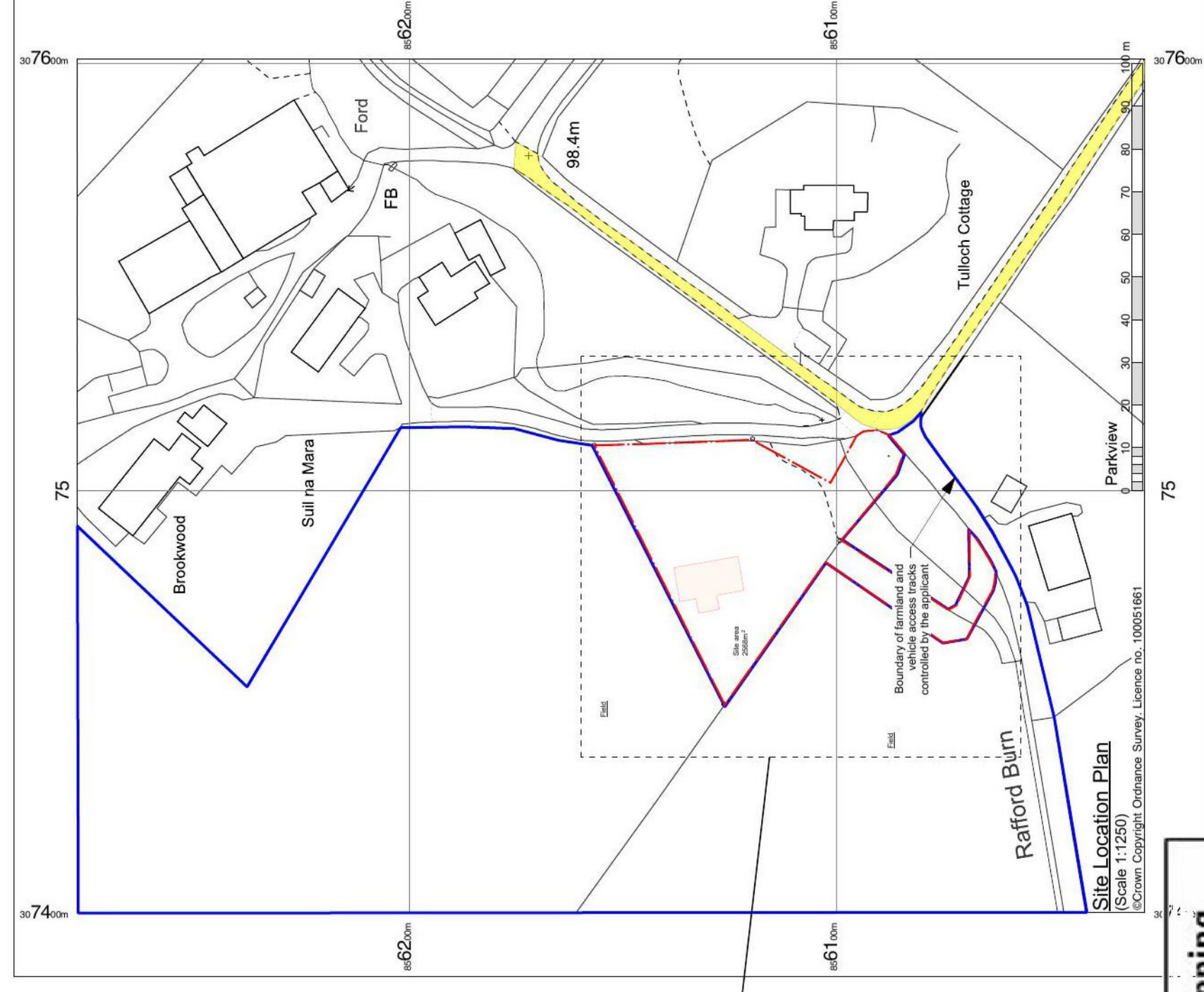
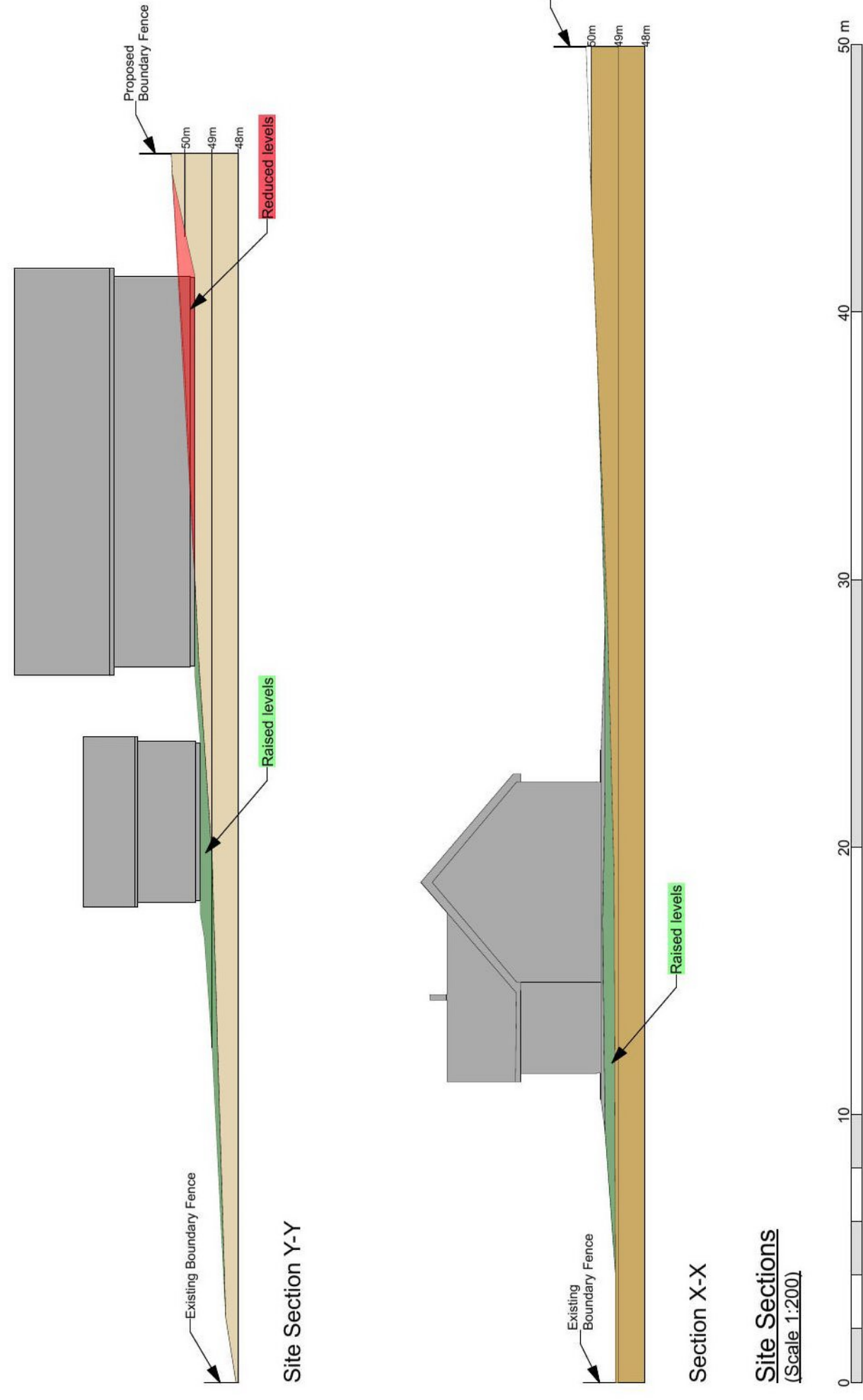
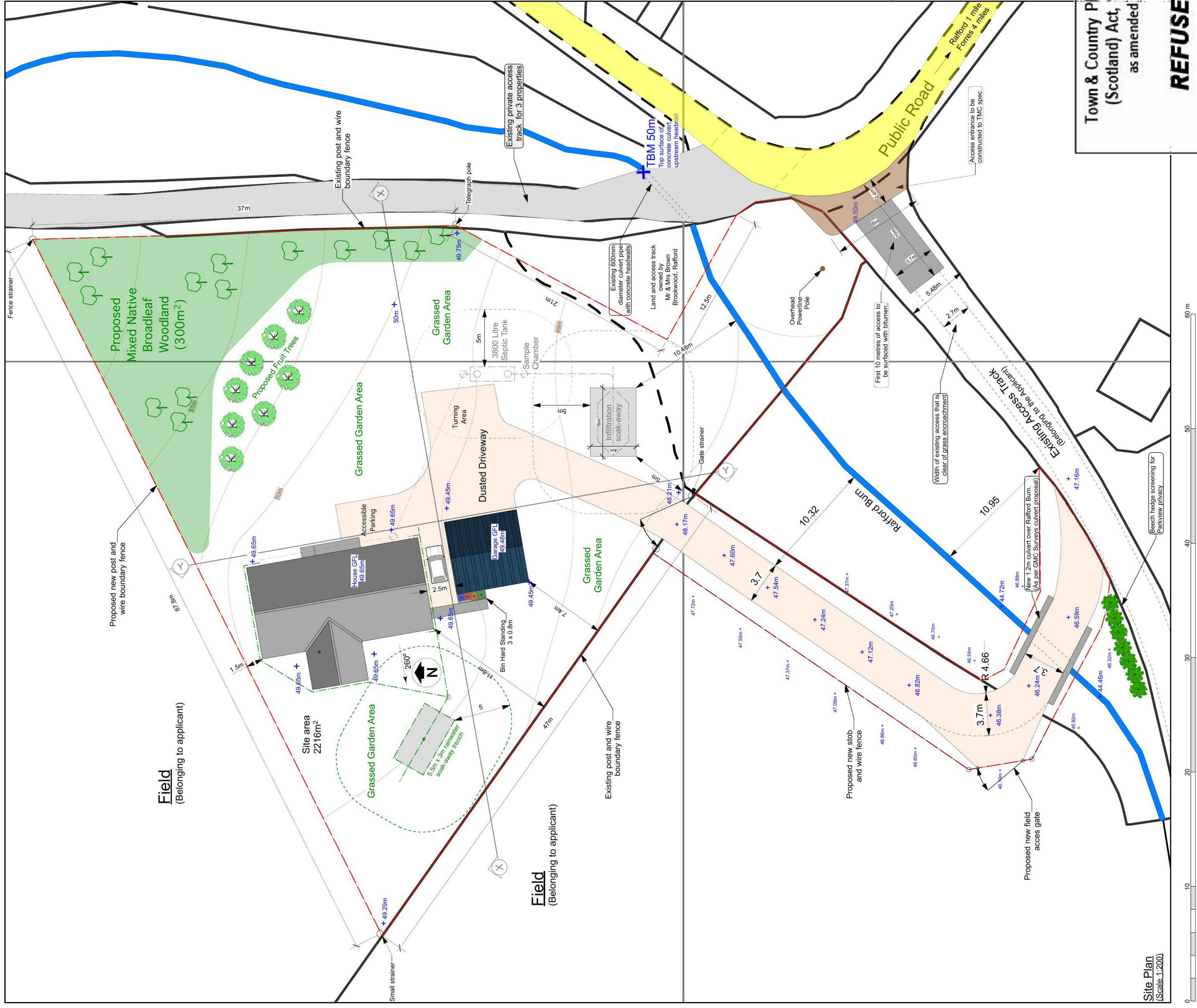
OS MasterMap 1250/2500/10000 scale  
Wednesday, November 27, 2019, ID: BLJT-00844098  
www.planningapplicationmaps.co.uk

1:1250 scale print at A4, Centre: 307501 E, 856153 N

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(Scotland) Act, 1997**  
as amended

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30 April 2021

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Environmental Services  
The Moray Council**

<b>Site Levels</b>  All indicated site levels relate to the Temporary Bench Mark (TBM) datum point located on the top surface of the Rairford Burn concrete culvert upstream headwall adjacent to the access track public road entrance, as shown.	<b>Revisions:</b> A. Landscape detail added to site plan and drainage layout revised following ground survey. B. Revisions superceded. C. New access route and visibility splay	Drawing Title <b>Site &amp; Landscape Plan</b>	Client <b>G &amp; AG Proctor</b>
		Job No. <b>GRP 09/19</b>	Drawing No. <b>GRP 09/19/002</b>
		All Dimensions in Metres A1	Revision: C Job Author/Designer <b>Peter M Mitchell</b>

## Tree Planting Proposal

This site was formerly part of a field and there are no existing trees on it. The planting was done in 1998 and the new plantings made up of native species as follows: **Sliver Birch** to form a 300m<sup>2</sup> broadleaf woodland shown at 1.2 to 1.5m high, at 3m spacing, quantity 50. **Oak** to form part of a 300m<sup>2</sup> broadleaf woodland area shown 0.2 to 1.5m high, at 3.5m spacing, quantity 35. **Apple**, **Pear**, **Cherry** and **Plum** trees, are also to be planted to make up additional tree cover, 1.2 to 1.5m high, at 3m spacing, quantity, 2 per species.

Where top soil depths are shallow the ground is to be top dressed to provide a minimum depth of 300mm.

To prevent damage, all new plantings are to be supported by stakes with pest guards or shelters provided as appropriate.

