



## MORAY LOCAL REVIEW BODY

27 JUNE 2019

### SUMMARY OF INFORMATION FOR CASE No LR223

**Planning Application 18/01495/PPP – Erect Single Dwelling House and Garage on site within grounds of Hillwood, Carron, Aberlour, Moray**

#### **Ward 1 – Speyside Glenlivet**

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 22 January 2019 on the grounds that:

The proposal would be contrary to policies PP1, E7, H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017) for the following reasons:

The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage (Ashgrove Cottage), but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

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**.

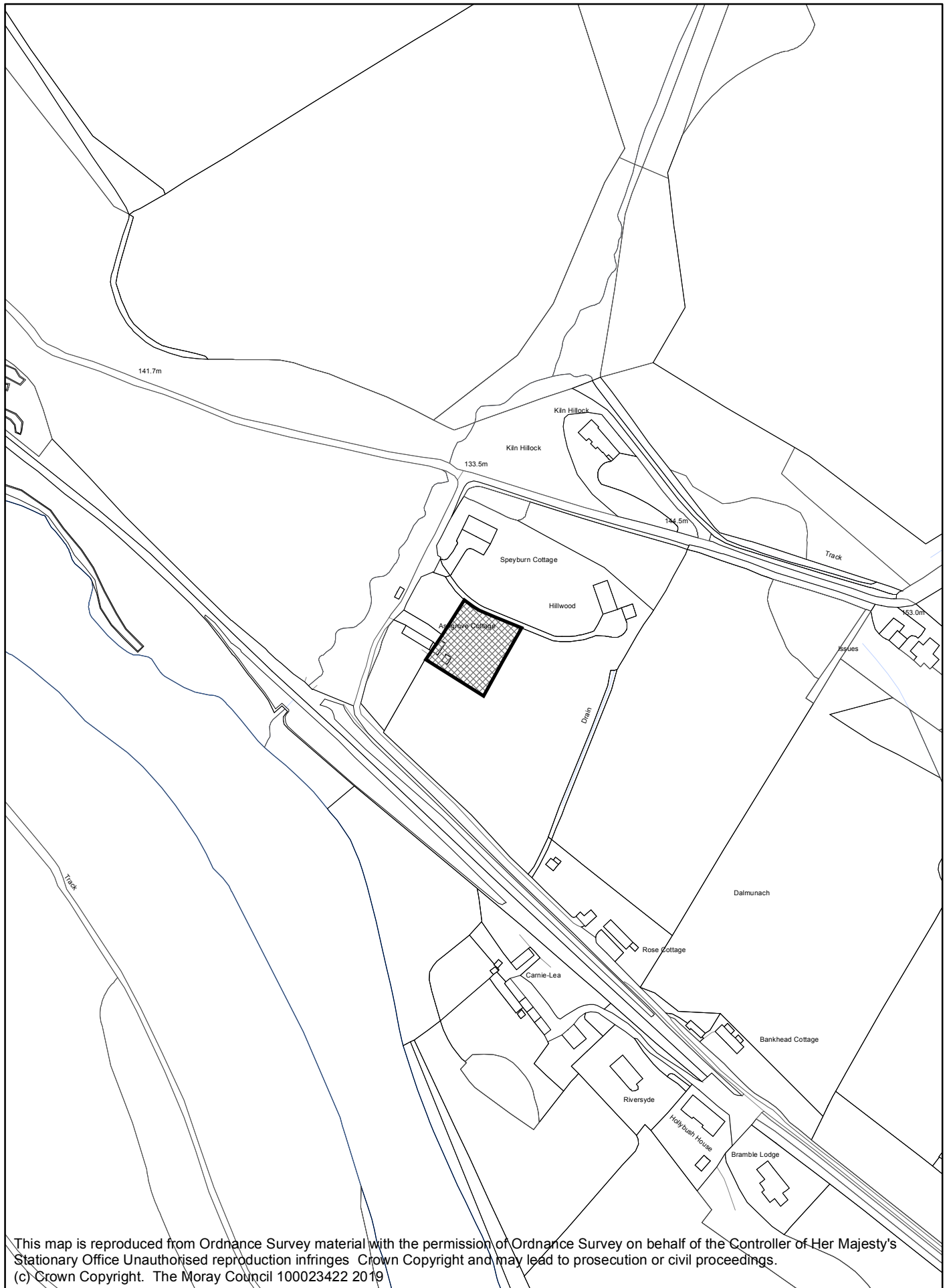
Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

No representation was received from the Applicant in response to the Further Representations.





# Location plan for Planning Application Reference Number : 18/01495/PPP



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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 100144239-001

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)

Proposed Single dwelling house and garage.

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:	IH Designs ( Moray )		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ian	Building Name:	Eilean Dubh
Last Name: *	holmes	Building Number:	12
Telephone Number: *	01309 674368	Address 1 (Street): *	Councillors Walk
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Forres
Fax Number:		Country: *	Scotland
		Postcode: *	IV36 1HA
Email Address: *	ian54holmes@hotmail.co.uk		
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:	Flat
First Name: *	Ruari	Building Number:	7
Last Name: *	Watt	Address 1 (Street): *	2 North Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Elgin
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV30 6BS
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Moray Council

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

Address 1:

HILLWOOD

Address 2:

CARRON

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERLOUR

Post Code:

AB38 7QP

Please identify/describe the location of the site or sites

Northing

842030

Easting

321185

## Pre-Application Discussion

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

☐ Yes ☒ No

## Site Area

Please state the site area:

1700.00

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)

Area of scrub land within boundaries of dwelling houses ( Speyburn Cottage and Hillwood, both family owned ).

## 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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>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.</p>
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2> <p>Will your proposal require new or altered water supply or drainage arrangements? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input type="checkbox"/> Yes – connecting to public drainage network</p> <p><input checked="" type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>As you have indicated that you are proposing to make private drainage arrangements, please provide further details.</p> <p>What private arrangements are you proposing? *</p> <p><input checked="" type="checkbox"/> New/Altered septic tank.</p> <p><input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).</p> <p><input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).</p>
<p>What private arrangements are you proposing for the New/Altered septic tank? *</p> <p><input checked="" type="checkbox"/> Discharge to land via soakaway.</p> <p><input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway).</p> <p><input type="checkbox"/> Discharge to coastal waters.</p>
<p>Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *</p> <div style="border: 1px solid black; padding: 10px; min-height: 80px;"> <p>Proposed biodisc treatment plant and soak way system, either single soak away or bed system.</p> </div>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>(e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>

## 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.

## 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

## Certificate Required

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

Certificate A

# Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: ian holmes

On behalf of: Mr Ruari Watt

Date: 22/11/2018

☒ 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)

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

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

Applicant Supporting Statement

## 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 ian holmes

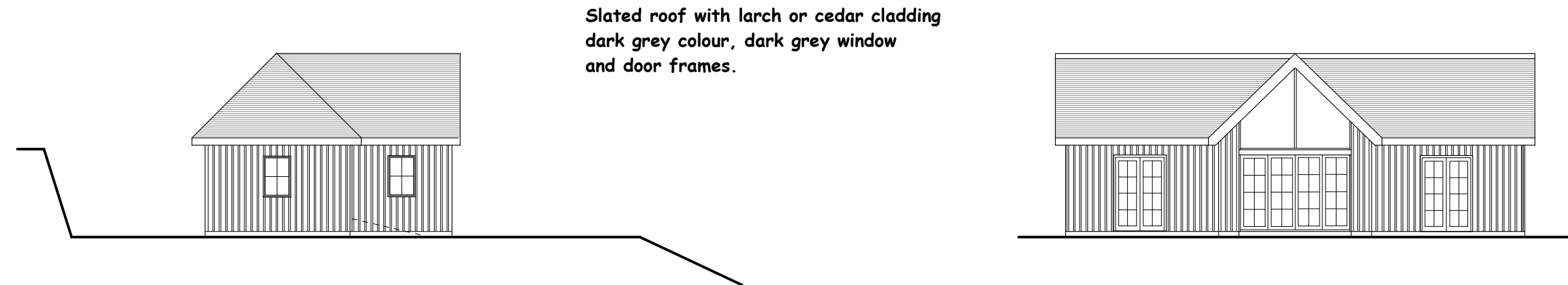
Declaration Date: 22/11/2018

## Payment Details

Telephone Payment Reference: 355131

Created: 23/11/2018 10:28





INDICTATIVE ELEVATIONS OF POSSIBLE HOUSE STYLE

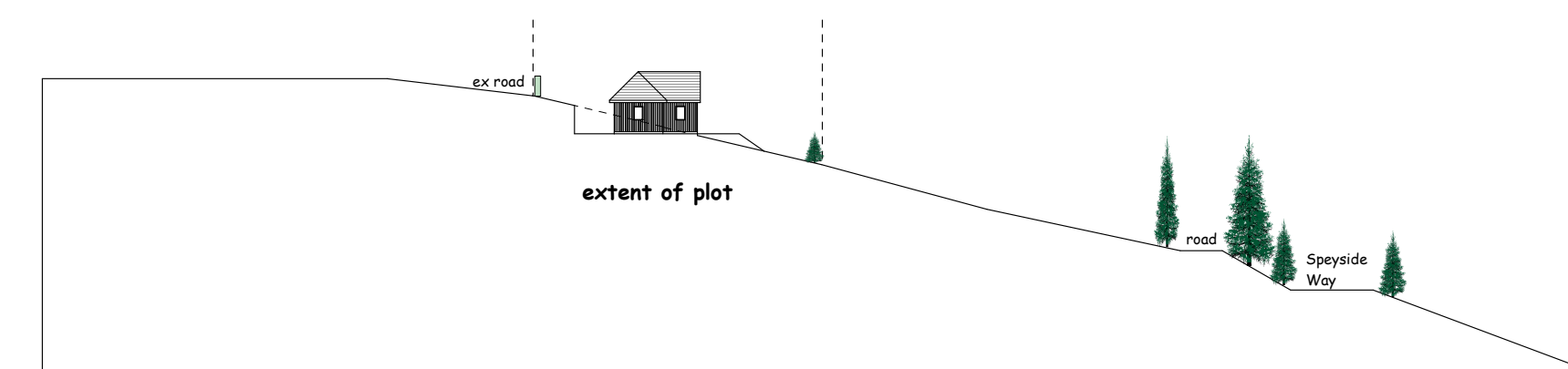
No works to commence on site until Planning and or Building Warrant Approvals are received. Contractors must visit the site and check site dimensions, roof pitches etc and familiarise themselves prior to ordering and manufacturing components and materials. Do not scale the drawings. These are not Construction Drawings.



