



MORAY LOCAL REVIEW BODY

25 OCTOBER 2018

SUMMARY OF INFORMATION FOR CASE No LR214

Planning Application 18/00626/APP – Erect dwelling house and associated works at land adjacent to Crannoch Lodge, Grange, Crossroads, Keith

Ward 2: Keith and Cullen

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 30 July 2018 on the grounds that:

The proposal would be contrary to policies PP1, H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) for the following reasons:

1. The existing row of 5 houses immediately adjacent to the proposed site is at odds with the established traditional development pattern of the surrounding countryside. The row of houses is not included as part of a rural grouping as defined by the Moray Local Development Plan 2015 and is classed a ribbon development further along the roadside. The proposed house would act to extend this ribbon development further along the roadside and as such is not compliant with criteria (b) of the policy H7, which aims to restrict ribbon development due to the detrimental impact that it has on the character of the countryside.
2. The proposed site is very open within the surrounding landscape and any house on this site, will on occasion appear above the ridgeline on which it is sited especially when traveling on the main road through the valley (B9018), in turn resulting in a very prominent and obtrusive development within the surrounding landscape. The site has no mature features or planting that would act to settle the development into the landscape and although the applicants have carried out planting along the northern boundary of the site, this is immature at present and would take a substantial amount of time to mature and assist with the integration of the house and as such does not justify the erection of a house on this site.

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**.