## Notes

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**PM Designs**

Planning & Warrant Drawings  
For Domestic Buildings

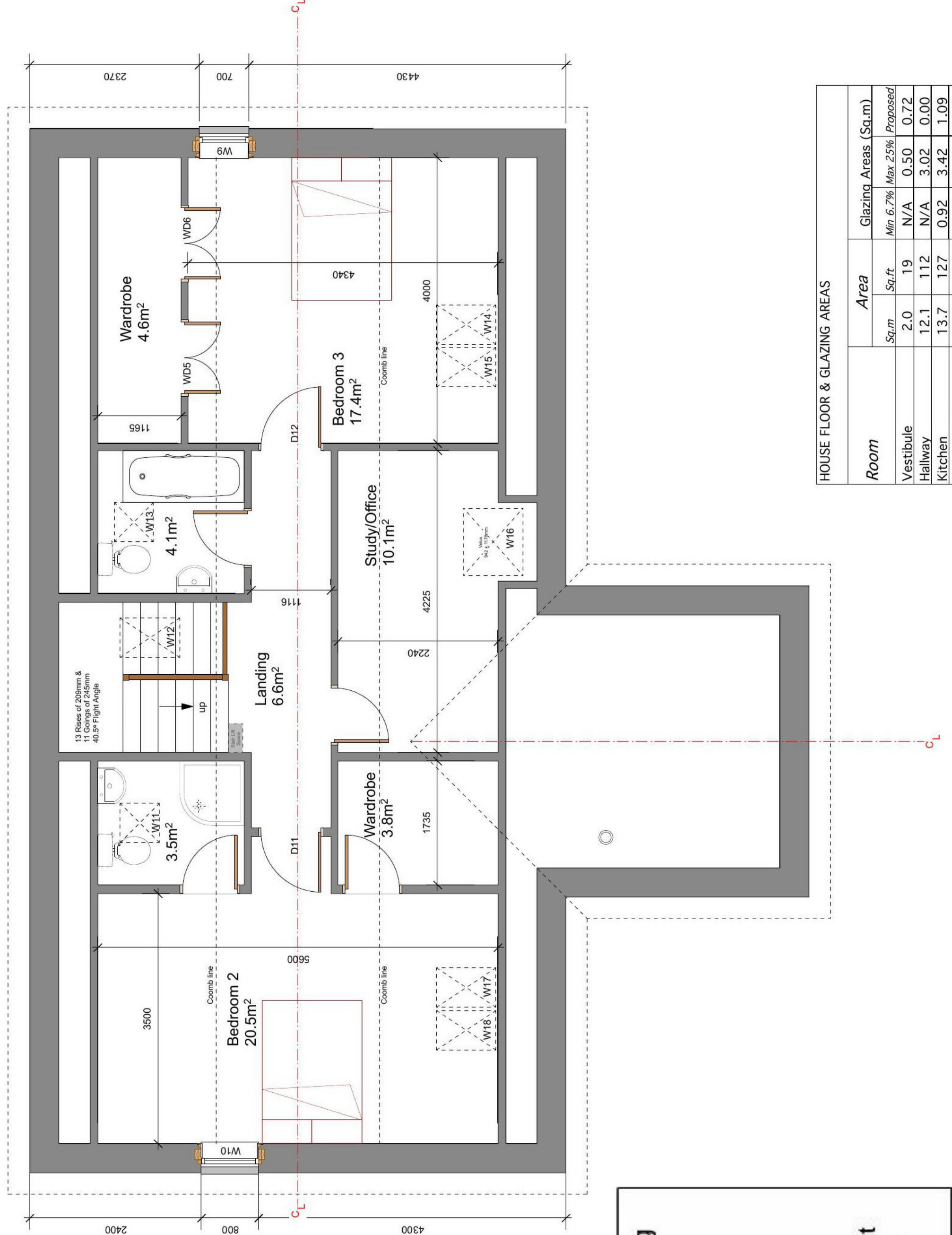
T: 01343 890273	Sonax, Todholes, Dallas, Forres,
M: 07991462217	

M: 079991462217  
Dallas, Forbes,





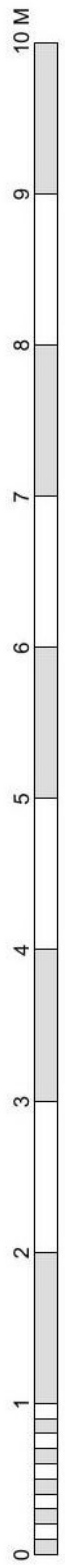
Ground Floor Plan




First Floor Plan

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(Scotland) Act, 1997  
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The Moray Council

Room	Area		Glazing Areas (Sq.m)	
	Sq.m	Sq.ft	Min 6.7%	Max 25%
Vestibule	2.0	19	N/A	0.50
Hallway	12.1	112	N/A	3.02
Kitchen	13.7	127	0.92	3.42
Dining Room	13.7	128	0.92	3.43
Utility Room	6.3	59	N/A	1.58
Utility Toilet	1.8	16	N/A	0.44
GF Shower Room	6.1	57	N/A	1.52
Plant Room	2.4	22	N/A	0.50
Lounge	19.1	178	1.28	4.78
Stairwell	5.0	46	N/A	1.24
FF Bathroom	4.1	38	N/A	1.03
FF En-suite	3.6	33	N/A	0.89
Bedroom 1	10.7	100	0.72	2.68
Bedroom 2	20.5	190	1.37	5.12
Bedroom 3	17.4	161	1.16	4.34
FF Landing	6.6	61	N/A	1.64
FF Study	10.1	93	0.67	2.52
Bed 1 Wardrobe	2.1	19	N/A	0.00
Bed 2 Wardrobe	3.9	36	N/A	N/A
Bed 3 Wardrobe	4.7	43	N/A	N/A
TOTALS	157.1	1460	7.0	36.2





Planning & Warrant Drawings  
For Domestic Buildings  
pete.mitchell@pmdesigns.co.uk  
T: 01463 860273 | 01463 860274  
M: 07928 146217 | Moray, 12/5/2020

- NOTES.
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Related Drawings and Documents  
GRP/09/19/001 Location Plan  
GRP/09/19/002 Site Plan  
GRP/09/19/004 Elevations  
GRP/09/19/005 Garage Plans  
GRP/09/19/006 House Section

Revisions  
A. Change roof pitch to 40.5° (25/08/20).

Drawing Title		Floor Plans		Client
Job No.	GRP/09/19	Drawing No.	GRP/09/19/003	Location
All Dimensions in Millimetres	Revision	Sheet	A	Job Reference
Scale	1:50	Date	25/08/20	Drawn
		Checked	Pete M	Job Title
				Erect 1.25 Storey Dwelling House

G & AG Proctor  
Sourbank Farm Site, Rafford,  
Forres, Moray, IV36 2SL  
Peter M Mitchell

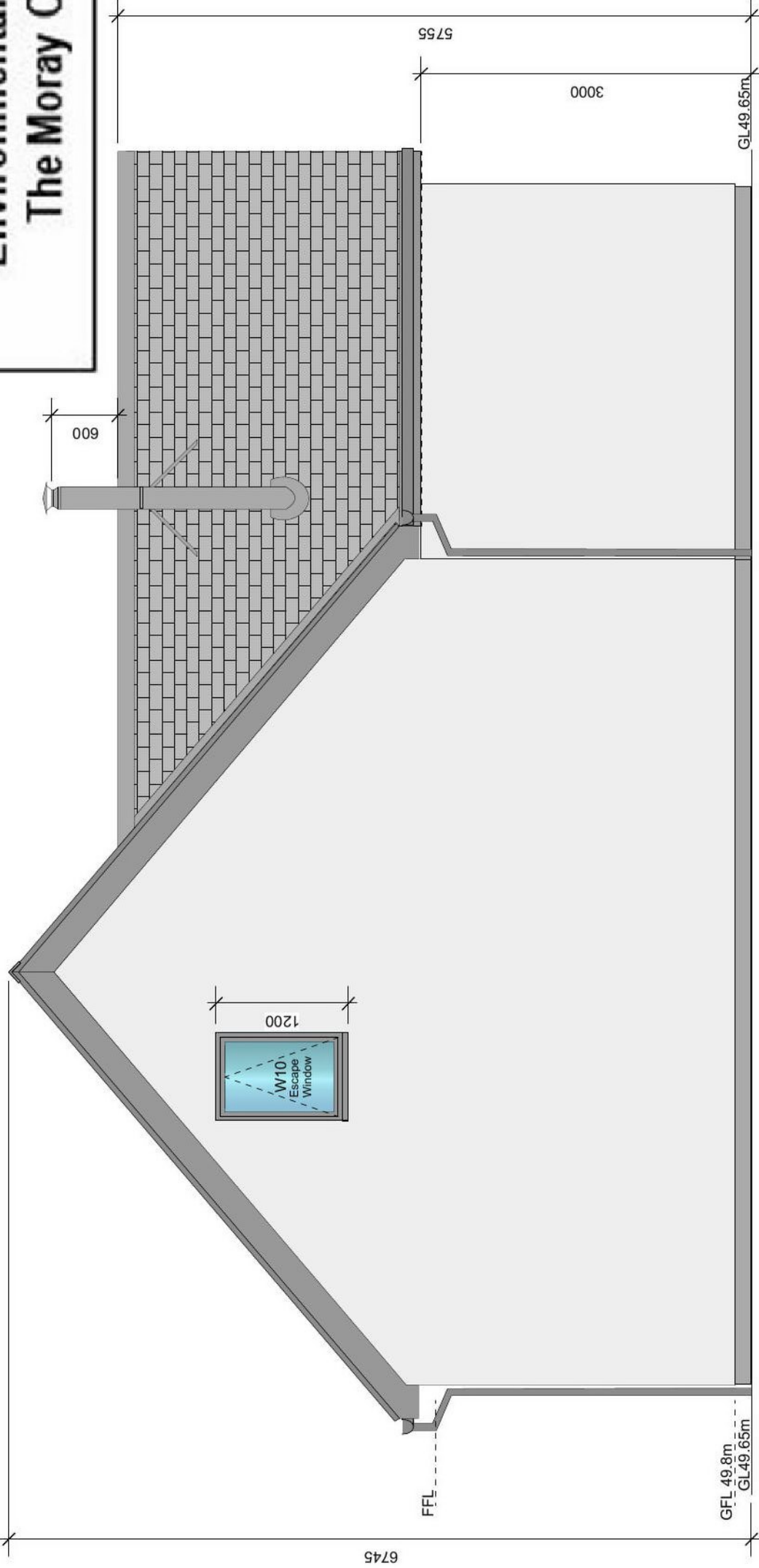


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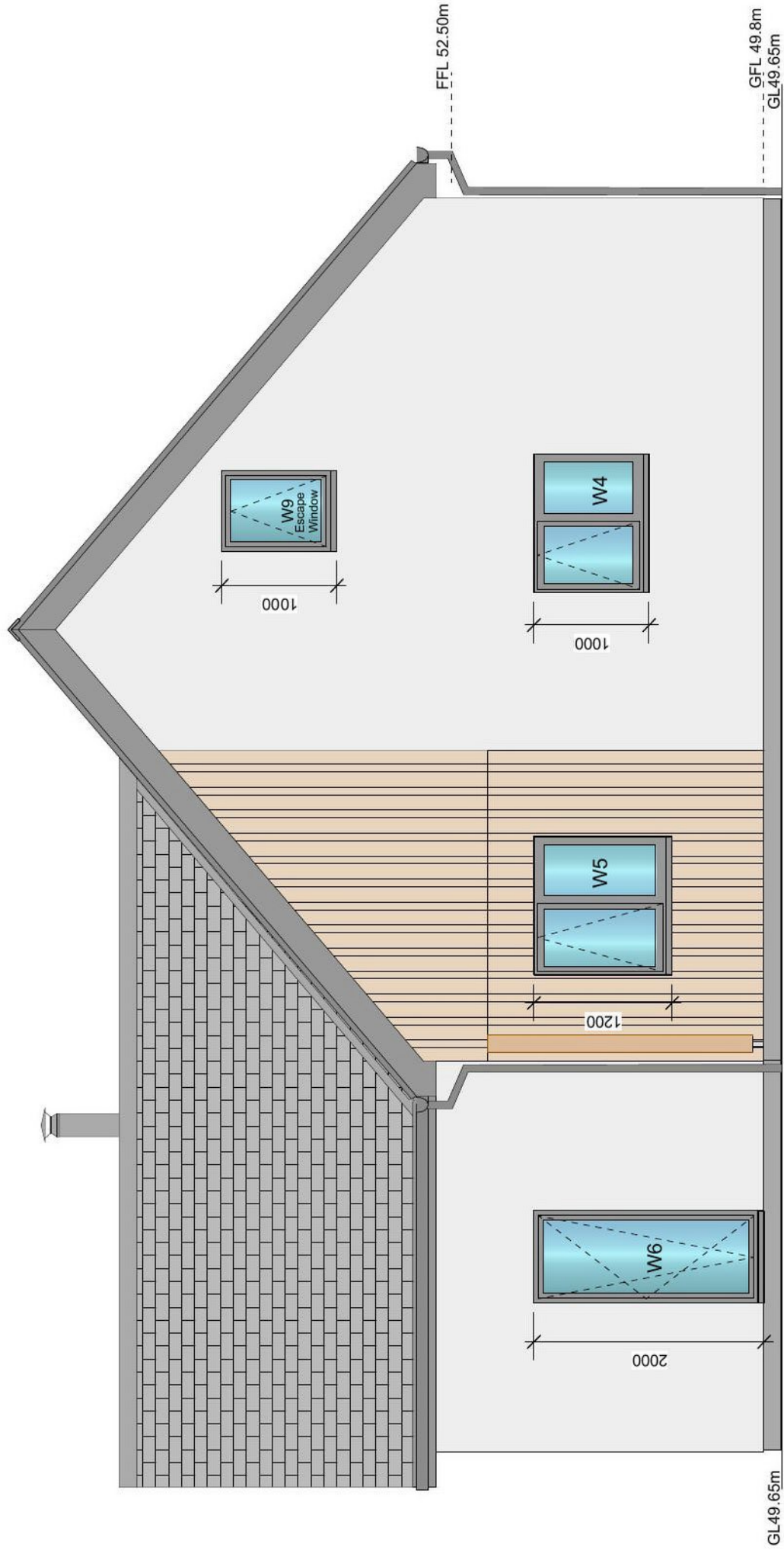