SITE PLAN 1:1000



LOCATION PLAN 1:10,000



CROSS SECTION AT PLOT

Planning Permission in Principle for a single dwelling at Hillwood, Carron AB38 7QP October 2018

Drwg. LP1/1 scale. as noted Rev :

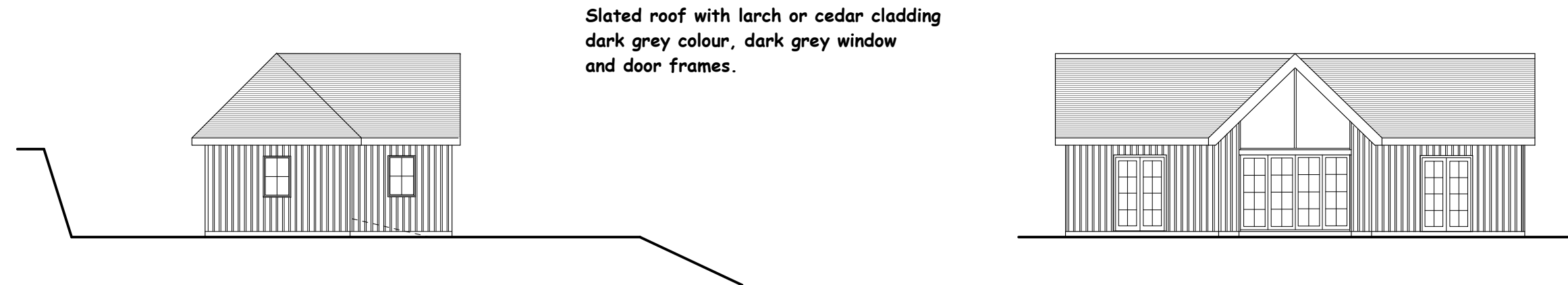


**IH Designs ( Moray)**

12 Councillors Walk, Forres IV36 1HA  
Tel : 01309 674368  
Email : ian54holmes@hotmail.co.uk  
Web : www.ihdesignsmoray.co.uk







INDICTATIVE ELEVATIONS OF POSSIBLE HOUSE STYLE

No works to commence on site until Planning and or Building Warrant Approvals are received. Contractors must visit the site and check site dimensions, roof pitches etc and familiarise themselves prior to ordering and manufacturing components and materials. Do not scale the drawings. These are not Construction Drawings.



Photograph of plot looking South



SITE PLAN 1:1000



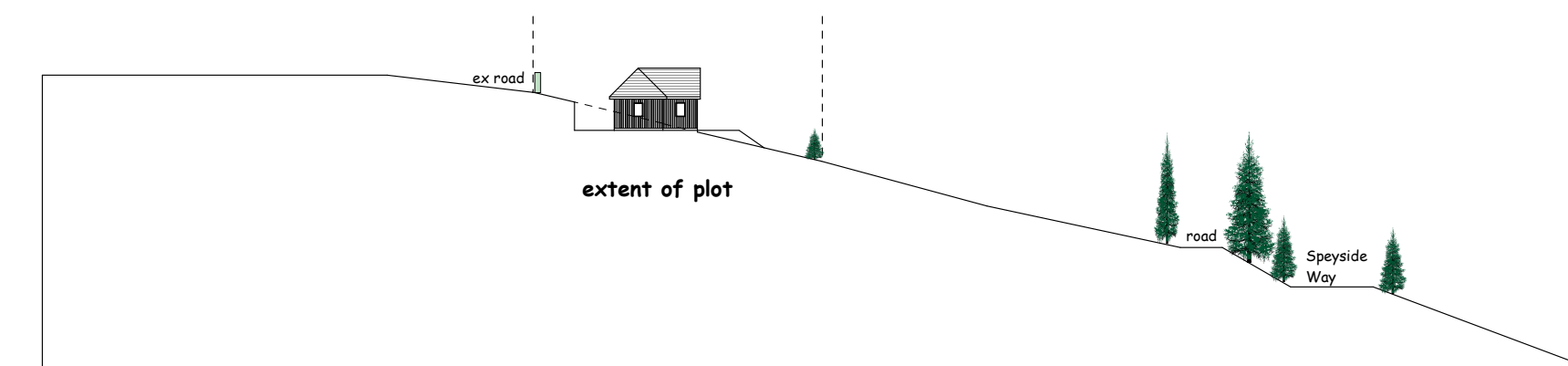
LOCATION PLAN 1:10,000



Photograph of Hillwood access track looking West with plot access



Photograph of access track looking West



CROSS SECTION AT PLOT

Proposed PPP for house plot at Hillwood, Carron AB38 7QP

October 2018

Drwg. RW1/1 scale. as noted  
Rev :



**IH Designs ( Moray )**

12 Councillors Walk, Forres IV36 1HA

Tel : 01309 674368

Email : ian54holmes@hotmail.co.uk

Web : www.ihdesignsmoray.co.uk





**From:** DeveloperObligations  
**Sent:** Fri, 30 Nov 2018 14:20:21 +0000  
**To:** Iain Drummond  
**Cc:** DC-General Enquiries  
**Subject:** 18/01495/PPP Proposed single dwelling house and garage on Site Within Grounds of Hillwood, Carron, Aberlour  
**Attachments:** 18-01495-PPP Proposed single dwelling house and garage on Site Within Grounds of Hillwood, Carron, Aberlour.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 agent.

Regards  
Hilda

Find us on   
[Moray Council Planning](#)

**Hilda Puskas**  
Developer Obligations Officer  
Development Plans  
[hilda.puskas@moray.gov.uk](mailto:hilda.puskas@moray.gov.uk)  
01343 563265

**moray**  
council







# Developer Obligations: ASSESSMENT REPORT



**moray**  
council

**Date:** 30/11/2018

**Reference:** 18/01495/PPP

**Description:** Proposed single dwelling house and garage on Site Within Grounds of Hillwood, Carron, Aberlour

**Applicant:** Mr Ruari Watt

**Agent:** IH Design

This assessment has been carried out by Moray Council. This assessment is carried out in relation to policy IMP3 Developer Obligations of the Moray Local Development Plan 2015 (LDP) and associated Supplementary Guidance (SG) on Developer Obligations which was adopted on 1 March 2018.

The LDP and SG can be found at [http://www.moray.gov.uk/moray\\_standard/page\\_100443.html](http://www.moray.gov.uk/moray_standard/page_100443.html)

## Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare ( <i>Contribution towards reconfiguration of Aberlour Health Centre and 1 Additional Dental Chair</i> )	
Sports and Recreation	Nil
<b>Total Developer Obligations</b>	

## Breakdown of Calculation

Proposals 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:

1 x 3-bed= 1 SRUE

This assessment is therefore based on 1 SRUE.

### Developer Obligations Discount for Small Scale Development

A discount of 80% will be applied to the contribution for single unit developments to reflect their small scale nature.



**Moray Council DEVELOPER OBLIGATIONS**



## INFRASTRUCTURE

### Education

#### Primary Education

Pupils generated by this development are zoned to Knockando Primary School. The school is currently operating at 72% functional capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary.

**Contribution towards Primary Education = Nil**

#### Secondary Education

Pupils generated by this development are zoned to Speyside High School. 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.

**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).

Aberlour Health Centre is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Aberlour Health Centre is working beyond design capacity and existing space will be required to be reconfigured and that 1 Additional Dental Chair will be required.

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

### Sports and Recreational Facilities

#### Sports and Recreation Facilities

Existing sports provision within Aberlour is considered to be adequate to serve the needs of the residents anticipated to be generated





by this development. Therefore, in this instance, no contribution will be required.

**Contribution for Sports and Recreation  
Facilities = Nil**



## 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 18/01495/PPP**

## **Application Summary**

Application Number: 18/01495/PPP

Address: Site Within Grounds Of Hillwood Carron Aberlour Moray

Proposal: Proposed single dwelling house and garage on

Case Officer: Iain T Drummond

## **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 - Andrew Stewart



# **Consultee Comments for Planning Application 18/01495/PPP**

## **Application Summary**

Application Number: 18/01495/PPP

Address: Site Within Grounds Of Hillwood Carron Aberlour Moray

Proposal: Proposed single dwelling house and garage on

Case Officer: Iain T Drummond

## **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 - Andrew Stewart





4<sup>th</sup> December 2018

Moray Council  
Council Office High Street  
Elgin  
IV30 9BX



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 Local Planner

**AB38 Aberlour Carron Site Within Grnds Of Hillwood**  
**PLANNING APPLICATION NUMBER: 18/01495/PPP**  
**OUR REFERENCE: 770178**  
**PROPOSAL: Proposed single dwelling house and garage**

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

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**

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

**Foul**

- 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.

**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.**

## **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally 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 all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>

#### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water 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 up 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 or not the discharge from your premises is likely to be considered 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 using the following link <https://www.scottishwater.co.uk/business/our->

[services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h](#)

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)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Angela Allison**

Angela.Allison@scottishwater.co.uk

# Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	14th December 2018
<b>Planning Authority Reference</b>	18/01495/PPP
<b>Nature of Proposal (Description)</b>	Proposed single dwelling house and garage on
<b>Site</b>	Site Within Grounds Of Hillwood Carron Aberlour Moray
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133054881
<b>Proposal Location Easting</b>	321128
<b>Proposal Location Northing</b>	842011
<b>Area of application site (Ha)</b>	1700 m <sup>2</sup>
<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=PISGTYBGJPK00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PISGTYBGJPK00</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	30th November 2018
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Ruari Watt
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Flat 7 2 North Street Elgin Scotland IV30 6BS
<b>Agent Name</b>	IH Design
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Eilean Dubh 12 Councillors Walk Forres Moray IV36 1HA
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Iain T Drummond
<b>Case Officer Phone number</b>	01343 563607
<b>Case Officer email address</b>	iain.drummond@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: 18/01495/PPP**

**Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron  
Aberlour Moray for Mr Ruari Watt**

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 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 | <b>x</b>                             |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>             |

*The proposed development is a single house accessed via an existing access onto the PU16 Dalmunach single track Road. Whilst this is a Private Road it is still important to ensure that there is adequate forward visibility to see approaching vehicles, and sufficient available opportunities for two vehicles to pass each other in a safe manner. The following conditions are recommended:*

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

1. Prior to any development works commencing:
  - a. a detailed drawing (scale 1:500) showing the location and design of a passing place on the section of the PU16 Dalmunach Road (to the Moray Council standards and specification), shall be submitted to and approved in writing by the Council, as Planning Authority in consultation with the Roads Authority; and
  - b. thereafter the passing place shall be constructed in accordance with the approved drawing prior to any development works commencing (except for those works associated with the provision of the passing place).

Reason: To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the road.

2. No water shall be permitted to drain or loose material be carried onto the public footway/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.

3. Parking provision shall be as follows:

- 2 spaces for a dwelling with three bedrooms or less; or
- 3 spaces for a dwelling with four bedrooms or more.

The parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. 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.

4. A turning area shall be provided within the curtilage of the site/each plot 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 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.

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 85 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)

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 be responsible for ensuring that surface/ground water does not run from the public road into his property.

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

**Contact:LL**  
**email address:transport.develop@moray.gov.uk**  
**Consultee: Transportation**

**Date 05.12.2018**



<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
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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://publicaccess.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.



## **REPORT OF HANDLING**

<b>Ref No:</b>	18/01495/PPP	<b>Officer:</b>	Iain T Drummond
<b>Proposal Description/ Address</b>	Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron Aberlour Moray		
<b>Date:</b>	22/01/19	<b>Typist Initials:</b>	FJA

### **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>
Environmental Health Manager	05/12/18	No objections
Contaminated Land	05/12/18	No objections
Transportation Manager	05/12/18	No objections subject to conditions and informatives
Scottish Water	04/12/18	No objections
Planning And Development Obligations	30/11/18	Contribution sought towards

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP1: Sustainable Economic Growth	Y	
H7: New Housing in the Open Countryside	Y	
E7: AGLV and impacts on wider landscape	Y	
EP5: Sustainable Urban Drainage Systems	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
T2: Provision of Access	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	N	
IMP3: Developer Obligations	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received – ten separate representations from one party		
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>Issue:</b> The application form refers to the site as scrub land however it is agricultural land.</p> <p><b>Comments (PO):</b> Local Development Plan policy allows for change of use of agricultural land for residential purposes, where proposals are compliant with Local Development Plan policy in all other regards, however, as outlined in the observations section of this report, this application is not considered to comply with policy and is recommended for refusal on this basis.</p>		
<p><b>Issue:</b> This is the fifth house proposed in this location. Houses 1 and 2 are built. House 3 refused. House 4 looking to renew application. Now house 5 by the same applicant as House 4 and next door. The open ground aspect of the landscape is destroyed by both houses 4 and 5. Why does the applicant need 2 houses? This can only be for the purpose of selling the sites.</p> <p><b>Comments (PO):</b> Applications for new houses in the countryside must be considered in accordance with Local development Plan policy, where, need or eventual ownership of sites is not a material planning consideration. The build-up of development in this locality is considered in the observations section of this report where it is concluded that the proposal will result in an unacceptable impact on the character of the surrounding area.</p>		
<p><b>Issue:</b> The proposal, when considered in conjunction with neighbouring existing houses and approved plot, will result in a cul de sac layout, which is not compliant with Local development Plan policy for rural development.</p> <p><b>Comments (PO):</b> The application is being refused on this basis as outlined in the observations section of this report.</p>		
<p><b>Issue:</b> Adverse impact on privacy levels</p> <p><b>Comments (PO):</b> As this application is in principle there are no detailed design of the proposed house under consideration, however, it is potentially possible to accommodate a house on this site without resulting in an unacceptable privacy impact on the neighbouring houses and as such this issue does not form a reason for refusal of this application.</p>		
<p><b>Issue:</b> The existing access road is substandard to support the proposed house or neighbouring approved house site.</p> <p><b>Comments (PO):</b> The transportation service has confirmed that they have no objection to the approval of the application. The access serving the site is a private road and therefore its condition and any repairs required following development is a private legal matter to be resolved between the parties who are responsible for the maintenance of the road and is not a material planning consideration that can be taken into account in the determination of this application.</p>		
<p><b>Issue:</b> There is a history of refused planning application within the area surrounding the site.</p> <p><b>Comments (PO):</b> Each planning application must be considered on its own merits and in accordance with the Local development Plan policy at that time and no precedent should be taken from nearby recent decisions.</p>		
<p><b>Issue:</b> In the guidance for the LDP it refers to the 'value of the Moray countryside being of the utmost importance'. The proposed site along with neighbouring houses and approved site 'contributes to the gradual erosion' (taken from the guidance) of the countryside. Today 11 years on, the orientation and position of house 2 would be questionable under today's guidelines.</p> <p>From the guidance:</p> <p>A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area (e.g. open appearance or ambience).</p>		

This applies to the proposed development when considered in conjunction with the neighbouring housing and approved house site.

From the extract for Policy H7 of the guidance for the LDP:

'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,'

This application significantly impacts the rural character of the area.

Three house applications adding to the two recently built in the open countryside (house 4 - 18/01410/APP) is in the middle of the field and this application would demonstrate a growth of 300% in a very small land area.

**Comments (PO):** As outlined in the observations section of this report, the build-up, density and dominance of development in this locality is the reason that this application is being recommended for refusal.

**Issue:** From the extract for Policy H7 of the guidance for the LDP:

It reflects 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;

This application is not:

- sensitively integrated

and does not:

- use natural backdrops

The site is:

- clearly visible from the road out from the village

- an obtrusive development.

**Comments (PO):** Although unacceptable in cumulative terms when considered in conjunction with the neighbouring houses and approved plot, individually, the proposed house is not considered to represent obtrusive development, in that it would be generally viewed against a mature wooded natural backdrop and although it would be visible in the landscape it is not considered to constitute obtrusive development when assessed in isolation.

**Issue:** From the extract for Policy H7 of the guidance for the LDP:

'It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;'

This application for house 5 substantially detracts from the character of existing buildings. The nearest building (less than one metre from the proposed boundary) is a one bedroom single storey cottage in stone and slate built in 1864.

**Comments (PO):** As outlined in the observations section of this report the application is being refused on the basis of the dominant impact on the adjacent traditional cottage.

**Issue:** From the extract for Policy H7 of the guidance for the LDP:

'At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, watercourses, woodlands, tracks and roadways).' The boundary between Ashgrove Cottage and the sheds in the application could not be considered a long established boundary. For this application 0% of the site boundaries are long established.

**Comments (PO):** The curtilage of the adjacent existing houses is sufficient to provide 50% boundary enclosure as specified by policy and therefore the proposal is considered compliant in this regard

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### The Proposal

This application seeks planning permission in principle for the erection of a dwellinghouse on a site at Hillwood, Carron.

## **The Site**

The site lies to the south west of Hillwood and immediately to the east of Ashgrove Cottage. Planning permission has recently been renewed for the erection of a house immediately to the east of the site 18/01410/APP, this permission was a renewal of a previous consent granted in 15/02012/APP.

The site comprises an area of agricultural field, which along with the surrounding landscape is designated within the Moray Local Development Plan as an Area of Great landscape Value (AGLV). The Speyside way also runs to the south of the site.

## **Appraisal**

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 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

### **Siting and Impact upon Landscape Character**

**(MLDP 2015 Policies PP1, E7, H7 and IMP1, Supplementary Guidance: 'Housing in the Countryside' MLDP 2015, Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside 2017)**

Policy E7: The site lies within an area of the countryside designated in the Local Development Plan for its Great Landscape Value, where there is a presumption against development which would have an adverse effect on the character of the surrounding area and where the highest standard of siting is required.

Policy H7: New Housing in Open Countryside of the Moray Local Development Plan 2015 contains the necessary criteria for assessing new rural housing in the countryside; these include the requirement that new sites

- a) should reflect the traditional settlement pattern of the locality and integrate sensitively with the surrounding landform (i.e. not be obtrusive),
- b) not detract from the character or setting of existing buildings, or their surrounding area,
- c) not contribute to a build-up of development which changes the character of the area (with particular attention being given to proposals where there has been a significant growth in the number of house applications) and
- d) have at least 50% established boundaries.

The policy also contains site-specific criteria requiring at least 25% of plot areas to be planted with trees and design criteria to ensure a satisfactory form of traditional design.

Policy IMP1: Development Requirements seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape. Policy PP1 advocates sustainable economic growth that protects the natural and built environment.