North Elevation

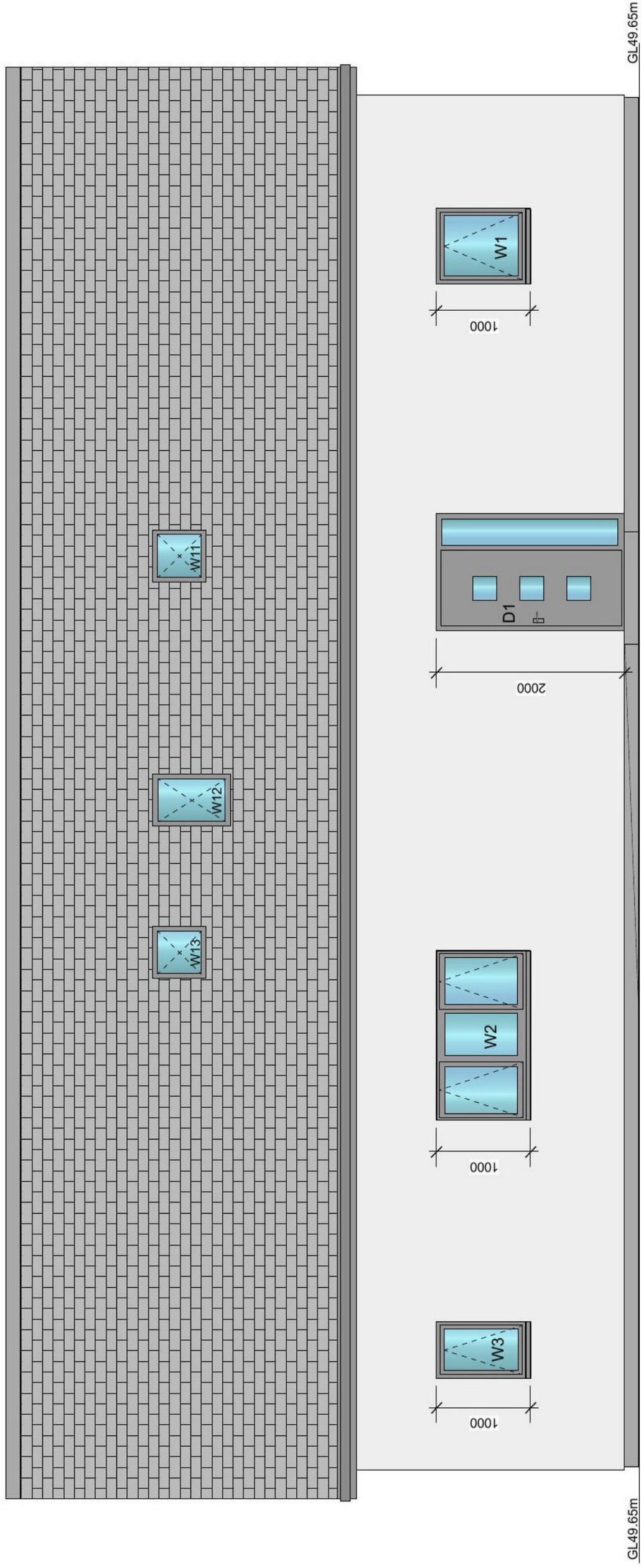


West Elevation

### Elevations



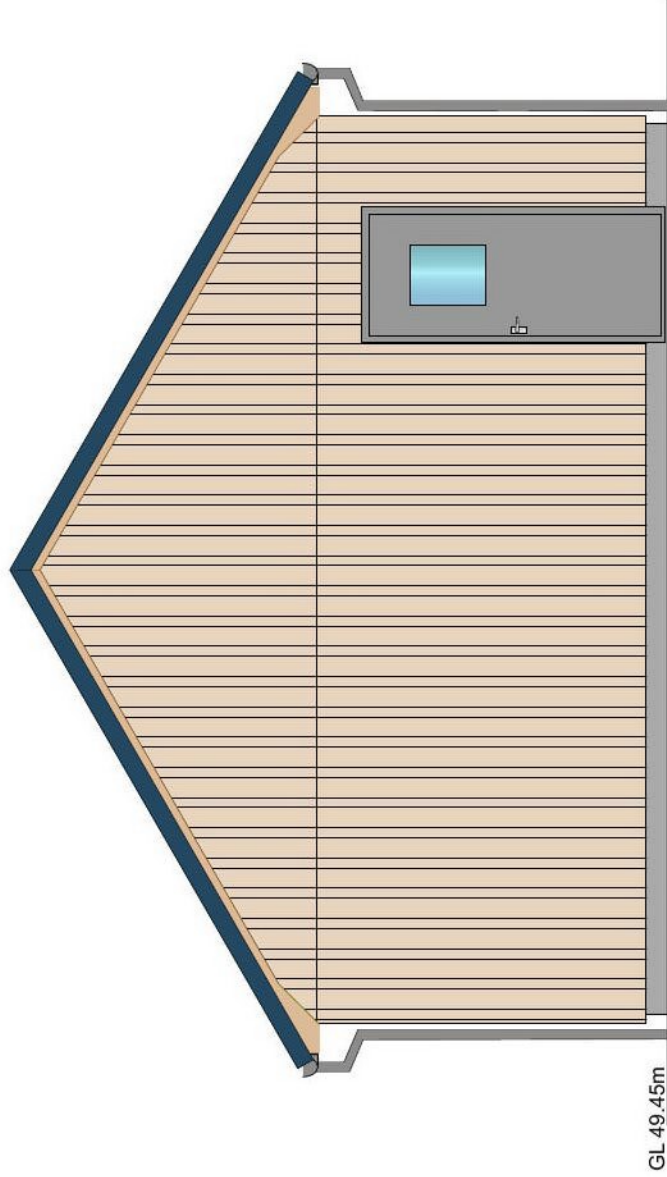
South Elevation



East Elevation



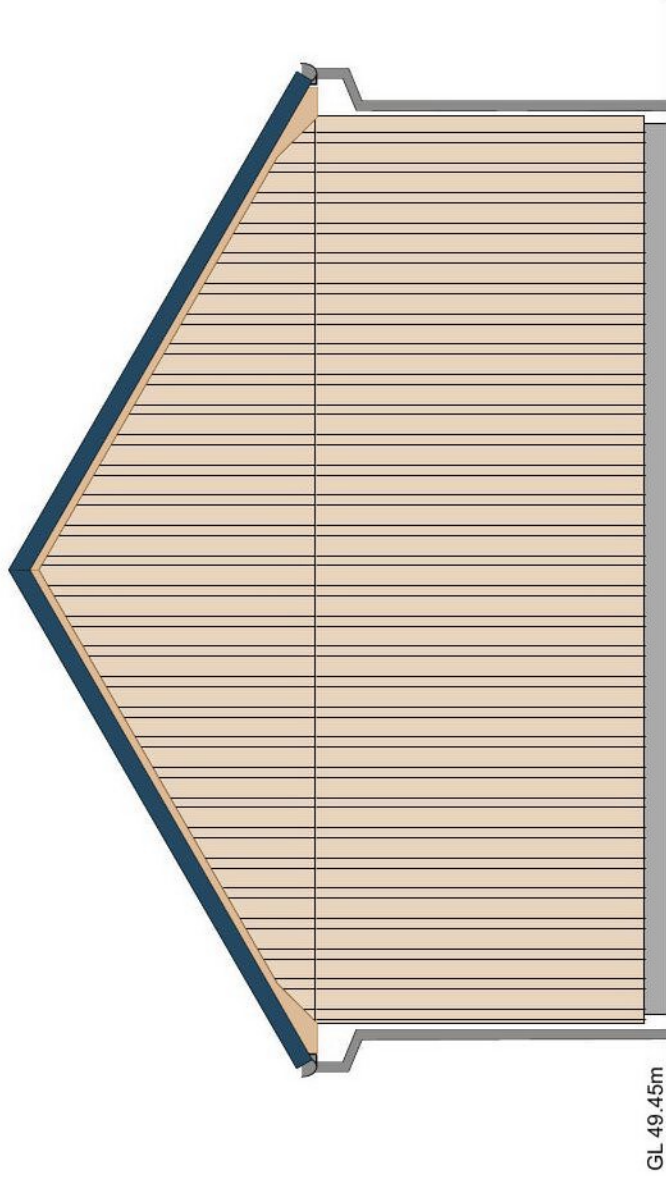




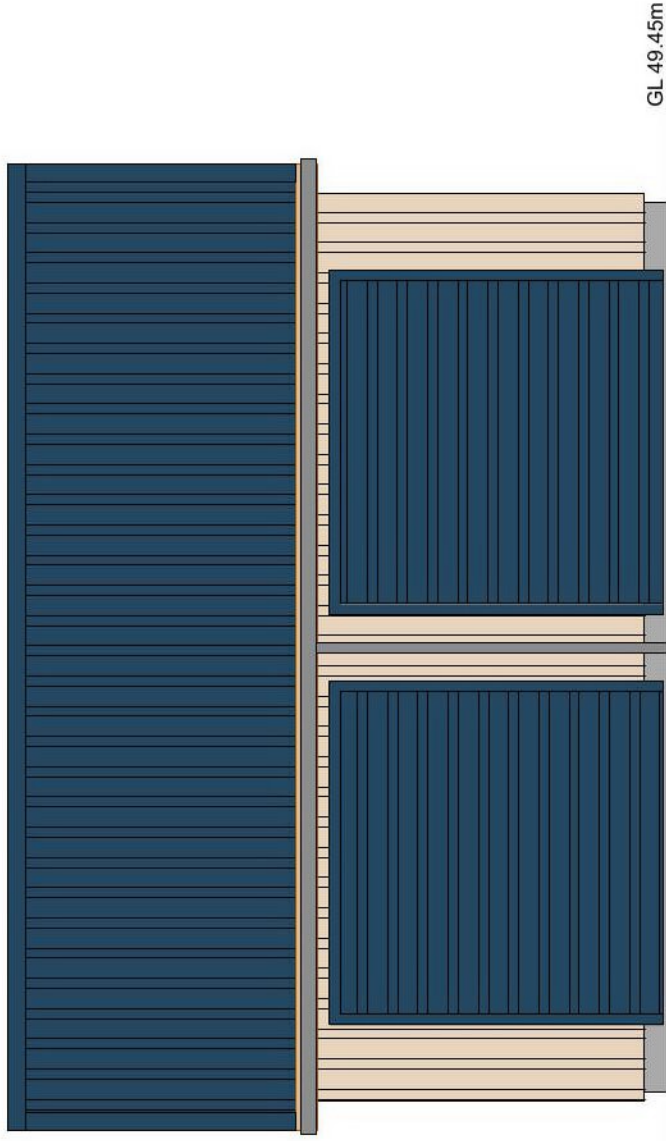
West Elevation



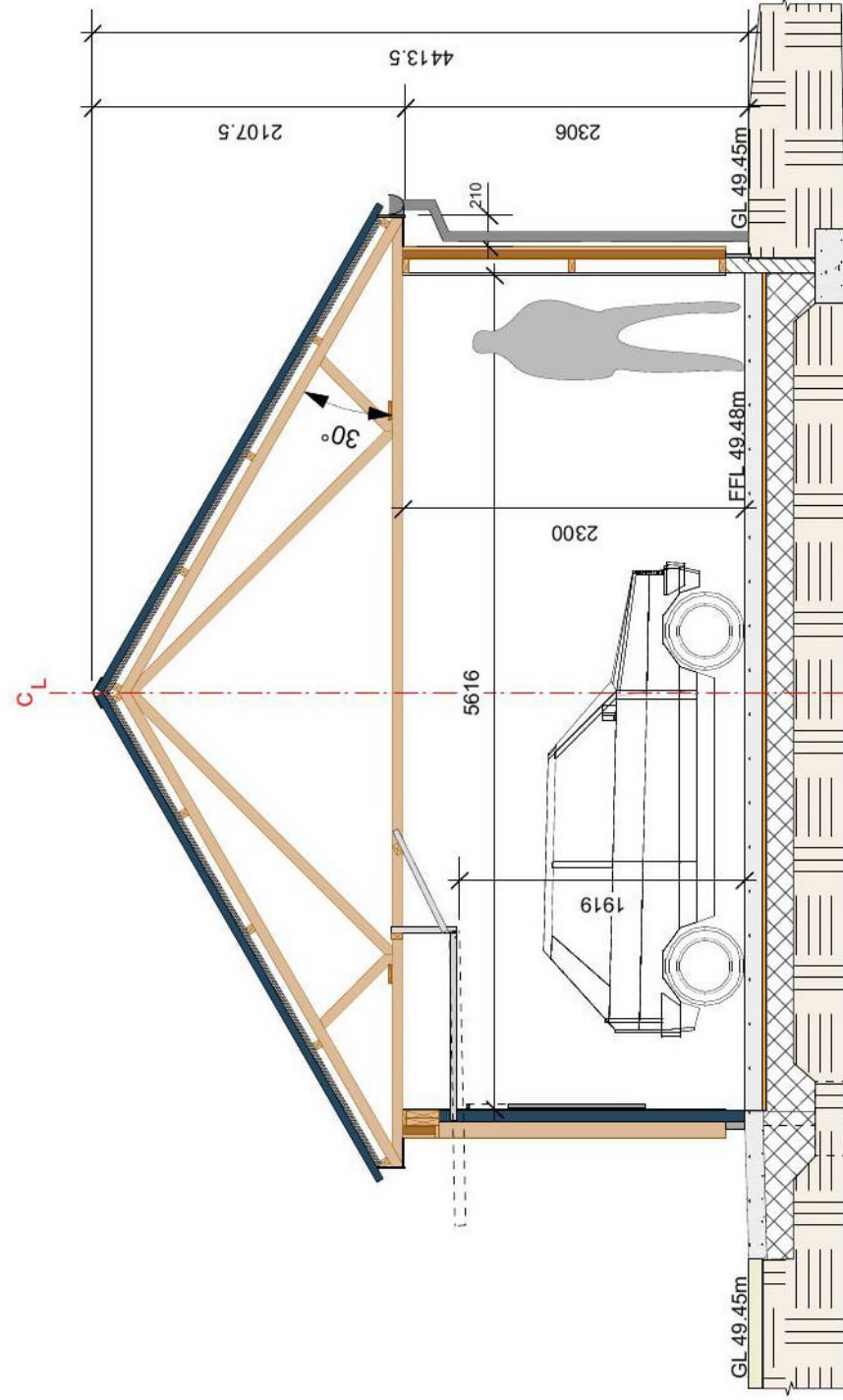
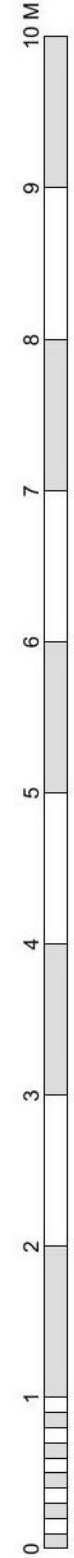
South Elevation