Associated Supplementary Guidance 'Housing in the Countryside' (Moray Local Development Plan 2015) provides relevant advice (pages 13 to 14) in relation to the issue of cumulative build-up of housing which is pertinent to the current application. This states inter alia that, "...A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area (e.g. open appearance or ambience). 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."

A further guidance note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside was approved by the Planning and Regulatory Services Committee on the 15 August 2017, which identifies hotspots where cumulative build up is prevalent and outlines indicators where

build-up may be present out with these specific hot spots.

In this case the site is bounded to the north by two relatively modern houses and a traditional cottage to the west and an approved house site to the east. The adjacent house plot was originally determined prior to the council's adoption of guidance for the consideration of build up of new housing development in the countryside and the consents subsequent renewal took into account that there was already an extant planning permission granted on the site which could have been implemented. In this case however, there is no such previous planning permission in place.

The proposed site does not lie within any specific build up hot spot, however, there are three existing houses (2 of which are relatively modern) and a further house plot all of which bound this site and as such the build-up of development in this locality is a key consideration of this application.

There are 7 cumulative build-up indicators identified within the guidance which should be used when sites do not lie within the specific hot spots. These are as follows,

### **siting indicators**

- The number of new houses overwhelms the presence of older buildings, such that the 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 result in these being 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-up of new housing experienced when travelling along roads in the vicinity of the site. The proposal contributes to ribbon development between existing/consented houses contrary to the traditional dispersed settlement pattern.

### **design indicators**

- In order to serve numerous new house plots in any given area, commonly suburban style features are required, such as accesses built to adoptable standards (rather than gravel tracks) and large bin storage areas at the end of tracks. These features erode the rural character of an area.
- The larger scale of new houses contrasts to generally smaller size of older building, cottages and farms results in the development being out of keeping and incongruous within the rural setting.
- There are numerous incidences of open prominent elevations that are visible in the landscape and are orientated for views and in contrast to traditional settlement pattern.
- A new architectural design is prevalent which has overwhelmed the older vernacular style.

With regard to the above indicators the two adjacent relatively modern houses and further approved house plot together result in a relatively dominant impact on the existing traditional Ashgrove Cottage. The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage, but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

For the avoidance of doubt the design indicators are not applicable as this application is in principle and therefore the detailed design of the house is not being considered at this stage.

Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies PP1, E7, H7, IMP1 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.

Although the proposal is potentially capable of satisfying policy criteria in relation to boundary treatment, 25% tree planting and house design, these aspects do not override the main policy objection concerning an unacceptable build-up of housing and its associated impact upon the rural character of this particular location.

#### **Access/Parking (T2 and T5)**

Following consultation the Transportation Section has raised no objection to the proposal subject to conditions and informatives.

#### **Water Supply and Drainage (EP4, EP10 and IMP1)**

Proposed drainage arrangements comprising private septic tank/soakaway and surface water soakaway would satisfy policy EP10 and IMP1. Final details would be addressed under the Building Regulations and had the application been recommended for approval, informative advice in this regard would have been attached to the decision notice.

Scottish water has no objection to the use of the proposed water supply.

#### **Developer Obligations (IMP3)**

An assessment has been carried out and a contribution has been identified towards healthcare, which the applicant has agreed to pay in the event of approval being given.

#### **Recommendation**

The proposed development is unacceptable in this location, fails to comply with development plan policy and is recommended for refusal.

### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

#### **HISTORY**

Reference No.	Description			
	Decision		Date Of Decision	

#### **ADVERT**

Advert Fee paid?	N/A		
Local Newspaper	Reason for Advert	Date of expiry	

#### **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?		NO
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Summary of main issues raised in each statement/assessment/report
---

Document Name:
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Main Issues:
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**S.75 AGREEMENT**

Application subject to S.75 Agreement		NO
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Summary of terms of agreement:
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Location where terms or summary of terms can be inspected:
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**DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)**

Section 30	Relating to EIA		NO
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Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
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Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
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Summary of Direction(s)
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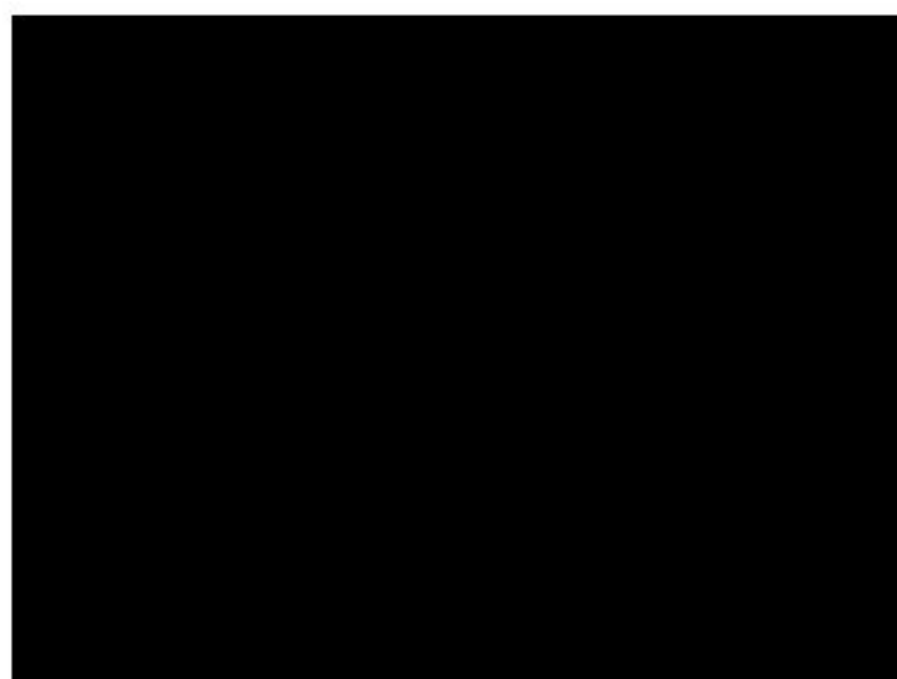


MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet]  
Planning Permission in Principle

TO

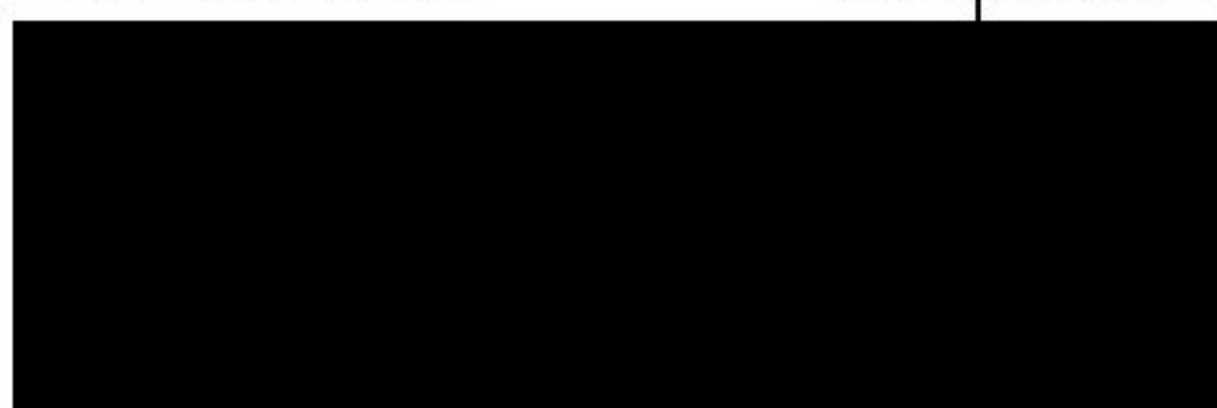


With reference to your application for planning permission in principle under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron Aberlour Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: 22 January 2019



**HEAD OF DEVELOPMENT SERVICES**

Environmental Services Department

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, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal would be contrary to policies PP1, E7, H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017) for the following reasons:

The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage (Ashgrove Cottage), but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

The following plans and drawings form part of the decision: -

Reference	Version	Title
LP1/1		
RW1/1		Site plan

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,  
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

**DETAILS OF MATTERS SPECIFIED IN CONDITIONS**

Approval, consent or agreement has been GRANTED for the following matter(s):-

The matter(s) was/were specified in conditions imposed on the earlier grant of planning permission:-

N/A

**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.scot/eplanningClient](http://www.eplanning.scot/eplanningClient)

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**







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 100160684-001

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.

## 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:	HHL Scotland		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Matthew	Building Name:	Allander
Last Name: *	Hilton	Building Number:	
Telephone Number: *	07743221617	Address 1 (Street): *	Mill Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Nairn
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV12 5EL
Email Address: *	matthew@hhlscotland.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="RUARI"/>	Building Number: <input type="text" value="12"/>
Last Name: *	<input type="text" value="WATT"/>	Address 1 (Street): * <input type="text" value="COUNCILLORS WALK"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="FORRES"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="MORAY"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="IV36 1HA"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	

## Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="842004"/>	Easting	<input type="text" value="321113"/>
----------	-------------------------------------	---------	-------------------------------------

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

ERECT SINGLE DWELLING HOUSE AND GARAGE

## Type of Application

What type of application did you submit to the planning authority? \*

- ☐ Application for planning permission (including householder application but excluding application to work minerals).
- ☒ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

PLEASE SEE ATTACHED STATEMENT OF CASE

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

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. You can attach these documents electronically later in the process: \* (Max 500 characters)

SEE ATTACHED STATEMENT OF CASE

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/01495/PPP

What date was the application submitted to the planning authority? \*

27/11/2018

What date was the decision issued by the planning authority? \*

22/01/2019

## 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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

SEE ATTACHED STATEMENT OF CASE

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

☒ Yes ☐ No

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 (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Matthew Hilton

Declaration Date: 10/04/2019





# HHL Scotland

Chartered Town Planning &  
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## LOCAL REVIEW BODY STATEMENT OF CASE TO SUPPORT

### PROPOSED SINGLE DWELLING HOUSE AND GARAGE ON SITE WITHIN GROUNDS OF HILLWOOD CARRON ABERLOUR MORAY

APPELLANT.