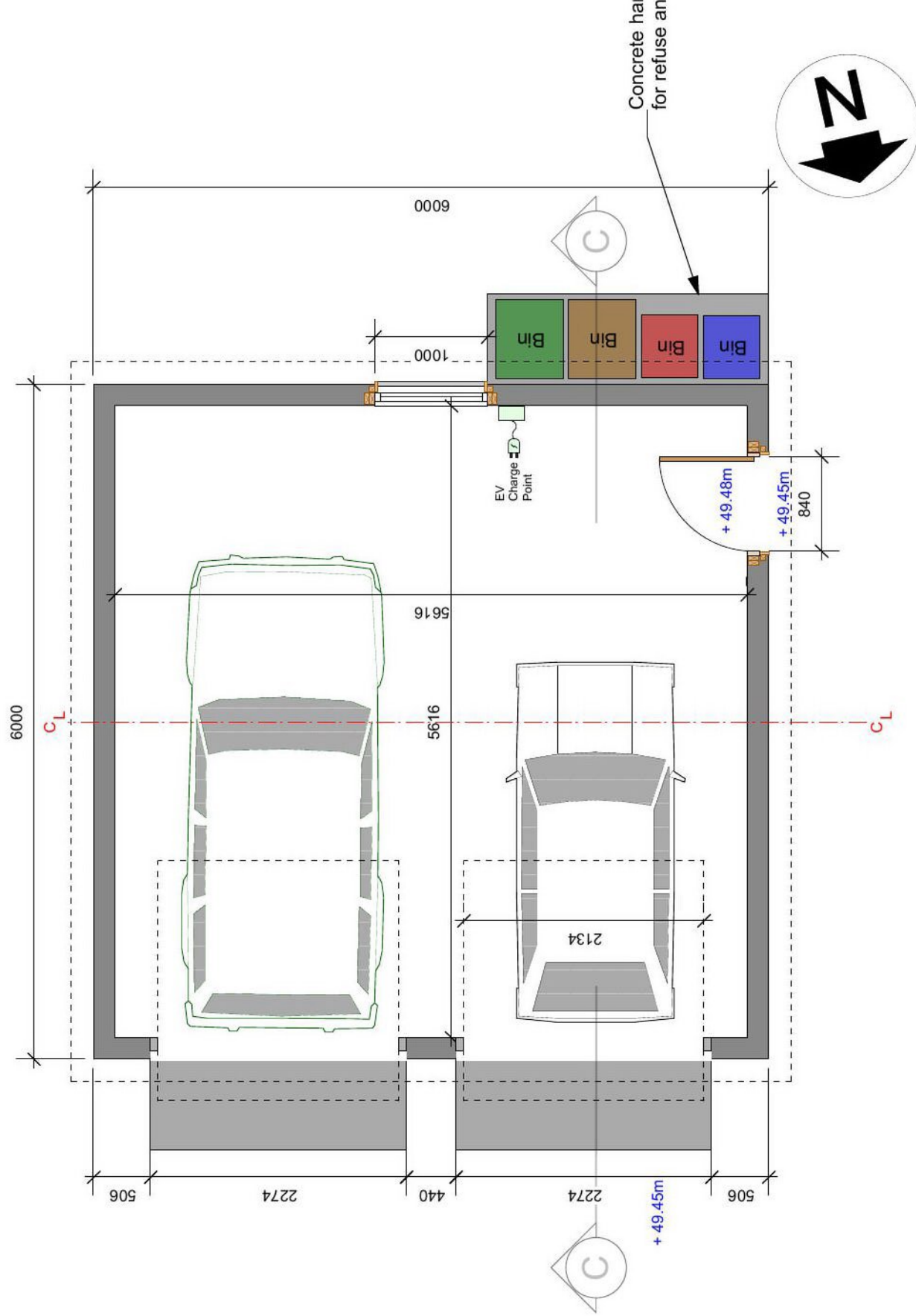
East Elevation



North Elevation



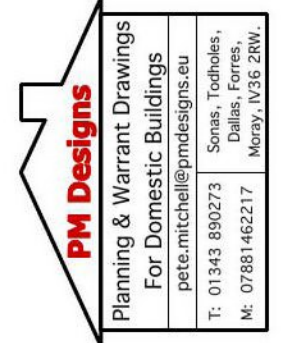
Cross Section C-C



Garage Floor Plan



NOTES:  
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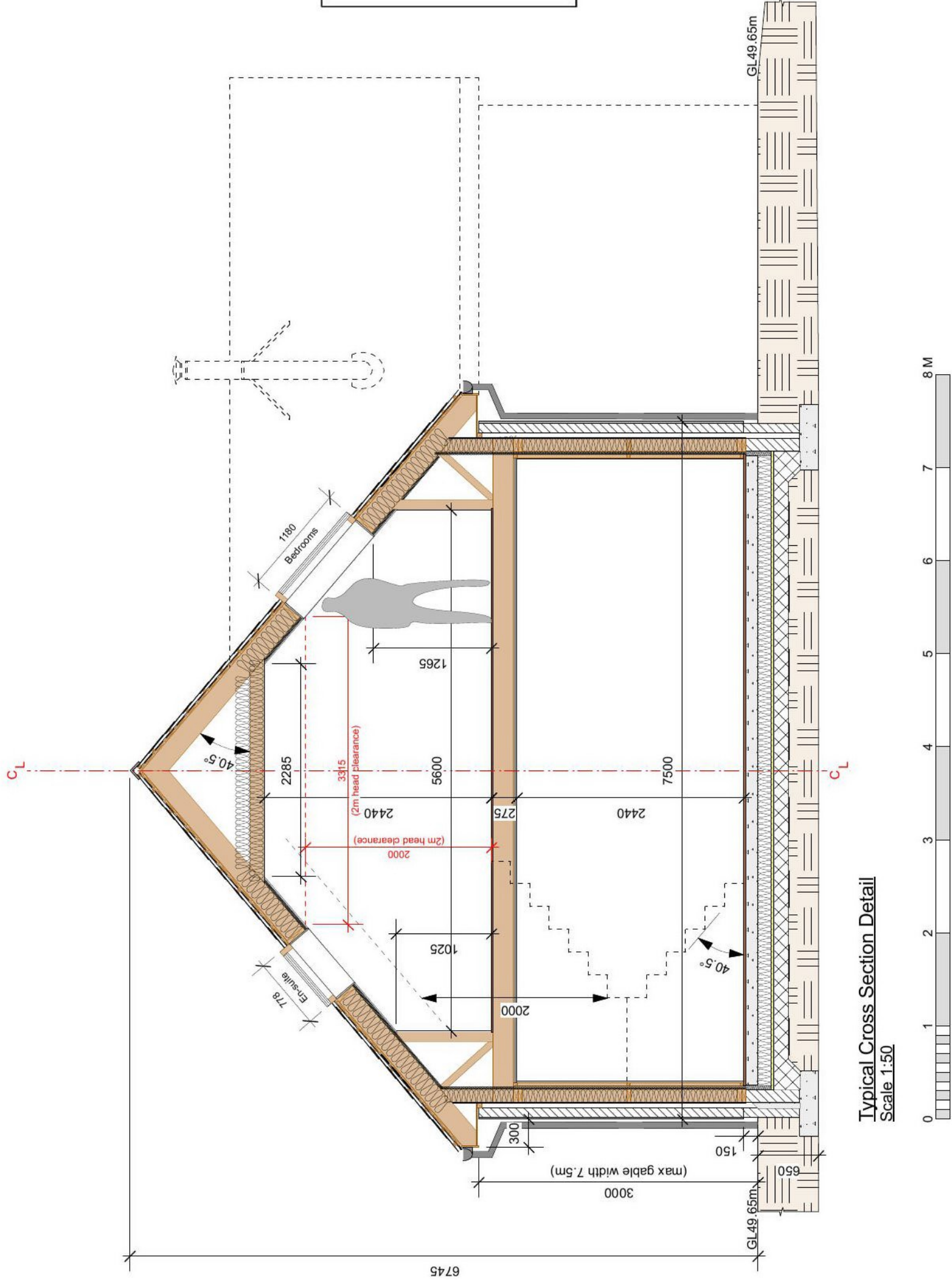
**COLOUR SCHEME**  
**WALLS:**  
T & G larch timber cladding as shown.  
**ROOF:**  
Slate blue planwell profile sheets.

**RAINWATER COLLECTION:**  
Pipes and guttering to be grey as shown.  
**WINDOWS & DOORS:**  
Grey uPVC doors and windows as shown  
**FASCIA & BARGE BOARDS:**  
Natural timber as shown.

**Revisions**  
A. Planning Application revisions 22/11/20

Drawing Title				Client	
Timber Garage Plans				G & AG Proctor	
Job No.	Drawing No.	Location	Job Title	Location	
GRP/09/19	GRP/09/19/005	Sourbank Farm Site, Rafford, Forres, Moray, IV36 2SL	Job Title	Peter M Mitchell	
All Dimensions in Millimetres	Revision: A	Revision: A	Scale	Erect 1.25 Storey Dwelling House	
1:50	28/11/20	28/11/20	1:50		





Typical Cross Section Detail  
Scale 1:50

Town & Country Planning  
(Scotland) Act, 1997  
as amended

**REFUSED**

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For Domestic Buildings

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Sonass, Todhollas,  
Dallas, Forres,  
Moray, IV36 2RW.

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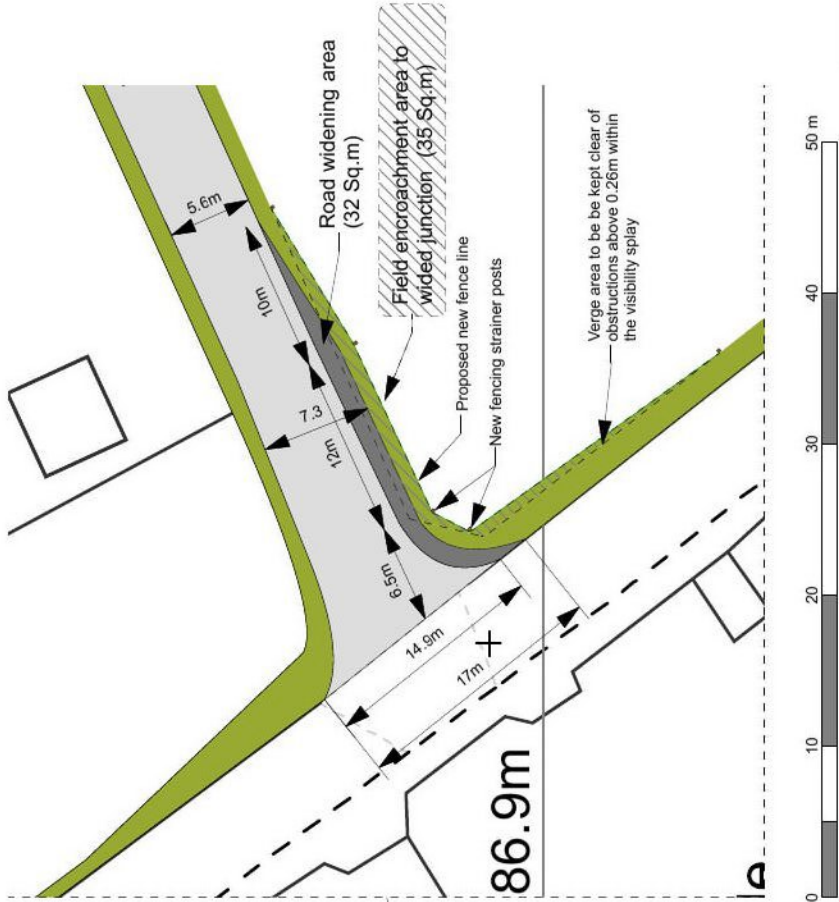
Revisions  
A. Change roof pitch to 40.5° (25/08/20).

Drawing Title				House Section		Client
Job No.	GRP/09/19	Drawing No.		Revision:	A	G & AG Proctor
		All Dimensions In Millimetres	Paper Size A3			
Scale	1:50	Date	25/08/20	Drawn	Pete M	Location Sourbank Farm Site, Rafford, Forres, Moray, IV36 2SL
				Checked		Job Architect/Designer Peter M Mitchell
				Job Title Erect 1.25 Storey Dwelling House		



PM Designs

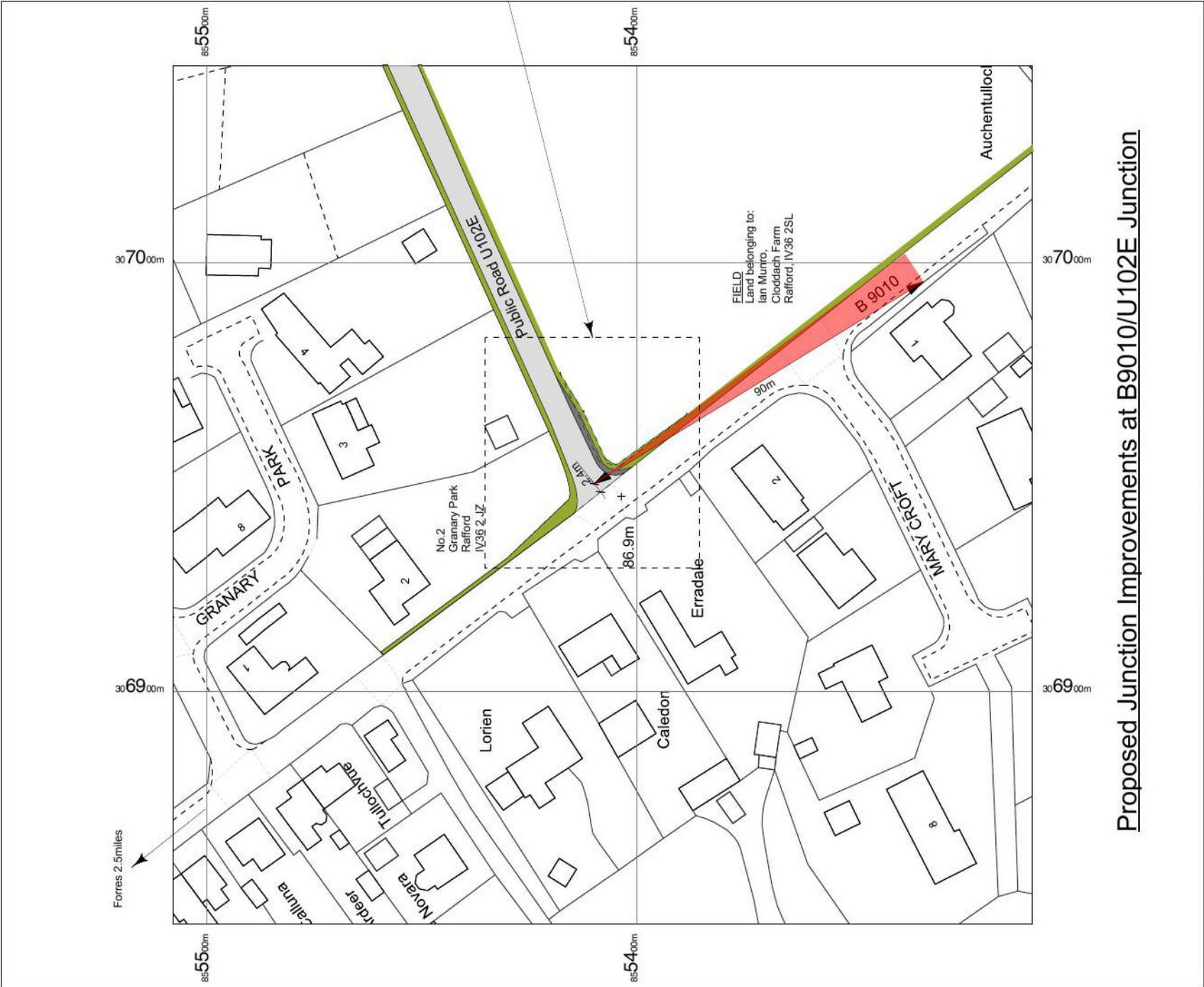
Planning & Warrant Drawings  
For Domestic Buildings  
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T: 01343 890273    Sonas, Todholes,  
Dallas, Forres,  
M: 07881462217    Moray, IV36 2RW.