MR RUARI WATT

COUNCIL PLANNING REF.

18/01495/PPP

DATE.

10 APRIL 2019

HHL SCOTLAND REF.

19012



# HHL Scotland

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Web. [hhlscotland.co.uk](http://hhlscotland.co.uk)

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### APPENDIX

APPENDIX 1	COUNCIL DECISION NOTICE
APPENDIX 2	REPORT OF HANDLING
APPENDIX 3	APPLICATION DRAWING





## 1.0 INTRODUCTION

### Background

- 1.1 This Local Review Statement of Case has been prepared by HHL Scotland Chartered Town Planning & Building Consultants to support a recently refused Planning Permission in Principle Application, proposing the erection of a single house and garage within the grounds of 'Hillwood' Carron, Aberlour Moray
- 1.2 The planning application was validated on 27th November 2018 and was refused on 22nd January 2019 under delegated powers (Decision Notice – Document 1). This Review has been prepared and lodged within the statutory 3months period from the date of the decision notice.
- 1.3 The application was refused for the following reason:

The proposal would be contrary to policies PP1, E7, H7 & IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017) for the following reasons:

The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage (Ashgrove Cottage), but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.



And after due consideration, the appellant has decided to seek a Review of the decision by the Council Review Body and the following Statement of Case and attached documents constitutes the appellants submission.

### **Proposed Development**

- 1.4 This 'Planning Permission in principle' application seeks to erect a simple 'T-shaped' house and detached garage on a roughly rectangular shaped site. The indicative plans demonstrate that the house would face down the slope in the same orientation as the adjacent properties (Ashgrove Cottage & Speyburn Cottage)
- 1.5 As the application is in 'principle', full details of the house floor levels are not included as part of the submission. Nevertheless, the indicative drawings demonstrate that the land immediately behind the property continue to rise and is heavily wooded thereby providing an immediate substantial backdrop to the site.

### **Consultations / Representations**

- 1.7 As is the norm with this type of application, the Appointed Officer sought consultations from various statutory and non-statutory bodies, including:
- Council Transportation Manager – Raised no objections to the proposal. The site is also large enough to accommodate the required parking and turning provision.
  - Scottish Water – No objection
  - Council Environmental Health Manager – No objection
  - Council Contaminated Land Manager – no objection.
  - Planning and Development Obligations – Financial contribution sought towards a health care provision. Which the appellant is content to settle at the appropriate time.
- 1.8 In addition, the statutory neighbour notification and advertisement processes were followed, with the application being advertised in the local press. Representation was received from one property. All of which are dealt with within the Appointed Officer Report of Handling/Statement of Case below.



## **2.0 THE APPLICATION SITE**

- 2.1 The Review site is currently rough agricultural ground, which sits adjacent to Ashgrove Cottage on the approximate 124m contour, the ground immediately beyond (to the northern) rises in height to the summit of 'Monahoudie Mossll' at 202m in height. With a mature forestry plantation running from approximately the 130m contour up to the summit.
- 2.2 The site is accessed via a private road, which the appellant has the full right of access over. The Council Transportation Section has confirmed that this access will provide a safe and secure access to the public road network.
- 2.3 The existing settlement pattern has developed in recent years with a number of new house approvals within the locale, along with the existing traditional properties. Two of these new houses have been built whilst a third has an extant permission.
- 2.4 To the south of the site lies the Speyside Way, which along this section is lined by mature trees providing an attractive walk and limiting views to the appeal site.



### 3.0 PLANNING CONSIDERATION

- 3.1 Section 25 of the Town & Country Planning (Scotland) 1997 Act (as amended) advises that planning applications are required to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 The development plan in relation to this Review is noted as being the 'Moray Local Development Plan 2015' (MLDP), with the salient policy being 'Policy H7: New Housing in the Open Countryside'.
- 3.3 This policy '**...assumes in favour...**' of new housing applications on the proviso that a number of 'Siting' & 'Design' considerations are met. As this development is in 'principle' only the Siting Criteria are relevant, these are as follows:
1. The proposal reflects the traditional settlement pattern of the locale, it is sensitively sited and uses natural backdrops to integrate the development.
  2. The proposal does not detract from the character or setting of existing buildings or surrounding uses.
  3. It does not result/or contribute to a build-up of residential development in an area which has seen 'significant' growth of the number of houses, which thereby changes the character of the area.
  4. The site must have 50% boundary definition with long established boundaries, including, stone dykes and woodlands.
- 3.4 In terms of this Review, the most important consideration of these are points 1 - 3; as the Appointed Officer has suggested that this area has a build up of properties to the detriment of the rural area.
- 3.5 The Council has prepared Supplementary Guidance on the 'Landscape and Visual Impacts of Cumulative Build-Up of Houses In The Countryside'. This document outlines a number of 'Siting' Indicators to help identify where a



build up of houses might become unacceptable. These indicators are as follows:

- *The number of new houses overwhelms the presence of older buildings, such that the 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 result in these being 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-up of new housing experienced when travelling along roads in the vicinity of the site. The proposal contributes to ribbon development between existing/consented houses contrary to the traditional dispersed settlement pattern.*

3.6 Considering each in turn the appellant contends the following: The first indicator refers to the number of new houses 'overwhelming' the presence of older buildings and the traditional settlement pattern being lost. Considering this Indicator in relation to the overall Supplementary Guidance, the document specifically refers to the build-up of houses within the last 10 years and highlights various 'hotspots' of build up of properties and uses a 'traffic light' system to identify areas where unacceptable build up has occurred and thus protecting these areas against further development.

3.7 The Review site is not located in any of the 'hotspots' and the traffic light system shows that 5-12houses is considered green (an acceptable build up), 13-31 houses is amber



(unacceptable build up being established) and 32-44 houses is red (detrimental build up).

- 3.8 In this instance in the last 17 years only 3 other houses have been approved (2002, 2007 & 2015). The ones approved in 2002 and 2007 have now been built and as these were approved and built over 10 years ago and under different Local Plan Policies, these are considered to be outwith the spirit of the Supplementary Guidance document, as the Document specifically refers to '...The rate of growth of new housing in the countryside in the last 10 years has been significant in Moray...' (Page 1 Introduction)
- 3.9 Corollary, only one single house has been approved in the immediate vicinity within the last 10 years and this property has yet to be built. The appellant therefore asserts that this area doesn't even register on the Council 'traffic light' system controlling detrimental build up.
- 3.10 Therefore, the appellant believes the traditional character has not been overwhelmed, nor has a concentrated development created a suburban cul-de-sac, both of which are specifically defined in the guidance. As such, this proposal satisfies Indicator 1.
- 3.11 Moving onto the second, this indicator highlights damage houses being visible from 'Key Viewpoints' including roads, long distance footpaths and other settlements could create. As the site is removed from any major or more local roads and is instead access via a private road, the site is not prominent in this regard.
- 3.12 As mentioned previously, the Speyside Way runs to the south of the site this long-distance footpath is a major tourist path within Moray and follows (at this location) a former rail line. This path sits lower than the appeal site (on the 110m contour) and is tree lined with mature species along its length, this wooded nature, coupled with the site sitting higher than the path, adequately screens the site from occasional view, thereby the appellant asserts the site is not overly prominent.



- 3.13 Furthermore, given the site location, it would not be visible from any other settlements and therefore, taking all the above into consideration, the appellant again believes his proposal satisfies Indicator 2.
- 3.14 Finally, with regards to Indicator 3, as previously noted the site is removed from any public roads and is instead accessed via a private road. Given this the house would not be viewed by road users. Nor would the development create ribbon development.
- 3.15 Consequently, this proposal also does not contravene the final indicator.
- 3.16 As the above has demonstrated that the development will not result in a residential build-up and the traditional residential character of the locale has not suffered detrimentally, the appellant asserts that this Review complies with the strands 1-3 of policy 'Policy H7 (New Housing in the Open Countryside).
- 3.17 The remaining strand of this policy states that the site should have 50% of its boundaries defined with long established boundaries, including, stone dykes and woodlands. In this instance, the eastern boundary is defined by the residential curtilage of Ashgrove Cottage, whilst the northern boundary by a long-established access roadway. Consequentially, the application site therefore deemed to comply with this final strand.
- 3.18 In concluding, as policy H7 '**...assumes in favour...**' of all housing developments in this locale and as the above has demonstrated that the detailed siting criteria has been fulfilled, the appellant asserts that this proposal is acceptable in this regard and looks forward to this being accepted by the Review Board.
- 3.19 Finally, in terms of the design and detailed house siting on site, as these would be subject to a 'reserved matters application', my client would be content to acceptable any conditions the Board felt necessary in this regard.



# HHL Scotland

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### 4.0 CONCLUSION

- 4.1 In concluding, based on all the above and the enclosed documents, the appellant believes that their proposal represents an acceptable form of development and, as such, respectfully asks the Review Body to uphold this Review.