Proposed Widening Detail of  
B9010/U102E Road Junction  
Scale 1:200

Town & Country Planning  
(Scotland) Act, 1997  
as amended

**REFUSED**  
30 April 2021  
Development Management  
Environmental Services  
The Moray Council



Proposed Junction Improvements at B9010/U102E Junction

OS MasterMap 1250/2500/10000 scale  
Wednesday, June 10, 2020, ID: BLJT-00880942  
www.planningapplicationmaps.co.uk

1:1250 scale print at A4, Centre: 306946 E, 855408 N

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Notes

Client  
G & AG Proctor

Location  
Sourbank Farm Site, Rafford,  
Forres, Moray, IV36 2SL

Job Architect/Designer  
Peter M Mitchell

Job Title  
Erect 1.25 Storey Dwelling House

Drawing Title  
B9010/U102E Junction

Job No.  
GRP/09/19

Drawing No.  
GRP/09/19/007

All Dimensions  
In Metres  
A3

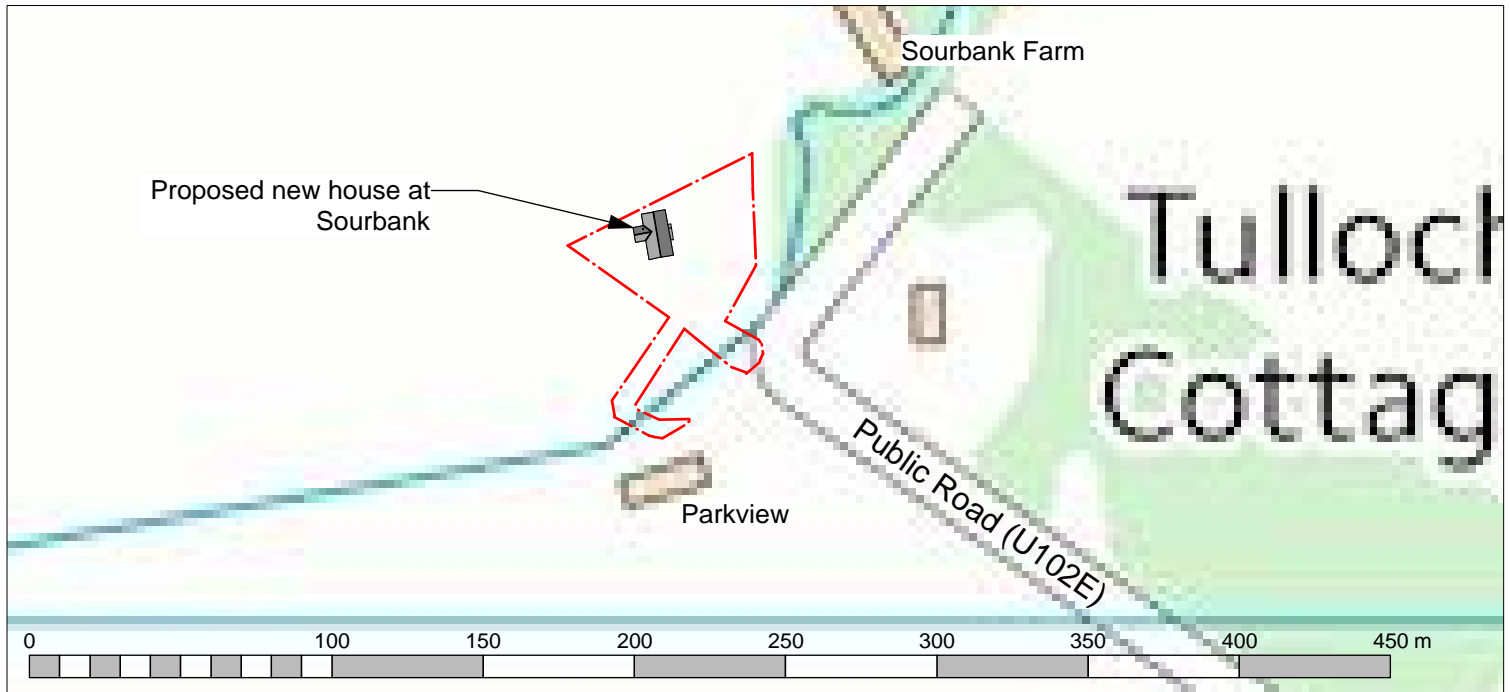
Revision:  
Revision:

Scale  
As Shown

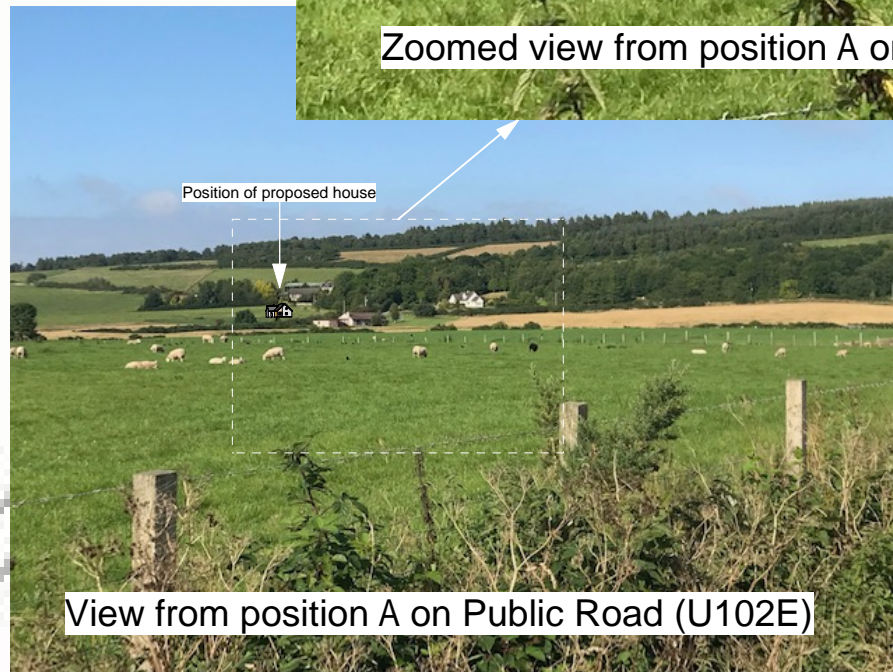
Date  
22/11/20

Drawn  
Pete M

Checked



Zoomed view from position A on Public Road



View from position A on Public Road (U102E)

583m to proposed new house from position A

**A**



Gary Mackintosh  
Email: [gmsurveys@gmail.com](mailto:gmsurveys@gmail.com)  
Tel: 07557 431 702

# gmsurveys

Surveys, Setting-Out Civil Engineering Design

## Site Investigation & Drainage Assessment

SOURBANK, RAFFORD

Gary Mackintosh BSc  
[gmsurveys@gmail.com](mailto:gmsurveys@gmail.com)

***Client:***

Mr R Proctor

***Site Address:***

Sourbank  
Rafford

***Planning Reference:***

N/A

***Date:***

18<sup>th</sup> December 2019

***Job Number:***

0956C

***Company Information:***

Assessment completed by:

Gary Mackintosh

**GMCSurveys**

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557 431 702

***Introduction:***

The proposed site is located on farmland at Sourbank, Rafford. The site is currently bounded by agricultural land to the north and west boundaries and the access road to the remaining boundaries. The proposals are to erect a 3 bed domestic dwelling and supporting infrastructure.

The SEPA Flood Maps have been consulted which indicate that the site lies outwith any areas of fluvial or pluviaial flooding up to a 1:200year event.

GMC Surveys have been asked to carry out a site investigation in order to assess the suitability of the site and provide a drainage solution.

***Soil Conditions:***

Excavations were carried out using a mechanical digger on 14th December 2019 to assess the existing ground conditions and carry out infiltration and percolation testing for the dispersal of foul and surface waters.

The trial pits were excavated to depths of 1.5m and no ground water was encountered at this depth.

The excavations provided existing ground conditions 250 – 350mm TOPSOIL overlying light red/brown medium to dense sand to a depth of the excavations.

### ***Percolation/Soakaway Testing:***

Percolation testing was carried out in full accordance with BS6297: 2007 + A1: 2008 and as described in Section 3.9 of the Scottish Building Standards Technical Handbook (Domestic). The results can be found in the table below.

	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	Mean
<b>Date of Test</b>	<b>14/12/2019</b>	<b>14/12/2019</b>	<b>14/12/2019</b>	
TPo1	2400s	2520s	2580s	2500s
TPo2	2520s	2580s	2760s	2620s
<b>Average Soil Vp</b>	<b>17.07s/mm</b>			

### ***Infiltration testing:***

Infiltration testing was carried out in full accordance with BRE digest 365. The results can be found in the table below.

<b>Infiltration Test</b>	<b>Pit Dimensions (w/l)</b>	<b>Test Zone (mbgl)</b>	<b>Infiltration Rate (m/s)</b>
INF01	0.8mx 1.0m	0.5 – 1.5	$1.9 \times 10^{-5}$

### ***Conclusion and Recommendations:***

The natural ground is suitable for Traditional strip foundations designed in accordance with BS8110 – Structural use of Concrete.

Based on the onsite investigations it can be confirmed that the underlying soils are suitable for the use of standard stonefilled soakaways as a drainage solution for foul waters.

### ***Foul Water Discharge via Soakaway:***

Soil Percolation Value – 17.07s/mm

No of Persons (3bed) – 5PE

Min Base Area ( $A = V_p \times PE \times 0.25$ ) = **21.34m<sup>2</sup>**

This area can be provided with soakaway plan dimensions 6.0m x 4.0m at a depth of 0.45m below invert level, alternative dimensions may be used ensuring that the minimum base area of **21.34m<sup>2</sup>** is maintained.

The minimum required volume for the treatment plant can be estimated as:

PE x 180 + 2000

= 5 x 180 + 2000 = 2900Litres (from Flows and Loads Volume 4)

### ***Surface Water Dispersal:***

Please see attached surface water calculations detailing the requirement and suitability for soakaway dimensions of **5.5m x 3.0m at a depth of 1.5m** below the invert level based on the proposed contributing area of 160m<sup>2</sup> (roof area of house and garage) up to a 1 in 30 year event with 35% allowance for climate change.

Soakaway Details can be found in Appendix.

**SEPA consent will be required prior to the installation of the proposed drainage.**



SEPA and Building Regulations require that infiltration systems (soakaways) are located at least:

- œ 50m from any spring, well or borehole used as drinking water supply
- œ 10m horizontally from any water course and any inland and coastal waters, permeable drain (including culvert), road or railway
- œ 5m from a building or boundary



MasterDrain  
SW 16.12

**gmcsurveys**  
Surveys, Setting Out Civil Engineering Design

Shireen Villa, 34 Castle Street  
Forres IV36 1FN  
email: gmcsurveys@gmail.com  
Mobile: 07557 431 702

Job No. <b>956C</b>		
Sheet no. <b>1</b>		
Date <b>30/11/20</b>		
By <b>GM</b>	Checked	Approved

Project **Sourbank**  
Title **BRE365 Trench calculations for Forres**

**Rectangular pit design data:-**

Pit length	= 5.5 m	Pit width	= 3 m
Depth below invert	= 1.5 m	Percentage voids	= 30.0%
Imperm. area	= 160 m <sup>2</sup>	Infilt. factor	= 0.000019 m/s
Return period	= 30 yrs	Climate change	= 35%

**Calculations :-**

Surface area of soakaway to 50% storage depth (not inc. base):-

$$a_{s50} = 2 \times (\text{length} + \text{width}) \times \text{depth}/2 = 12.8 \text{ m}^2$$

Outflow factor :  $O = a_{s50} \times \text{Infiltration rate} = 0.0002422 \text{ m/s}$

Soakaway storage volume :  $S_{\text{actual}} = \text{length} \times \text{width} \times \text{depth} \times \% \text{voids}/100 = 7.4 \text{ m}^3$

Duration	Rainfall mm/hr	Inflow m <sup>3</sup>	Depth (hmax) m	Outflow m <sup>3</sup>	Storage m <sup>3</sup>
5 mins	93.4	1.2	0.24	0.07	1.17
10 mins	72.3	1.9	0.36	0.14	1.78
15 mins	60.3	2.4	0.44	0.22	2.19
30 mins	42.6	3.4	0.60	0.44	2.97
1 hrs	28.8	4.6	0.75	0.87	3.73
2 hrs	18.8	6.0	0.86	1.74	4.27
4 hrs	12.1	7.7	0.86	3.49	4.25
6 hrs	9.3	8.9	0.75	5.23	3.70
10 hrs	6.7	10.7	0.40	8.72	1.96
24 hrs	3.8	14.4	0.00	20.93	0.00

Actual volume :  $S_{\text{actual}} = 7.425 \text{ m}^3$

Required volume :  $S_{\text{reqd.}} = 4.270 \text{ m}^3$

**Soakaway volume storage OK.**

Minimum required  $a_{s50}$  : 7.33 m<sup>2</sup>

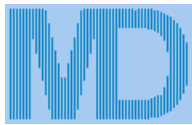
Actual  $a_{s50}$  : 12.75 m<sup>2</sup>

Minimum depth required: 0.86 m

Time to maximum 2 hrs

Emptying time to 50% volume =  $t_{s50} = S_{\text{reqd}} \times 0.5 / (a_{s50} \times \text{Infiltration rate}) = 02:26 \text{ (hr:min)}$

**Soakaway emptying time is OK.**



MasterDrain  
SW 16.12

**gmcsurveys**  
Surveys. Setting Out Civil Engineering Design

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Forres IV36 1FN  
email: gmcsurveys@gmail.com  
Mobile: 07557 431 702

Job No. <b>956C</b>		
Sheet no. <b>2</b>		
Date <b>30/11/20</b>		
By <b>GM</b>	Checked	Approved

Project **Sourbank**  
Title **BRE365 Trench calculations for Forres**

**Location hydrological data (FSR) :-**

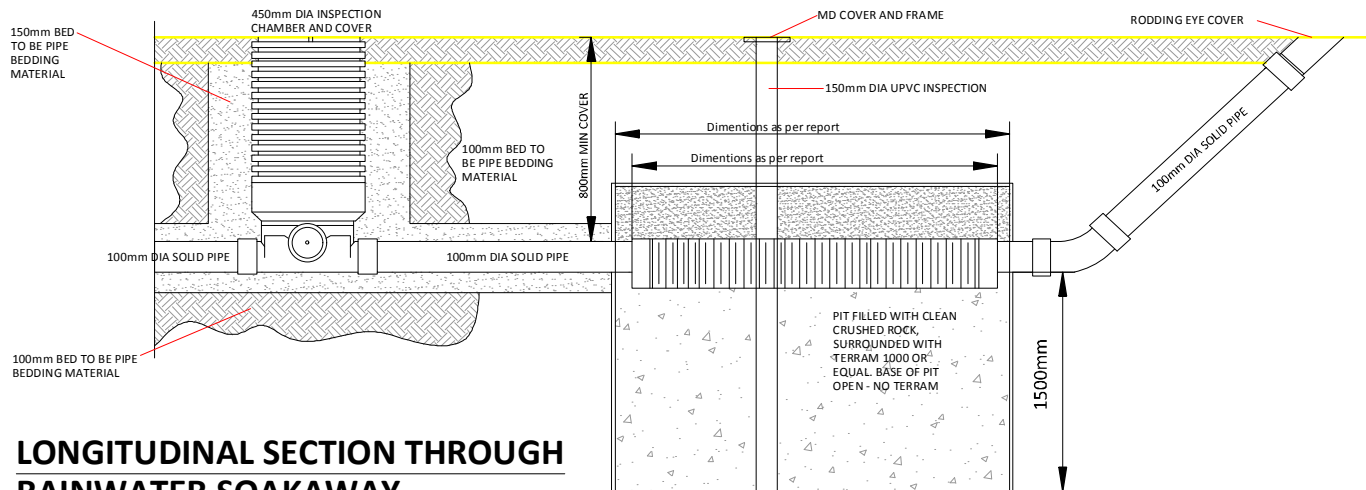
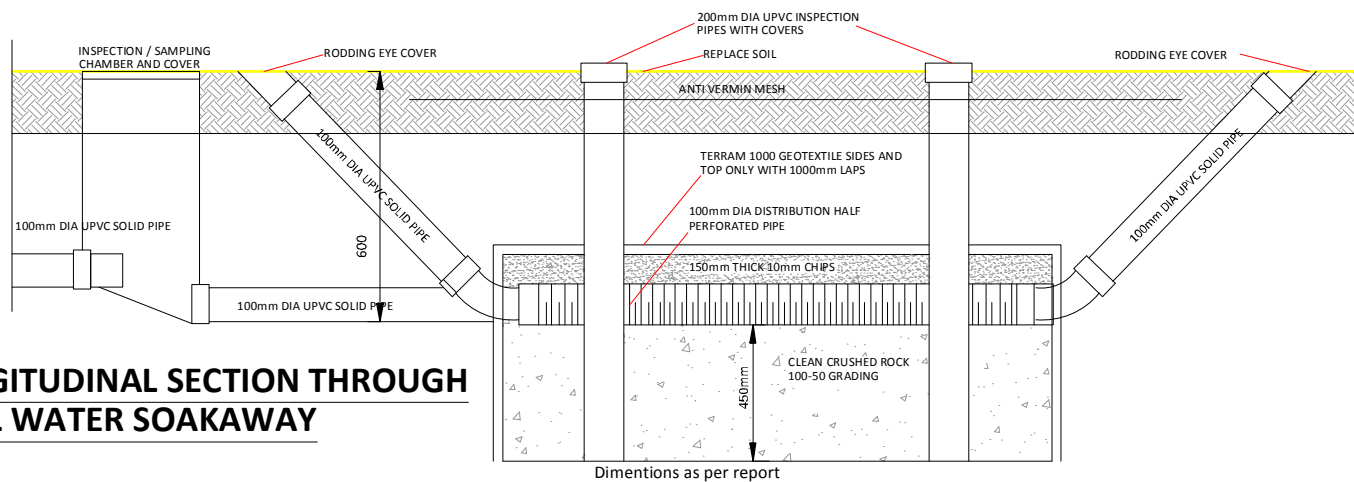
Location	= Forres	Grid reference	=
M5-60 (mm)	= 14	r	= 0.24
Soil index	= 0.15	SAAR (mm/yr)	= 720

Soil classification for WRAP type 1

- i) Well drained permeable sandy or loam soils and shallower analogues over highly permeable limestone, chalk, sandstone or related drifts;
- ii) Earthy peat soils drained by dykes and pumps;
- iii) Less permeable loamy over clayey soils on plateaux adjacent to very permeable soils in valleys.

N.B. The rainfall rates are calculated using the location specific values above in accordance with the Wallingford procedure.

## LONGITUDINAL SECTION THROUGH FOUL WATER SOAKAWAY



## LONGITUDINAL SECTION THROUGH RAINWATER SOAKAWAY

REV:	DESCRIPTION:	BY:	DATE:
STATUS: <b>ISSUE</b>			

**gmcsurveys**

Surveys, Setting Out, Civil Engineering Design

T: 07557 431 702

E: gmcsurveys@gmail.com

CLIENT: Mr R Proctor

SITE: Sourbank Rafford

TITLE: Soakaway Details

SCALE AT A4:	DATE:	DRAWN:	CHECKED:
NTS	NOV2020	GM	
PROJECT NO:	DRAWING NO:	REVISION:	
0956C	Appendix	-	





Gary Mackintosh  
Email: [gmsurveys@gmail.com](mailto:gmsurveys@gmail.com)  
Tel: 07557431702

# gmsurveys

Surveys, Setting-Out Civil Engineering Design

## Culvert Proposals

SOURBANK, RAFFORD

Gary Mackintosh Bsc  
[gmsurveys@gmail.com](mailto:gmsurveys@gmail.com)

***Client:***

Mr G Proctor

***Site Address:***

Proposed New Access

Sourbank

Rafford

***Planning Reference:***

N/A

***Date:***

3<sup>rd</sup> November 2020

***Job Number:***

RBo1

***Company Information:***

Assessment completed by:

Gary Mackintosh Bsc

**GMCSurveys**

34 Castle Street

Forres

Moray

IV36 1PW

Email: gmcsurveys@gmail.com

Telephone: 07557431702

***Introduction:***

It is proposed to construct a new access to a new private dwelling house located at Sourbank to the south east of Rafford, By Forres.

The proposed crossing is to be located opposite existing property 'Parkview and the final surfacing of the access is to be confirmed. The proposed access width as shown within Appendix B is to be 3.75m in width.

There is an existing culverted access to 'Brookwood' located approximately 50m to the north east with a diameter of 700mm.

GMC Surveys have been asked to provide suitable calculations demonstrating the required culvert sizing for the proposed new access.

***Description of Works:***

The crossing as measured from top of bank to top of bank is approximately 6.8m in width at the widest point with a depth of 1.9m to the invert level of the channel.

The preferred option is to install a short span bridge to provide a crossing. Due to the width of the span taking in to account the additional length required to provide structural integrity, the installation of a short span bridge has been deemed not practical in the delivery of the single house development.

The Calculation sheet within Appendix A indicates the suitability of a 1200mm x 1200mm box culvert to be installed at a length of 4.5m which would be adequate to manage peak flows up to a 1:200year event.

The culvert is to be set in to the channel of the burn at a level of 200mm below the existing invert, the internal base of the culvert is to be made up to existing burn levels using bed material to act similar to an open channel culvert. The use of a box culvert has been proposed to provide the structural integrity required for the potential access of larger vehicles.

The Proposed Culvert details have been provided in Appendix B and the suitability of the details are to be confirmed by SEPA.

## **APPENDIX A**

### **Culvert Sizing Calculations**

## Culvert Capacity Estimation - Rafford Burn

Mean Velocity and maximum flow through a 1.2 metre x 0.6 metre concrete box culvert with a total length of 17.4 metres.  
Inlet level of culvert 10.51 metres and outlet level of culvert 10.341 metres.

Method used based on standard Manning's equations

Water Density, Dynamic and Kinematic Viscosity Estimates  
(Based on mean water temperature)

Temperature of water:  $T := 7.82\text{ }^{\circ}\text{C}$  or  $T = 980.97\text{ K}$

Density of Water Estimates

The density of water calculated for the given temperature above using the Thiesen Equation

Constants used for water in Thiesen Equation

$$a^1 := -3.983035 a^2 := 301.797 a^3 := 522528.9 a^4 := 69.34881 \quad a^5 := 999.974950 \text{ kg m}^3$$

Density of water at given temperature  $\rho := a^5.$

$$\left( \frac{1 - (T + a^1)^2 \cdot (T + a^2)}{a^3 \cdot (T + a^4)} \right) \quad 99.862 \text{ kg m}^3$$

Dynamic Viscosity Estimates



The dynamic viscosity calculated using the Vogel equation parameters

$a := -3.7188$      $b := 578.919$      $c := -137.546$     Temperature in Kelvin     $T^k = 280.97$

Dynamic viscosity at specified temperature     $\mu := e^{\left(a + \frac{b}{c + T^k}\right)}$      $0.001374 \text{ N s m}^2$

Kinematic Viscosity Estimates

$$\nu := \frac{\mu}{\rho} = (1.374 \cdot 10^{-6}) \text{ m}^2 \text{ s}^{-1}$$

Kinematic viscosity of water at specified temperature

Metric constant     $u := 1$

Width of box culvert     $B := 1.2\text{m}$     Depth of box culvert     $D := 1.2\text{m}$

Manning's Coefficient based on concrete constructed channel

$$n = \left( \frac{1.49}{u} \right)$$

Coefficient range between 0.011 and 0.025 mean value:     $n := 0.0180 \text{ s m}$

Total cross-sectional area of culvert     $A := B \cdot D = 1.44 \text{ m}^2$

Total wetted perimeter of culvert     $P_w := 2 \cdot (B + D) = 4.8\text{m}$

Hydraulic radius

$$R^h := \frac{A}{p_w} = 0.300\text{m}$$

Vertical drop along culvert

$$d := 46.60\text{m} - 46.43\text{m} = 0.170\text{m}$$

Length of culvert

$$l := 4.5\text{m}$$

Longitudinal slope of culvert

$$S^o := \frac{d}{l} = 0.037$$

Mean velocity through the culvert at full capacity:

$$V_1 := \frac{14.7}{n} \cdot R_h^{\frac{2}{3}} \cdot S_0^{\frac{1}{2}} = 4.789 \text{ m s}^{-1}$$

The maximum flow that the culvert can pass:

$$Q := V \cdot A = 6.896 \text{ m}^3 \text{ s}^{-1}$$

Since the peak flow rate generated during a rainfall event with a specified annual probability is known the depth of water of water in the channel during the event can be estimated as follows:

Time taken to flow through the culvert:

$$\text{time} := \frac{l}{V} = 0.809\text{s}$$

Peak flow estimaed for 1 in 200 year return period:

$$Q_{200} := 1.59 \text{ m}^3 \text{ s}^{-1}$$

Cross-sectional area of partially full culvert:

$$A_{par} := \frac{Q_{200} \cdot time}{l} := 0.285 \text{m}^3$$

Total depth of water in culvert:

$$D_{par} := \frac{A_{par}}{B} = 0.237 \text{m}$$

Flow inertia to gravity or Froude number:

$$F := \frac{V}{\sqrt{g \cdot D_{par}}} = 3.140$$

Since the depth of water during a 1 in 200 year return period is less than would occur during a pipe full the reduction in frictional loss will temporarily increase the flow in the culvert.  
The following estimates are to determine if this increase in flow would exceed the maximum capacity of the box culvert.

Total wetted perimeter of a partially full culvert:

$$P_{par} := B + 2 \cdot (D_{par}) = 1.674 \text{m}$$

Hydraulic radius of a partially full culvert:

$$R_{par} := \frac{A_{par}}{P_{par}} = 0.170 \text{m}$$

Hydraulic diameter of a partially full culvert:

$$D_h := \frac{4 \cdot A_{par}}{P_{par}} = 0.681 \text{ m}$$

Renolds number:

$$Re := \frac{\rho \cdot V \cdot D_h}{\mu} = 2373259.781$$

d'Arcy friction coefficient for turbulent flow:

$$f := \frac{0.316}{Re^{0.25}} = 0.00851$$

Mean velocity of water in partially full culvert:

$$V_{par} := \left( \frac{2 \cdot \theta \cdot S_0 \cdot 4 \cdot R_{par}}{f} \right)^{\frac{1}{2}} = 7.616 \text{ m s}^{-1}$$

The peak flow that the partially full culvert will pass:

$$Q_{par} := V_{par} \cdot A_{par} = 2.170 \text{ m}^3 \text{ s}^{-1}$$

The maximum flow of water that the box culvert can pass in 4.789 cubic metres per second and the peak flow during a 1 in 200 year return period is only 1.59 cubic metres per second and even when partially full the peak flow will increase to 2.170 cubic metres per second temporarily due to a higher velocity caused by a decrease in the wetted perimeter. The proposed 1.2m x 1.2m box culvert would therefore be adequate.

During partially full culvert conditions the Renolds is greater than 4000 and the Froude number is greater than 1 therefore the flow will be supercritical and turbulent.

## **APPENDIX B**

### **Culvert Details**









## **APPENDIX 3**

# **FURTHER REPRESENTATIONS FROM INTERESTED PARTIES**



**Lissa Rowan**

---

**From:** [REDACTED]  
**Sent:** 13 June 2021 20:12  
**To:** Lissa Rowan  
**Subject:** Re: Notice of Review - Planning Application 20/01658/APP

**Warning. This email contains web links and originates from outside of the Moray Council network.**

**You should only click on these links if you are certain that the email is genuine and the content is safe.**

Dear Lissa,

Thank you for the opportunity to comment on the submission regarding notice of review for the planning application 20/01658/APP .

I understand that previous comments submitted will be included in the review, so would like to draw out some particular points relating to the submission

The central argument of the submission is for an exception based on agricultural need , despite the planning authority guidance that there is no grounds for such an exception

That notwithstanding , the argument for need is predicated on there being no other options available, despite a 12 year search . This argument is not credible . Even within the last year there have been multiple properties sold in the same location - Sourbank farmhouse , Tulloch Cottage, and the plot to the rear of Tulloch cottage - which would have been compatible in cost . All of these would have presented viable options in this immediate timeframe - with other properties and plots in the immediate area also having been available in the preceding period . There are no doubt other properties that will become available in the near future

There is an associated argument relating to affordable housing . Given obvious expenditure by the applicant on this application , other expenditure, this does not appear to be an issue in this instance .

For both of these reasons it would appear that the intent to progress with this application is a matter of preference rather than need. There have been multiple options for meeting any need from existing housing stock or approved plots that have not been taken up by the applicant .

I would also like to draw out a few other points:

- on drainage , the planning application makes no reference to existing drainage demands on the field, The drainage field from the septic tank for Sourbank and Sunil an Mara runs a substantial distance into the field. There is a risk that additional restraint on the capacity of the field to act as a soakaway could compromise these existing drainage facilities. These are underpinned by a burden on the field in which the application relates

- the submission asserts (design point E) that the right to privacy of other properties will not be affected. This is clearly not the case. The new access route would impose significantly upon Parkview, and there would be privacy implications for TullochCottage , Sourbank Farmhouse and other properties .

- planning policy describes this as a pressurised and sensitive area. Other recent developments in the immediate area have been discrete in nature largely within wooded areas. The infrastructure for the locality



is under increasing pressure and is already fragile - whether this be overhead electricity delivery , off grid drainage, road usage , refuse facilities etc

- the narrative regarding the timeline of the applications suggests that the application withdrawn so in late 2019 was done so due to further consultations . In fact as I understand it the access route to the field proposed at this time was not viable

Yours sincerely

[REDACTED]

[REDACTED]

[Sent from Yahoo Mail](#)

On Thursday, June 10, 2021, 8:50 am, Lissa Rowan <Lissa.Rowan@moray.gov.uk> wrote:



**Democratic Services**

**Moray Council**

**Edu**

Dear Sir/Madam,

**Town and Country Planning (Schemes of Delegation and Local Review Procedure)  
(Scotland) Regulations 2013 ['the Regulations']**

**Notice of Review: Planning Application 20/01658/APP – Erect 1.25 Storey Dwelling  
House and Detached Timber Garage at Site South-West of Sourbank Farm, Rafford,  
Forres**

As an interested party to the above application, you are hereby notified that a Notice of Review (NOR) has been served on the Moray Local Review Body (MLRB). The MLRB now have a statutory responsibility to review the original decision.