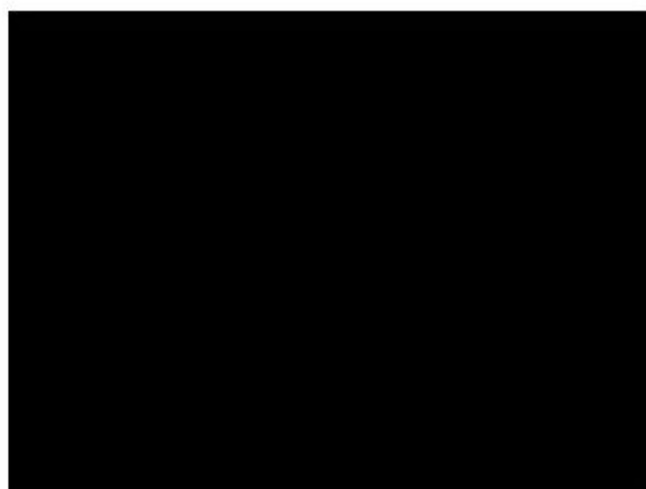


MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet]  
Planning Permission in Principle

TO

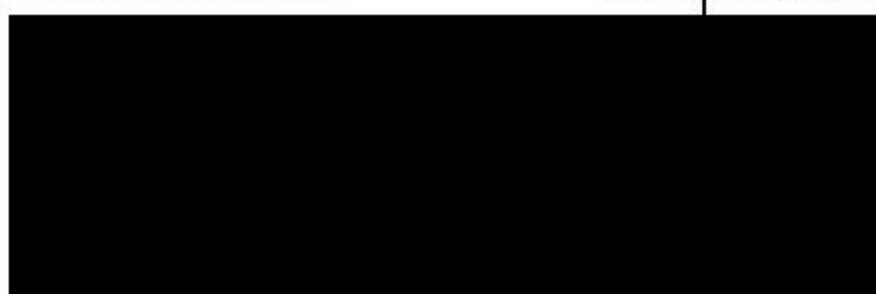


With reference to your application for planning permission in principle under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron Aberlour Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: 22 January 2019



**HEAD OF DEVELOPMENT SERVICES**

Environmental Services Department

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, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal would be contrary to policies PP1, E7, H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017) for the following reasons:

The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage (Ashgrove Cottage), but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

The following plans and drawings form part of the decision: -

Reference	Version	Title
LP1/1		
RW1/1		Site plan

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,  
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

**DETAILS OF MATTERS SPECIFIED IN CONDITIONS**

Approval, consent or agreement has been GRANTED for the following matter(s): -

The matter(s) was/were specified in conditions imposed on the earlier grant of planning permission: -

N/A

**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.scot/eplanningClient](http://www.eplanning.scot/eplanningClient)

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.



## **REPORT OF HANDLING**

<b>Ref No:</b>	18/01495/PPP	<b>Officer:</b>	Iain T Drummond
<b>Proposal Description/ Address</b>	Proposed single dwelling house and garage on Site Within Grounds Of Hillwood Carron Aberlour Moray		
<b>Date:</b>	22/01/19	<b>Typist Initials:</b>	FJA

### **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>
Environmental Health Manager	05/12/18	No objections
Contaminated Land	05/12/18	No objections
Transportation Manager	05/12/18	No objections subject to conditions and informatives
Scottish Water	04/12/18	No objections
Planning And Development Obligations	30/11/18	Contribution sought towards

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP1: Sustainable Economic Growth	Y	
H7: New Housing in the Open Countryside	Y	
E7: AGLV and impacts on wider landscape	Y	
EP5: Sustainable Urban Drainage Systems	N	
EP9: Contaminated Land	N	
EP10: Foul Drainage	N	
T2: Provision of Access	N	
T5: Parking Standards	N	
IMP1: Developer Requirements	N	
IMP3: Developer Obligations	N	

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received – ten separate representations from one party		
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>Issue:</b> The application form refers to the site as scrub land however it is agricultural land.</p> <p><b>Comments (PO):</b> Local Development Plan policy allows for change of use of agricultural land for residential purposes, where proposals are compliant with Local Development Plan policy in all other regards, however, as outlined in the observations section of this report, this application is not considered to comply with policy and is recommended for refusal on this basis.</p>		
<p><b>Issue:</b> This is the fifth house proposed in this location. Houses 1 and 2 are built. House 3 refused. House 4 looking to renew application. Now house 5 by the same applicant as House 4 and next door. The open ground aspect of the landscape is destroyed by both houses 4 and 5. Why does the applicant need 2 houses? This can only be for the purpose of selling the sites.</p> <p><b>Comments (PO):</b> Applications for new houses in the countryside must be considered in accordance with Local development Plan policy, where, need or eventual ownership of sites is not a material planning consideration. The build-up of development in this locality is considered in the observations section of this report where it is concluded that the proposal will result in an unacceptable impact on the character of the surrounding area.</p>		
<p><b>Issue:</b> The proposal, when considered in conjunction with neighbouring existing houses and approved plot, will result in a cul de sac layout, which is not compliant with Local development Plan policy for rural development.</p> <p><b>Comments (PO):</b> The application is being refused on this basis as outlined in the observations section of this report.</p>		
<p><b>Issue:</b> Adverse impact on privacy levels</p> <p><b>Comments (PO):</b> As this application is in principle there are no detailed design of the proposed house under consideration, however, it is potentially possible to accommodate a house on this site without resulting in an unacceptable privacy impact on the neighbouring houses and as such this issue does not form a reason for refusal of this application.</p>		
<p><b>Issue:</b> The existing access road is substandard to support the proposed house or neighbouring approved house site.</p> <p><b>Comments (PO):</b> The transportation service has confirmed that they have no objection to the approval of the application. The access serving the site is a private road and therefore its condition and any repairs required following development is a private legal matter to be resolved between the parties who are responsible for the maintenance of the road and is not a material planning consideration that can be taken into account in the determination of this application.</p>		
<p><b>Issue:</b> There is a history of refused planning application within the area surrounding the site.</p> <p><b>Comments (PO):</b> Each planning application must be considered on its own merits and in accordance with the Local development Plan policy at that time and no precedent should be taken from nearby recent decisions.</p>		
<p><b>Issue:</b> In the guidance for the LDP it refers to the 'value of the Moray countryside being of the utmost importance'. The proposed site along with neighbouring houses and approved site 'contributes to the gradual erosion' (taken from the guidance) of the countryside. Today 11 years on, the orientation and position of house 2 would be questionable under today's guidelines.</p> <p>From the guidance:</p> <p>A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area (e.g. open appearance or ambience).</p>		

This applies to the proposed development when considered in conjunction with the neighbouring housing and approved house site.

From the extract for Policy H7 of the guidance for the LDP:

'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,'

This application significantly impacts the rural character of the area.

Three house applications adding to the two recently built in the open countryside (house 4 - 18/01410/APP) is in the middle of the field and this application would demonstrate a growth of 300% in a very small land area.

**Comments (PO):** As outlined in the observations section of this report, the build-up, density and dominance of development in this locality is the reason that this application is being recommended for refusal.

**Issue:** From the extract for Policy H7 of the guidance for the LDP:

It reflects 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;

This application is not:

- sensitively integrated

and does not:

- use natural backdrops

The site is:

- clearly visible from the road out from the village

- an obtrusive development.

**Comments (PO):** Although unacceptable in cumulative terms when considered in conjunction with the neighbouring houses and approved plot, individually, the proposed house is not considered to represent obtrusive development, in that it would be generally viewed against a mature wooded natural backdrop and although it would be visible in the landscape it is not considered to constitute obtrusive development when assessed in isolation.

**Issue:** From the extract for Policy H7 of the guidance for the LDP:

'It does not detract from the character or setting of existing buildings or their surrounding area when added to an existing grouping or create inappropriate ribbon development;'

This application for house 5 substantially detracts from the character of existing buildings. The nearest building (less than one metre from the proposed boundary) is a one bedroom single storey cottage in stone and slate built in 1864.

**Comments (PO):** As outlined in the observations section of this report the application is being refused on the basis of the dominant impact on the adjacent traditional cottage.

**Issue:** From the extract for Policy H7 of the guidance for the LDP:

'At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, watercourses, woodlands, tracks and roadways).' The boundary between Ashgrove Cottage and the sheds in the application could not be considered a long established boundary. For this application 0% of the site boundaries are long established.

**Comments (PO):** The curtilage of the adjacent existing houses is sufficient to provide 50% boundary enclosure as specified by policy and therefore the proposal is considered compliant in this regard

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### The Proposal

This application seeks planning permission in principle for the erection of a dwellinghouse on a site at Hillwood, Carron.

## **The Site**

The site lies to the south west of Hillwood and immediately to the east of Ashgrove Cottage. Planning permission has recently been renewed for the erection of a house immediately to the east of the site 18/01410/APP, this permission was a renewal of a previous consent granted in 15/02012/APP.

The site comprises an area of agricultural field, which along with the surrounding landscape is designated within the Moray Local Development Plan as an Area of Great landscape Value (AGLV). The Speyside way also runs to the south of the site.

## **Appraisal**

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 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

### **Siting and Impact upon Landscape Character**

**(MLDP 2015 Policies PP1, E7, H7 and IMP1, Supplementary Guidance: 'Housing in the Countryside' MLDP 2015, Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside 2017)**

Policy E7: The site lies within an area of the countryside designated in the Local Development Plan for its Great Landscape Value, where there is a presumption against development which would have an adverse effect on the character of the surrounding area and where the highest standard of siting is required.

Policy H7: New Housing in Open Countryside of the Moray Local Development Plan 2015 contains the necessary criteria for assessing new rural housing in the countryside; these include the requirement that new sites

- a) should reflect the traditional settlement pattern of the locality and integrate sensitively with the surrounding landform (i.e. not be obtrusive),
- b) not detract from the character or setting of existing buildings, or their surrounding area,
- c) not contribute to a build-up of development which changes the character of the area (with particular attention being given to proposals where there has been a significant growth in the number of house applications) and
- d) have at least 50% established boundaries.

The policy also contains site-specific criteria requiring at least 25% of plot areas to be planted with trees and design criteria to ensure a satisfactory form of traditional design.

Policy IMP1: Development Requirements seeks compatibility in terms of scale, density and character and requires new development to integrate into the surrounding landscape. Policy PP1 advocates sustainable economic growth that protects the natural and built environment.

Associated Supplementary Guidance 'Housing in the Countryside' (Moray Local Development Plan 2015) provides relevant advice (pages 13 to 14) in relation to the issue of cumulative build-up of housing which is pertinent to the current application. This states inter alia that, "...A proposal that contributes to a build-up of development that is considered to undermine the rural character of the locality will not be acceptable. Where a considerable level of development has taken place, another dwelling may adversely impact on the distinctive rural qualities of the area (e.g. open appearance or ambience). 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."

A further guidance note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside was approved by the Planning and Regulatory Services Committee on the 15 August 2017, which identifies hotspots where cumulative build up is prevalent and outlines indicators where



build-up may be present out with these specific hot spots.

In this case the site is bounded to the north by two relatively modern houses and a traditional cottage to the west and an approved house site to the east. The adjacent house plot was originally determined prior to the council's adoption of guidance for the consideration of build up of new housing development in the countryside and the consents subsequent renewal took into account that there was already an extant planning permission granted on the site which could have been implemented. In this case however, there is no such previous planning permission in place.

The proposed site does not lie within any specific build up hot spot, however, there are three existing houses (2 of which are relatively modern) and a further house plot all of which bound this site and as such the build-up of development in this locality is a key consideration of this application.

There are 7 cumulative build-up indicators identified within the guidance which should be used when sites do not lie within the specific hot spots. These are as follows,

### **siting indicators**

- The number of new houses overwhelms the presence of older buildings, such that the 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 result in these being 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-up of new housing experienced when travelling along roads in the vicinity of the site. The proposal contributes to ribbon development between existing/consented houses contrary to the traditional dispersed settlement pattern.

### **design indicators**

- In order to serve numerous new house plots in any given area, commonly suburban style features are required, such as accesses built to adoptable standards (rather than gravel tracks) and large bin storage areas at the end of tracks. These features erode the rural character of an area.
- The larger scale of new houses contrasts to generally smaller size of older building, cottages and farms results in the development being out of keeping and incongruous within the rural setting.
- There are numerous incidences of open prominent elevations that are visible in the landscape and are orientated for views and in contrast to traditional settlement pattern.
- A new architectural design is prevalent which has overwhelmed the older vernacular style.

With regard to the above indicators the two adjacent relatively modern houses and further approved house plot together result in a relatively dominant impact on the existing traditional Ashgrove Cottage. The approval of a further house within this small grouping would not only overwhelm the adjacent traditional cottage, but also erode the character of the countryside as the proposal would result in a high density form of development more akin to a suburban cul-de-sac than this countryside location, which is designated for its Great Landscape Value. In addition to this the Speyside Way runs in close proximity to the south of the site and as such the development would result in an erosion of the character of the countryside from this vantage point.

For the avoidance of doubt the design indicators are not applicable as this application is in principle and therefore the detailed design of the house is not being considered at this stage.

Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies PP1, E7, H7, IMP1 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.

Although the proposal is potentially capable of satisfying policy criteria in relation to boundary treatment, 25% tree planting and house design, these aspects do not override the main policy objection concerning an unacceptable build-up of housing and its associated impact upon the rural character of this particular location.

#### **Access/Parking (T2 and T5)**

Following consultation the Transportation Section has raised no objection to the proposal subject to conditions and informatives.

#### **Water Supply and Drainage (EP4, EP10 and IMP1)**

Proposed drainage arrangements comprising private septic tank/soakaway and surface water soakaway would satisfy policy EP10 and IMP1. Final details would be addressed under the Building Regulations and had the application been recommended for approval, informative advice in this regard would have been attached to the decision notice.

Scottish water has no objection to the use of the proposed water supply.

#### **Developer Obligations (IMP3)**

An assessment has been carried out and a contribution has been identified towards healthcare, which the applicant has agreed to pay in the event of approval being given.

#### **Recommendation**

The proposed development is unacceptable in this location, fails to comply with development plan policy and is recommended for refusal.

### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

#### **HISTORY**

Reference No.	Description			
	Decision		Date Of Decision	

#### **ADVERT**

Advert Fee paid?	N/A		
Local Newspaper	Reason for Advert	Date of expiry	

#### **DEVELOPER CONTRIBUTIONS (PGU)**

Status	CONT SOUGHT
--------	-------------

**DOCUMENTS, ASSESSMENTS etc. \***

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

Supporting information submitted with application?		NO
--	--	----

Summary of main issues raised in each statement/assessment/report
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Document Name:
----------------

Main Issues:
--------------

**S.75 AGREEMENT**

Application subject to S.75 Agreement		NO
---------------------------------------	--	----

Summary of terms of agreement:
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Location where terms or summary of terms can be inspected:
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**DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)**

Section 30	Relating to EIA		NO
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Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
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Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
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Summary of Direction(s)
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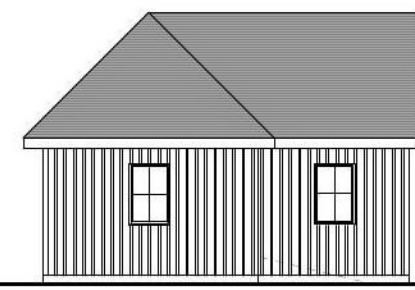
Town & Country Planning  
(Scotland) Act, 1997  
as amended

**REFUSED**

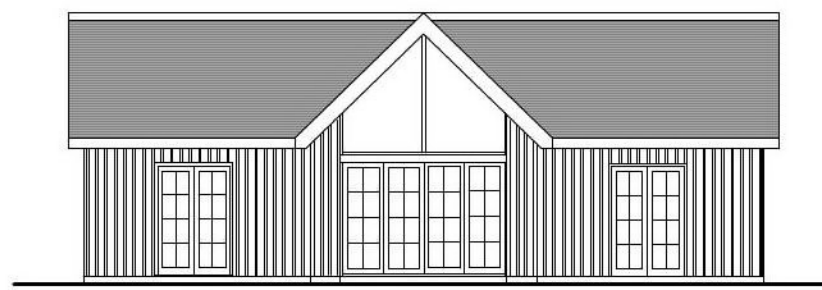
22 January 2019

Development Management  
Environmental Services  
The Moray Council

# INDICTATIVE ELEVATIONS OF POSSIBLE HOUSE STYLE



Slated roof with larch or cedar cladding  
dark grey colour, dark grey window  
and door frames.



No works to commence on site until Planning and or  
Building Warrant Approvals are received.  
Contractors must visit the site and check site  
dimensions,  
roof pitches etc and familiarise themselves prior to  
ordering and manufacturing components and materials.  
Do not scale the drawings.  
These are not Construction Drawings.