The NOR and associated documents can be viewed at  
[http://www.moray.gov.uk/moray\\_standard/page\\_65978.html](http://www.moray.gov.uk/moray_standard/page_65978.html).

All representations previously made by you will be considered by the MLRB. If you want to make further representations, these should be sent to the Clerk of the MLRB, by email or post at the above address, **on or before 25 June 2021**.

Please note, it is important that you consider whether the NOR contains new matters (not forming part of the original application) which you would now like to highlight and/or comment on. The statutory process does not provide this opportunity at a later date.

Any further representations that you make will be forwarded to the Applicant for comment.

In due course, you will be notified of the date, time and venue of the review meeting.

If you have any queries, please do not hesitate to contact me on the above details.

Yours faithfully,

Lissa Rowan

Committee Services Officer

Clerk to the MLRB

## Objection

Specifically looking at our property of Park View, you will see in our provided photographs just how close the proposed access bridge is from our back door. It is mere yards from our main entrance, kitchen window and bedroom window. The photographs that Mr Proctor provide are somewhat misleading and do not show the true proximity that this development is to our home.

You have stated 'the proposal has been demonstrated to have no impact upon residents amenities in terms of privacy, daylight or being overbearing'. We have recently, within the last 2 years, opened up our kitchen dining area to enjoy more time in this room, adding a breakfast bar to enjoy the views. There is proposed trees to be built to help with privacy, yet this will just obstruct our views.

You have stated that traffic increase will be insignificant. At present there are only walkers and horse riders using this route. Building a family home will of course bring more traffic; families visiting and Mr Proctor using his agricultural vehicles on a daily basis for example. In time, Mr Proctor will, I'm sure have his own family, who will eventually have their own vehicles. This will create a level of noise going up and down this road past our property. The consistent noise, lighting and views of these vehicles would be incredibly invasive and indeed, "overbearing" to our privacy and peace. We cannot emphasise enough how much this will impact the quiet life we plan to retire in.

We would like to whole-heartedly reiterate; this development would have significant impact on privacy and way of life. We built our property over 30 years ago in the country specifically to enjoy the peace and quiet country life brings. The proposal of Mr Proctors property would have a detrimental impact in our lives. At present date we have four young grandchildren who can enjoy the open grounds freely when they visit on a weekly basis. This would need to be stopped due to the vehicles so close to the property, it would no longer be safe.

I would like to note that we did have discussions with Mr Proctor regarding his access, but he was unable to negotiate with ourselves on alternate solutions. We stressed to Mr Proctor that the main issue we have with the development is the access route being so close to our home. Furthermore, we would also note that we have, ourselves, maintained this road, never Mr Proctor.

We understand that the farming business is very important however it has been stated that Mr Proctor has been trying to get planning permission now for 12 years. He sold one of his plots within this time frame, that was then put back on the market and was, for a number of years, why was this land not purchased back? It would clearly have provided a sound option for the development being in close proximity to the farm in question?

Mr Proctor has also provided photographs of other new build in the area. We find these to be irrelevant. We do not know the circumstances of these new builds and if they indeed had any impact on the occupiers at that time.

Although we do sympathise and understand the importance of the family business, these developments to aid in the running of the business cannot be to the detriment of others. It is unfair to expect us and those who share our living area to support a development that will invade our privacy and have hugely negative effect on the protected region that we live in.

We respectfully ask Mr Proctor and his family to explore other options and consider other areas of land that are not protected zones and do not impact the living of those who current reside there.







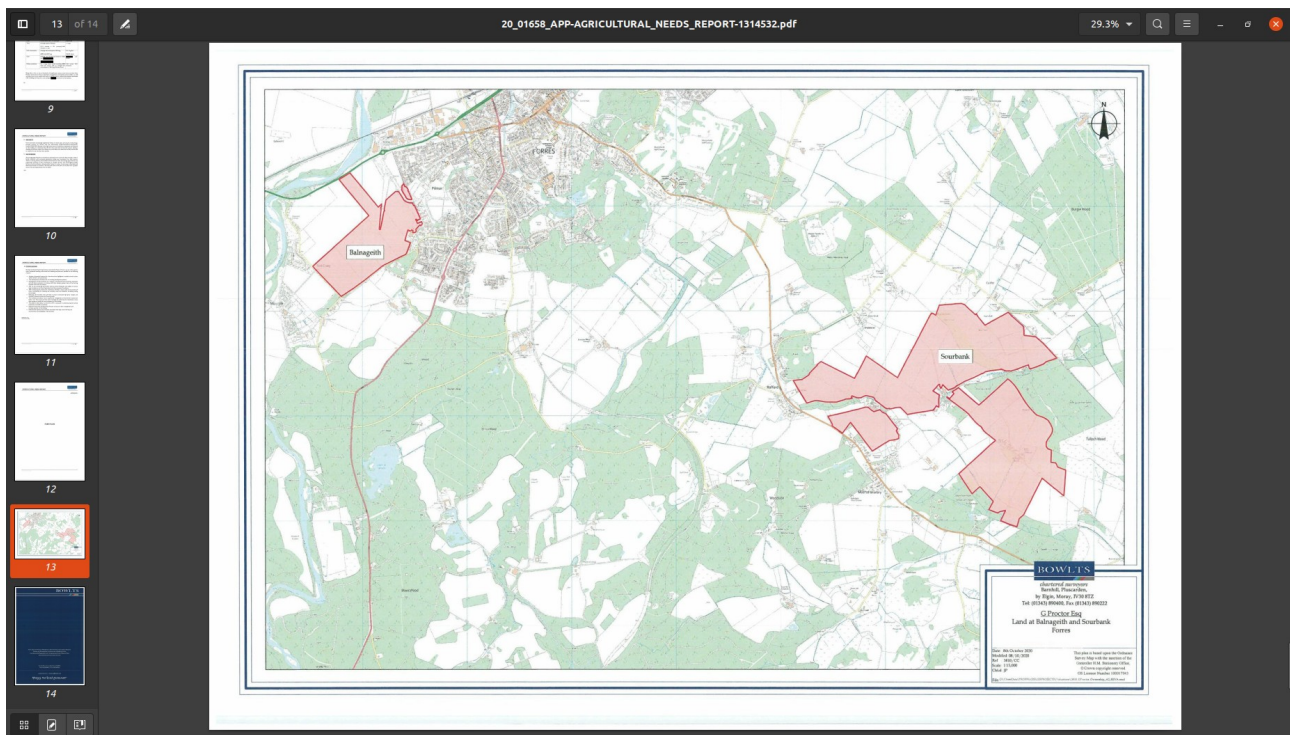


## Comments on Review of Planning Application 20/01658/APP by interested party at [REDACTED] 22<sup>nd</sup> June 2021

The applicants have submitted a further lengthy statement in support of their application which was rejected by the planning officer based on policies within the Moray LDP of 2020.

They repeat the argument that they need to build a house for farming succession planning and point to Moray being an outlier in terms of special provision for farmers and farm workers. Whilst we are sympathetic to the need for a house on the farm, we do not believe that this is the only possible site. If you take a look at the map in the Agricultural Needs document, it is clear that the holding is extensive and much of it is not within the sensitive and pressurised area. Some of the land appears to adjoin Rafford village.

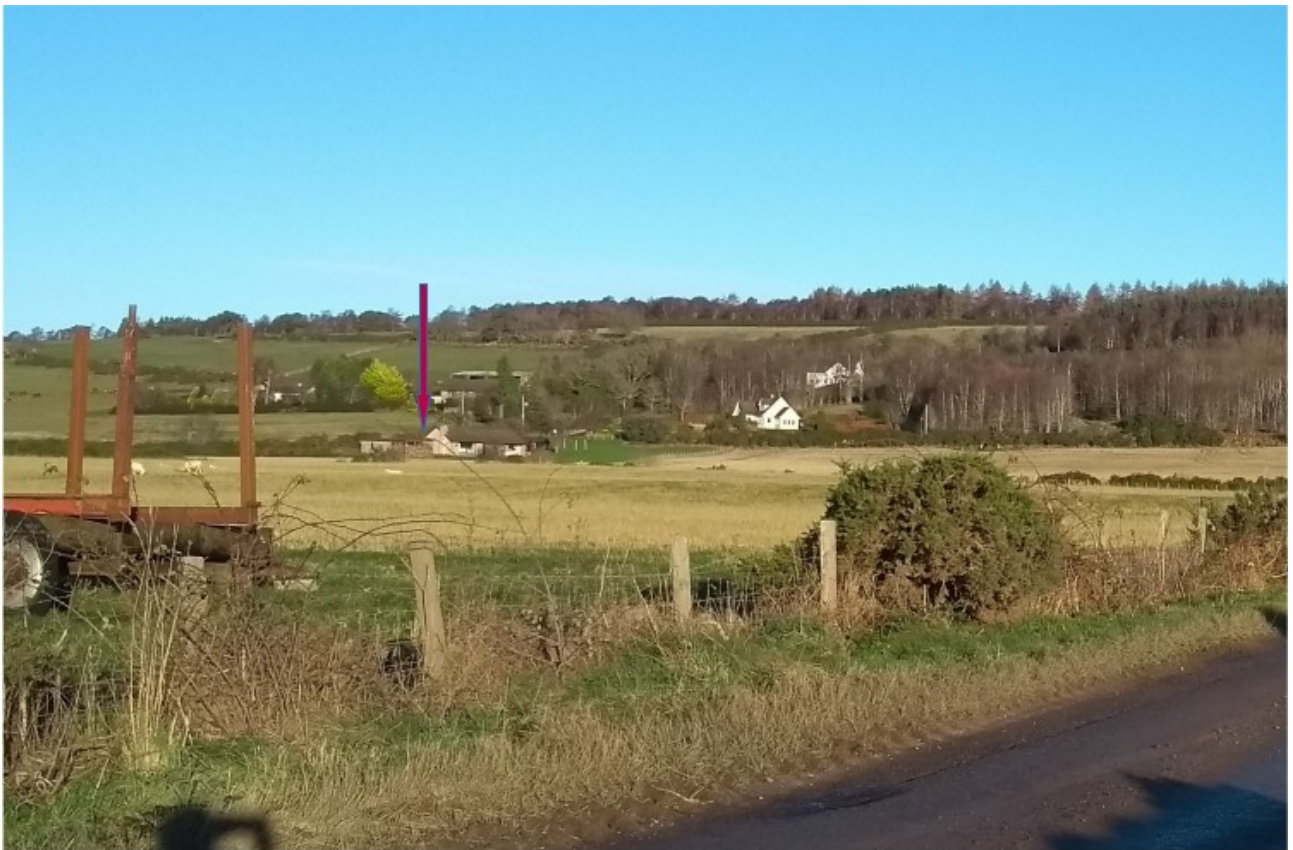
Map of The Farm:



We note that the revised planning statement contains many new photographs. These are misleading in that they have all been taken in summer time when there is more screening from vegetation. The visual impact of any further development will be much greater in winter. Below is a photograph and a zoomed image taken from it which show how the existing buildings become more prominent in winter. The photo was taken from beside the communal bin store at the entrance to Cloddach Farm on the U102E in December 2020.



And a zoomed view from this shot with the site arrowed:





The visual impact of the proposal will be greater than the planning application suggests. It is understandable that an applicant will put their proposal in the best possible light, but some balance from people with local knowledge is needed if you are to make a considered decision.

In a similar “staging” vein , the photographs in the original supporting statement showing the junction of the track onto the U102E were taken following unauthorised and out of season hedge cutting along the southern border of Tulloch Cottage. This made visibility along the narrow road appear better. Moray council confirmed that they did not and would not have cut back the bushes at that time of year (during the nesting season) when we asked them in July 2020.

Finally, their photo of the bins which serve 12 residences to our knowledge is not representative. They are most often overflowing as in the photo below taken on Monday 21<sup>th</sup> June 2021. They had been this way since the previous Wednesday and were not due for emptying until the middle of the week.



The U102E is too narrow and a dead end with no public turning circle for the bin wagons to use, so any additional homes would have to use the existing inadequate store.

Present infrastructure does struggle to support the existing homes, and we don't understand why the effect of cumulative development on infrastructure is not a planning issue as stated in the previous planning response.

Likewise, we are not reassured that there is no flood risk as we live in a time of increasing flood events due to climate change. We do not feel it wise to add another potential restriction to the burn.

There are also inconsistencies in the application over affordability – the applicant is the family business, and not the young farmer just starting out.

In summary, the site chosen by the applicants is in a sensitive and pressurised area, and because of this, the application has been rejected by the planning officer.

No one disputes the need for a farm house for the successor to the family business, but local residents do not believe there is nowhere else on their extensive holding where the applicants could build. There would be no need to ask for an exception if a site which meets planning criteria had been chosen.

We urge you to reject this application on planning grounds as per the Moray LDP.







## **APPENDIX 4**

# **APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS**



**RESPONSE TO FURTHER REPRESENTATIONS TO LOCAL  
REVIEW RELATING TO:**

**PLANNING APPLICATION REFERENCE: 20/01658/APP**

**LOCAL REVIEW REFERENCE: LR/LR259**

This paper is submitted as a response to the Further Representations 1-3 received following notification by Moray Council.

It is worth stating at the outset:

This is a planning application, and it is the adopted planning policies and other material planning considerations that are of strict relevance to its consideration. Notwithstanding the representations received, it is only those material to planning that can be considered in the decision-making on this planning application.

The policy support and merits of the application are already well-documented in the submitted Planning Supporting Statement and Notice of Review Statement and it is not the intention to repeat it all again here, unless necessary to directly respond to a point made. This Response should therefore be read together with the information already submitted.

The following tables capture and respond to all the points raised in the Further Representations including those which are non-material. Responses are provided to the non-material points merely to correct misleading information and state the facts. Those points which are non-material should be totally disregarded by the Local Review Body when deciding on this application. The representations are captured under the following subject headings:

- **AVAILABILITY AND SUITABILITY OF OTHER OPTIONS**
- **PHOTOGRAPHS**
- **INFRASTRUCTURE**
- **FLOODING AND DRAINAGE**
- **AFFORDABILITY**
- **LOCATION IN PRESSURISED AND SENSITIVE AREAS**
- **AMENITY**
- **ROAD SAFETY**
- **MISCELLANEOUS ISSUES**

## AVAILABILITY AND SUITABILITY OF OTHER OPTIONS

**Objections have been raised asserting that there are other locations available to the applicant within the extended farm holding, including land adjoining Rafford Village and outwith the Pressurised and Sensitive Area.**

The reasons for the chosen location (and therefore the reasons why alternative locations are not acceptable) are already fully outlined in the submissions.

The applicant has demonstrated that the site, the subject of this review, is the only available, viable and suitable site. It is not the case that the applicant has recently chosen this site without any forethought. The site choice follows an extended and costly search over the past 12 years. The applicant in searching for a site for a farmhouse must consider factors beyond those a member of the public would in choosing their house location. As stated, this is not a house for A. N. Other. This is a house to enable the succession of this farm holding into the future. The reasons for the site location are fully outlined in the submission and have not been acknowledged by the Representees.