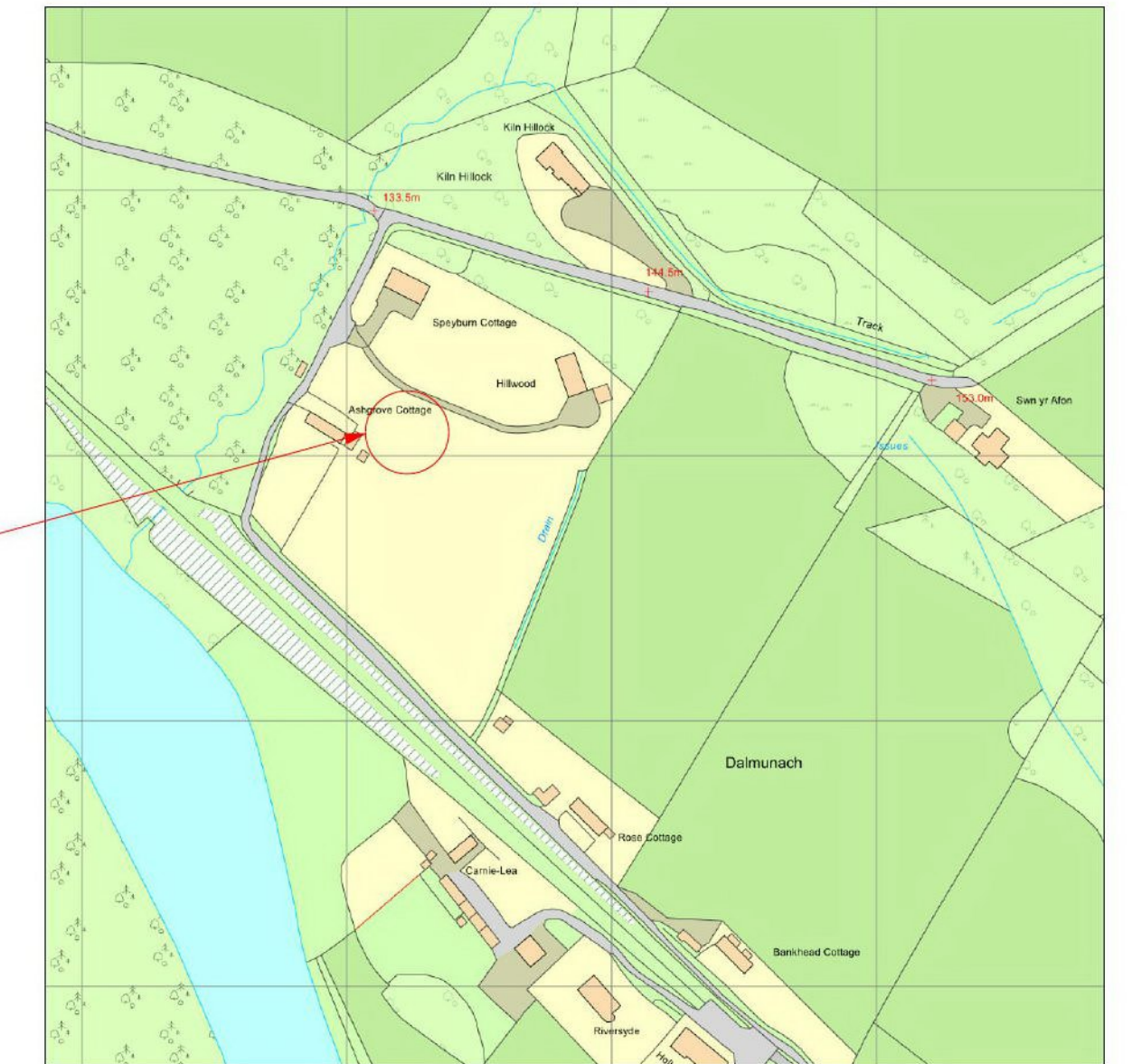
Photograph of plot looking South



SITE PLAN 1:1000



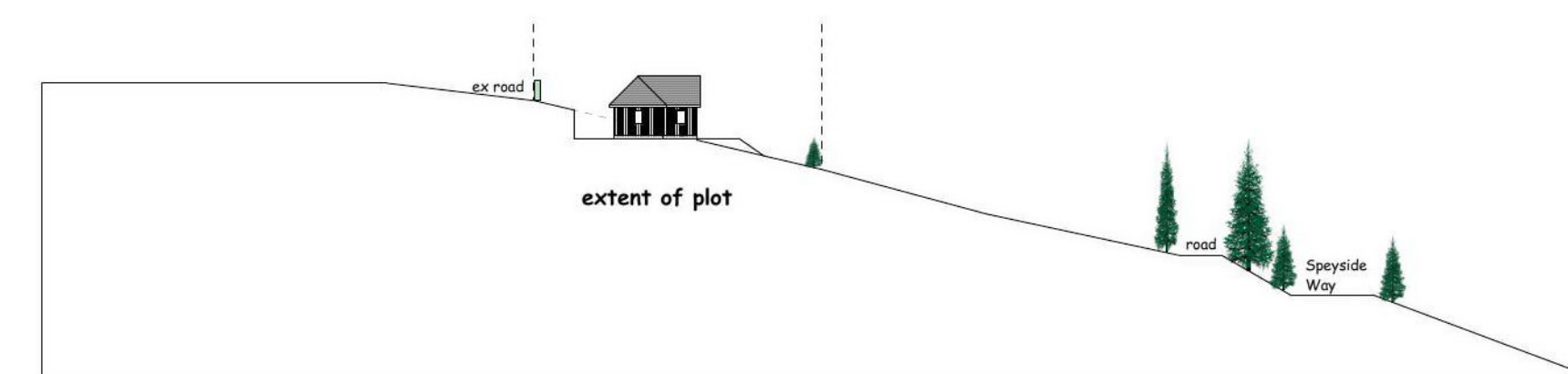
Photograph of access track looking West



LOCATION PLAN 1:10,000



Photograph of Hillwood access track looking West  
with plot access



CROSS SECTION AT PLOT

Proposed PPP for house plot  
at Hillwood, Carron AB38 7QP

October 2018

Drwg. RW1/1 scale. as noted  
Rev :

**IH Designs ( Moray )**  
12 Councillors Walk, Forres IV36 1HA  
Tel : 01309 674368  
Email : ian54holmes@hotmail.co.uk  
Web : www.ihdesignsmoray.co.uk







## **APPENDIX 3**

# **FURTHER REPRESENTATIONS FROM INTERESTED PARTIES**





## Response to HHL Scotland's Local Review Body Statement of Case

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Proposed single dwelling house and garage on site within the grounds of Hillwood, Carron Aberlour, Moray.

Council Planning Ref: 18/01495/PPP

Response from: [REDACTED]

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### Response Notes

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#### 1.4

The proposed development is not in line with Speyburn Cottage, Ashgrove Cottage, Hillwood or the proposed but not yet built House number 4 by the Appellant.

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#### 1.5

This is factually incorrect. Immediately behind the proposed Appeal site is the exclusive access track to Hillwood, then a large area of garden ground, then a poly tunnel, then a tree lined track and then the wooded area.

Neither the track, the garden, the poly tunnel or the top track represent a heavily wooded backdrop anywhere close to the back of the Appeal site.

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#### 1.7

This is factually incorrect. HHL Scotland claims that the representation from one property has been 'dealt with' in this Statement of Case. There were ten comments presented, not all have been addressed.

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#### 2.0

The proposed development is set slightly higher than Ashgrove Cottage ensuring that with the houses already built, Speyburn Cottage and Hillwood and the planned house number 4 (also by the Appellant), the four houses will form the desired Watt family 'cul de sac' - contrary to traditional settlement patterns in the locale and Moray.

## 2.2

The width and dirt surface of the track places restrictions on the size and type of vehicle able to access the proposed development. Such use of the track for the development may render the track no longer safe and secure for other track users.

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## 2.3

Factually incorrect. Five houses applied for, two now built, one refused, one to be built (by the Appellant) and this one refused but being appealed.

---

## 2.4

Omission of popular walk along the opposite bank of the River Spey from which the Appeal site would be very evident, intrusive, and detrimental to the viewed landscape, substantially reducing 'the Great Landscape Value' (GLV) of this area of Moray.

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## 3.4

The Appointed Officer is correct in regard to, along with the current new builds, the planned property, this appeal site development and the site yet to be developed, will be detrimental to the rural area.

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## 3.5

I agree with the Statement of Case on all three bullet points in this item.

- Yes, Ashgrove Cottage will be overwhelmed by the new developments.
- Yes, there will be a prominence of new builds from key viewpoints - paths , tracks, the approach, existing settlements especially when heading out towards the Appeal site from the village of Carron and from the distillery cottages, the croft and others.
- Yes, there would be a significant visual impact when travelling along the roads. The Appeal site and the planned build (also by the Appellant) creates a 'cul de sac' development of new builds. There are no circumstances under which this can be considered acceptable and is in every way contrary to the traditional dispersed settlement pattern.

### 3.6

To highlight areas of unacceptable build up once the these builds are complete is too late. This defeats the objective of the planning process and therefore cannot in itself be used as a reason for allowing more builds until such a hotspot is evident. Mistakes must be learnt from the past to ensure 'the Great Landscape Value' of Moray and our rural environment is protected.

---

### 3.7

Taking into account the two new houses above Hillwood, planned but not built house number 4, the planning granted on a site next to Rose Cottage below. This would be 7 new houses between Ashgrove Cottage and Rose Cottage (both around 155 years old) within 11 years, not including two refusals.

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### 3.8

Factually incorrect, this refers to new builds within the field owned by the Watt family only (please see 3.7)

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### 3.9

If existing builds are not to be taken into account this makes a mockery of the whole planning system.

It also highlights that HHL Scotland's Statement of Case is fundamentally flawed.

On the one hand they ask that Speyburn Cottage and Hillwood do not exist for the purposes of this Appeal and on the other, in order to meet indicator 4 referring to 50% long established boundaries, this would not be met unless these builds and their exclusive access track are taken into consideration.

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### 3.10

Indicator 1 asks that the proposal reflect the traditional settlement pattern of the locale - by claiming that other builds are not to be taken into consideration and must be ignored in reference to the 'locale' does not mean that this indicator has been met. HHL Scotland have simply chosen to ignore Speyburn Cottage and Hillwood because they are eleven years old. As Ashgrove cottage is 155 years old then presumably it can also be ignored and need not be taken into consideration supporting their case that it is not overwhelmed as in HHL Scotland's temporary view of the locale nothing else exists except the Appeal site. There is no basis in this approach on which the Appeal can be justified.

### 3.11

The classification of a road, in being public or private, or in HHL Scotland terms 'major or more local' does not alter the view given or the visibility from that road to and for anyone on that road.

The road coming out from the village of Carron is used by many modes of transport including horses, cyclists, walkers as it connects them from Laggan, Carron, and the Speyside Way up through into Knockando and beyond.

HHL Scotland is fundamentally wrong in its assumption that as the Appeal site is 'removed from any major or more local roads, the site is not prominent in this regard'.

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### 3.12

As mentioned the response to 2.4, The River Spey has well known walks along both banks - a point overlooked by HHL Scotland. The path on the far side is not only used by the fishermen but is very popular with many walkers and cyclists heading through to Ballindalloch. The Appeal site is very prominent from the opposite bank and would appear, very obviously, detrimental to the setting of the existing buildings.

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### 3.13

This is factually incorrect. The Appeal site is visible from all settlements from a point in the approach just past the distillery cottages.

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### 3.14

Again as mentioned in 3.11, the classification of the road does not determine the amount of road users or impact the view from the road itself.

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### 3.15

There is no basis to HHL Scotland's proposal that the Appeal site does not contravene the final indicator.

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### 3.16

Responses 3.5 to 3.15 above have highlighted HHL Scotlands lack of knowledge and understanding of the local area, the use made of the surroundings and the immediate vicinity of the Appeal site.

### 3.17

Factually incorrect. Only a small proportion of the Eastern boundary is bordered with Ashgrove Cottage, estimated 6 - 8m - no accurate plan is available.

The other boundaries that make up the 50% are the not so 'long' established boundaries of newly planted woodland in front of Speyburn Cottage and the track built providing exclusive access to Hillwood.

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### 3.18

The necessity of the close proximity to Ashgrove Cottage (closer than to any other of the builds in the recent development -within 11 years as opposed to 155 years), one of the key issues relating to the Appeal site has not been addressed in HLL Scotland's Statement of Case.

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### 4.1

[REDACTED], I would like to state that, in my opinion, the proposal of the Appeal site does not represent an acceptable form of development, and whilst I thank the Review Body for considering this response to HHL Scotland's Statement of Case, I do not ask anything of the Review Body, and I will, of course respect their decision.