By way of one example reason, the suggestion that the house could be located immediately adjacent to Rafford or on land outwith the Pressurised and Sensitive Areas would not support the ongoing animal husbandry needs, as asserted by the applicant through the Agricultural Needs Assessment. It would not be practical nor sustainable for the efficient running of the farm. Those inefficiencies are currently evident to the applicant whilst currently trying to make a living from the existing base near Rafford. Any alternative location within the Pressurised and Sensitive Areas is unlikely to meet the planning policy tests and would not be supported by the Agricultural Needs Assessment.

As such, if the applicant were to randomly chose an alternative site for the farmhouse, that was not close to the farm steading (where the cattle are sheltered, housed, and wintered), it would not be practical. This ties in with the Agricultural Need Assessment.

Whilst there were other potential site locations, every one of these have been openly presented in the submissions along with factual and genuine reasons for their dismissal, e.g., access, availability of services and utilities, loss of quality farmland, viability and practical reasons relating to the efficient running of the farm holding into the future, particularly in relation to animal husbandry, as part of this farming succession.

With respect to those Representees asserting that there are alternatives, as they have not managed this farm holding, they do not have all the available facts to claim any other site is available, viable or suitable for the applicant. Their views are just that, based on false assumptions, which show a misunderstanding of the operational requirements of this farming business.

**It is also asserted in the representations that there have been several available properties and plots, but these have been sold by the applicant, implying that this whole situation has been engineered.**

This assertion is false. The fact is that in the past 12 years there has been only one plot sold and built on. The fact is that this planning application comes at the end of a long and costly 12-year search. It is inconceivable why it would be asserted that any person would invest time and money for this long period whilst exploring other sites and engineering the whole situation, just to engineer the submission of this planning application 12 years later.



**Notwithstanding all the above misguided suggestions and false assumptions of the applicant's needs, this planning application is for this site alone and not another site.**

**The fact is that this remains the only viable option to the applicant that meets all their needs as a fourth-generation farmer managing this farm holding. It is this site that must be assessed against planning policy and other material planning considerations.**

#### **PHOTOGRAPHS**

**It is asserted that the photographs provided are misrepresentative and 'staged.' This is categorically not accepted by the applicant.**

In the first instance, 'staging' of photographs is also a pointless exercise. The planning officer visits the site as part of their assessment and if photographs were 'staged' then this would easily be found out. The purpose of the photographs is merely to demonstrate the case for approval to the planning officer and for them to consider as part of their assessment.

By way of direct responses to the representations, any new photographs that have been provided were taken during May 2021 and were necessary to address the concerns within the Officer's Handling Report and the reasons for refusal; neither of which were available during the winter months.

The appeal must be submitted within a 3-month timeframe, necessitating any additional photographs to be taken during the months of May, June, and July.

However, it should also be pointed out that there were photographs submitted with the planning application in December 2020, including photographs taken between August and the submission date.

It is not therefore correct to assert that the applicant has in any way chosen the timing for the photographs or that they are misleading; they have been taken at different times to suit the submission date and the appeal timeframe.

Regardless of the assertions made in the representations, all the photographs provided accurately show the site from a public domain and they have not been 'staged'.

It is accepted that in winter there may be less screening from vegetation, dependent upon the nature of that vegetation (size, species, and whether it is deciduous or coniferous). However, the proof is in the photographs and site visits undertaken by myself and the applicant. They all show significant mature landscaping around the site, in the vicinity and viewed from the public domain.

LRB59 Further Representation 3 has included two photographs to demonstrate an impact on the landscape in December 2020. The first photograph in fact assists the Review and clearly shows that the new house would not be clearly visible within the landscape. Even during the winter months of December, as shown, there is substantial mature landscaping providing a natural backdrop and hedging in the foreground. The second zoomed photograph, whilst it shows an arrow for the location of the house (which is incorrect),

demonstrates that to see the site it is necessary to use a zoom facility on a camera or indeed a pair of binoculars. All sites will generally be visible if a high-powered lens is pointed at the target. The reason for the 'zoomed' photograph submitted by the applicant (Photograph 3 in the Notice of Review Statement) was to show that even with a magnified view of the site, there is no harm caused by the construction of the proposed house on this site. In fact this photograph is more honest than the Representees in that it shows the field in full view.

It is also worth pointing out the planning test here is not whether you can see the house/plot but whether it has a detrimental and visual impact upon the landscape. An argument together with a significant number of photographs taken at different times and from different viewpoints have been presented by the applicant in the submissions and accordingly it has been fully demonstrated and proven that there is no harmful impact.

**It is also implied that the applicant does not have 'local knowledge'.**

As stated in the submissions, the applicant and his family have worked their farm holdings for four generations and clearly are well qualified to have local knowledge about the landscape, more so than the existing residents. The applicants are out in the landscape, every hour of the day, day in, day out, in every season and it is therefore asserted by the applicant that of all those involved in this process, they are best placed to have that knowledge. In fact, the natural landscape, is undoubtedly a legacy of their undertaking through planting, growing, etc on the land.

**It is asserted in the representations that 'staging' has occurred relating to the 'unauthorised' hedge cutting.**

In the first instance, most of the photographs in the original planning submission were taken by me, with no knowledge of the situation in terms of hedge cutting etc, as such 'staging' could not have occurred. Those submitted in the Notice of Review Statement were taken by the applicant to fit within the statutory Review timeframe.

By way of fact, the applicant undertook the hedge cutting solely to assist road users, including the residents of Sourbank and the surrounding area. The hedges had not been cut by Moray Council. They were cut back so cars could drive along the road without scratching their paintwork and avoid the potholes that were being created because of residents of Sourbank and the surrounding area driving predominantly up the one side of the road in order to avoid these hedges, which were hugely overgrown. Furthermore, not only did the use of one side of the road create potholes, the use of the verges as an alternative caused the road to become dirty and dangerous.

As such, it is therefore fact the cutting of hedges was not a 'staging' exercise but instead since no other person took it upon themselves to alleviate the problems being cause, the hedges were cut as an act of goodwill on behalf of the applicants and the residents of Sourbank, who could then commute to and from their homes with greater ease.

**It is asserted by Further Representation 2 that the photographs provided by the applicant misrepresent the proximity of the site to their property, Park View.**

These photographs are factually correct and have not been 'staged' or engineered to misrepresent. They, in combination with the drawings, accurately represent the situation on the ground. The photographs provided by the representee in fact confirm the significant distance between neighbouring properties.

**It is asserted that the hedge cutting was part of the ‘staging’ exercise by the applicant.**

Whether the hedge cutting was ‘unauthorised’ etc is also not a matter for consideration as part of this planning review. Notwithstanding this, it is unclear why the removal of greenery would assist the applicant’s case. Surely, it would be more ‘staged’ to allow it to overgrow so that the site might be less visible?

**The provision of photographs of other new builds in the area is questioned.**

Photographs of other new build in the area is provided, as stated, to demonstrate that Moray Council has permitted housing that has no landscape backdrop and is detrimental to the landscape and visual amenities. The photographs/cases are provided to demonstrate by comparison, this proposal has significant existing mature landscaping in which to sensitively locate a house without any detriment to the landscape.

**Notwithstanding the above points, the fact is ‘staging’ of photographs is not a material planning consideration. The response here is to correct misleading statements made within the representations and to provide the Local Review Body with the facts of the situation.**

#### **INFRASTRUCTURE**

**Photographs have been provided by Further Representee 3 of some overflowing bins asserting that there are problems regarding refuse storage and collection, the road, turning etc. The assertion is made that the applicant’s photograph of the bin storage area is misrepresentative of the situation.**

The photographs provided by the applicant were intended to show the location of the bins and nothing further. It is therefore neither non-representative nor ‘staged.’ It could equally be asserted that the bins being full on the day of the Representee’s photographs were ‘staged’ but it is not necessary for the applicant to put this forward as a rebuttal because it is for the Council’s expert officers to decide whether the bin storage/collection relating to this proposal is satisfactory.

This issue was fully considered and dismissed in the Officer’s Handling Report, confirming that the bin storage and collection was acceptable. The application was not refused on these grounds.

**Pressure on electricity, drainage, road usage etc has also been raised by Further Representee 1.**

No evidence has been presented by the Representee to demonstrate or prove the points made.

**Those infrastructure matters which are material planning considerations have been covered in the planning submission and found to be satisfactory in the Officer’s Handling Report. The application was not refused on these grounds.**

### FLOODING AND DRAINAGE

**It is advised that the Representees are not assured that there is not a flooding issue and that there are drainage issues.**

The fact is that this matter has been fully assessed by the Council's experts along with SEPA, the Scottish Government experts.

**The fact is, flooding and drainage issues were fully considered and dismissed in the Officer's Handling Report, confirming that there was no flooding risk and that the drainage details were acceptable. The application was not refused on these grounds.**

### AFFORDABILITY

**A Representee advises that there are inconsistencies over affordability on the basis that this is a family business and not the young farmer.**

It is not considered necessary to repeat the affordability argument and how it fits within the context of agricultural need and farming succession. This is all fully demonstrated within the submissions.

In brief, the proposed new house is required for farming succession for the young farmer, who will take over from his father and run the farming business. There is a proven agricultural need for both the house, its functional need and its location.

Owing land on which to build a new house, which is the case here, significantly reduces the costs involved and therefore makes it more affordable. A basic search online will show that building plots for single houses in the Rafford/Forres area are currently being advertised at prices between £60,000 – 200,000. This price would not be applicable for the applicant since they already own the land. Their costs will only involve the construction costs, making it significantly more affordable.

**The fact is that there is a proven need for affordable housing here to meet a genuine need. This need would be met by granting this planning permission.**

### LOCATION IN PRESSURISED AND SENSITIVE AREAS

**It is asserted that solely because there is no policy or exceptions allowed in the Moray LDP that allows housing in the Pressurised and Sensitive Areas, that this proposal should automatically be refused on this basis.**

As already stated, whilst there is no policy exception in the Moray LDP, this does not automatically mean that a proposal must be refused. Material planning considerations must also be considered when making a planning decision. The planning merits of the proposals must be considered. Moray Council can therefore legitimately decide to approve this application based on the individual merits presented, which are all material planning considerations.

The submissions have presented those material planning considerations and merits as being:

- Farming succession needs
- Agricultural, locational, and functional needs
- Affordable housing need and provision for a key worker
- Inconsistency of Moray LDP policies with most other Scottish rural authorities (in allowing housing when presented with a case based on the afore-mentioned bullet-pointed material planning considerations)
- Inconsistency with national planning policy, which seeks to be flexible and promote farming and the rural economy and the provision of affordable housing to meet all needs.
- Sustainable development and transport requirements

**All these material considerations, individually and cumulatively, as presented in detail within the submissions in, provide a strong argument for the approval of this single house in this location to meet the applicant's needs.**

#### AMENITY

**It is asserted in Further Representation 2, that there is an impact upon residential amenity.**

Regarding these concerns:

- The main elevation (and living area) for Park View is orientated away from the track, where there are uninterrupted views of the countryside. There is a boundary hedge along the boundary of the field from the rear. The house at Park View is below the level of the track, as fully demonstrated by the applicant in the submissions, but also now supplemented by those photographs provided by the representee. The relative level serves to restrict any view from the rear of the property. Furthermore, any view from the rear of Park View must of minimal value and directed at the gorse bushes, or indeed obstructed by their own parked cars (as also demonstrated in the photographs). If the view is important, it is questioned why the parking of cars is not undertaken elsewhere on their land.

As this is the applicant's land (the fields and the track) they have the right to park any vehicle, which could obstruct that view (either permanently or temporarily whilst working in the field). However, this 'view' has in fact been enhanced for the representee (and would be maintained) by the creation of the gap, where the access would be created.

Notwithstanding all of this, there is no right to a view in planning and whether the representee can view the fields (in the applicant's ownership) and beyond, or not, is irrelevant. This is not a material planning consideration for the Local Review Body.

- There would be no loss of privacy because of this proposal. The proposed new house is located sufficiently distant, orientated, and designed not to impact upon any neighbouring property's privacy.
- It is unclear how the creation of a new driveway/access to the proposed house can create a loss of privacy to any of the adjacent residential properties. This is an



open field used for farming purposes and accessed by the applicant for those purposes. It is not an unused area with restricted human access.

- There would be no additional privacy issues relating to the use of the existing track for access to the proposed new house.

This track is private and owned by the applicant and it is within their right to use it for access. Right of access is extended to this Representee. No other rights are given to the Representee.

It is also a public right of way used by walkers, cyclists, and horse-riders.

The construction of this proposed new house would not change this situation and involve any loss of privacy beyond what may already be experienced by the Representee by the applicant or members of the public using the track.

**All relevant amenity issues have all been covered both in the applicant's submission and within the Officer's Handling Report and dismissed. The application has not been refused on this basis.**

#### **ROAD SAFETY**

**It is asserted that there is an impact upon road safety by the Further Representation 2.**

Regarding these concerns:

- The traffic increase would not significantly increase. This is a minor development for one single house for one family, accessed directly from a track within the applicant's ownership (and not the Representees). This is a farm track and can already be used by the applicant for access by farm vehicles along the rear side of this property.
- There would be no road safety issues. The representee over-states the point by mentioning their grandchildren and imply they will no longer be able to freely use the garden. Those children presumably have access to the area to the front and side of the house, without the need to play in a dirt farm track at the rear of the house. With this being a farm track, regardless of a house being built or not, the current situation would not change. The grandchildren would still need to be road safety aware when outside, particularly since the Representee has chosen not to secure their garden with a fence.

**Notwithstanding all the above, it has been fully demonstrated within the applicant's submissions that this is not the case. The Transport Section of the Council has confirmed that there are no road safety issues relating to this application other than the need to provide visibility splays. Visibility splays have accordingly been included in the proposals which fully meet their requirements.**

## MISCELLANEOUS ISSUES

Whilst the representee states they have maintained the track; this is a choice and not a requirement. It is not a material planning consideration.

It is unclear why Further Representee considers they know the facts relating the withdrawal of the previous application nor why this has any bearing on this application. The Representee is not correct in their assumption. However, whatever the point being made is, it is irrelevant and not a material planning consideration relating to this planning application.

**It is concluded that none of the points raised in the Further Representations would override the material considerations and merits of this application such that it should be refused. No policy is referenced in their assertions. Most of the points raised are non-material considerations and should be dismissed accordingly. Similarly, many of the points are based on false assumptions rather than fact.**

**This response provides the facts of the situation and the case and therefore afford greater weight in the review of this case by the Local Review Body. The facts present a genuine case of need.**

**Accordingly, it is requested the Local Review Body allow this appeal to enable this long-standing farming business to go through the farming succession process and to continue this viable farming business for the future benefit not only of the applicant but to the rural economy and local community.**