No Further Representations were received in response to the Notice of Review

Site Plan for Neighbour Notification purposes only

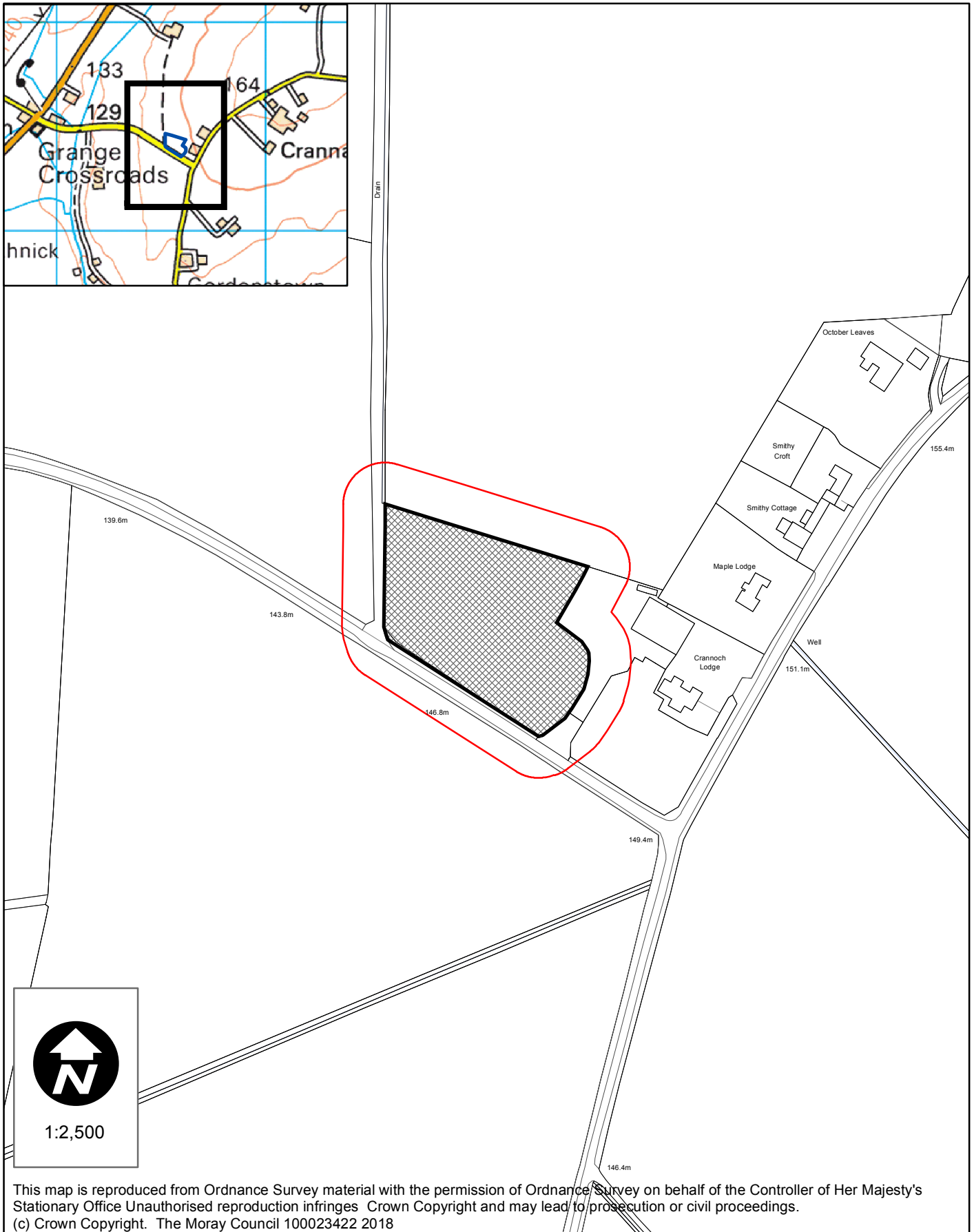
Town and Country Planning

(Development Management Procedure)(Scotland) Regulations 2008



Planning Application Reference Number:

18/00626/APP



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APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 01343 563 501 Fax: 01343 563 263 Email: 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 100085503-002

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)

Erect dwelling and associated works on Site Adjacent to Crannoch Lodge, Grange Crossroads, Keith

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) *

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:	Grant and Geoghegan Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	Unit 4 Westerton Road Business
Last Name: *	Grant	Building Number:	
Telephone Number: *	07769744332	Address 1 (Street): *	4 Westerton Road South
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	KEITH
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB55 5FH
Email Address: *	neil@ggmail.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:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	per grant and geoghegan
First Name: *	G	Building Number:	
Last Name: *	Whyte	Address 1 (Street): *	Unit 4 Westerton Road Business
Company/Organisation		Address 2:	4 Westerton Road South
Telephone Number: *		Town/City: *	KEITH
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB55 5FH
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

854396

Easting

348566

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

7479.00

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)

Undeveloped land

Access and Parking

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

☒ Yes ☐ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.	
How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?	<div style="border: 1px solid black; padding: 2px; width: 100px;">0</div>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<div style="border: 1px solid black; padding: 2px; width: 100px;">3</div>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
<input type="checkbox"/> Yes – connecting to public drainage network <input checked="" type="checkbox"/> No – proposing to make private drainage arrangements <input type="checkbox"/> Not Applicable – only arrangements for water supply required	
As you have indicated that you are proposing to make private drainage arrangements, please provide further details. What private arrangements are you proposing? *	
<input checked="" type="checkbox"/> New/Altered septic tank. <input type="checkbox"/> Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed). <input type="checkbox"/> Other private drainage arrangement (such as chemical toilets or composting toilets).	
What private arrangements are you proposing for the New/Altered septic tank? *	
<input checked="" type="checkbox"/> Discharge to land via soakaway. <input type="checkbox"/> Discharge to watercourse(s) (including partial soakaway). <input type="checkbox"/> Discharge to coastal waters.	
Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *	
To septic tank and soakaway	
Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Note:- Please include details of SUDS arrangements on your plans Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	

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

- ☒ Yes
☐ No, using a private water supply
☐ No connection required

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

Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

Trees

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

☒ Yes ☐ No

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

Waste Storage and Collection

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

☒ Yes ☐ No

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

To local authority requirements

Residential Units Including Conversion

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

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

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: Neil Grant

On behalf of: Mr & Mrs G Whyte

Date: 09/05/2018

☒ 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. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Neil Grant

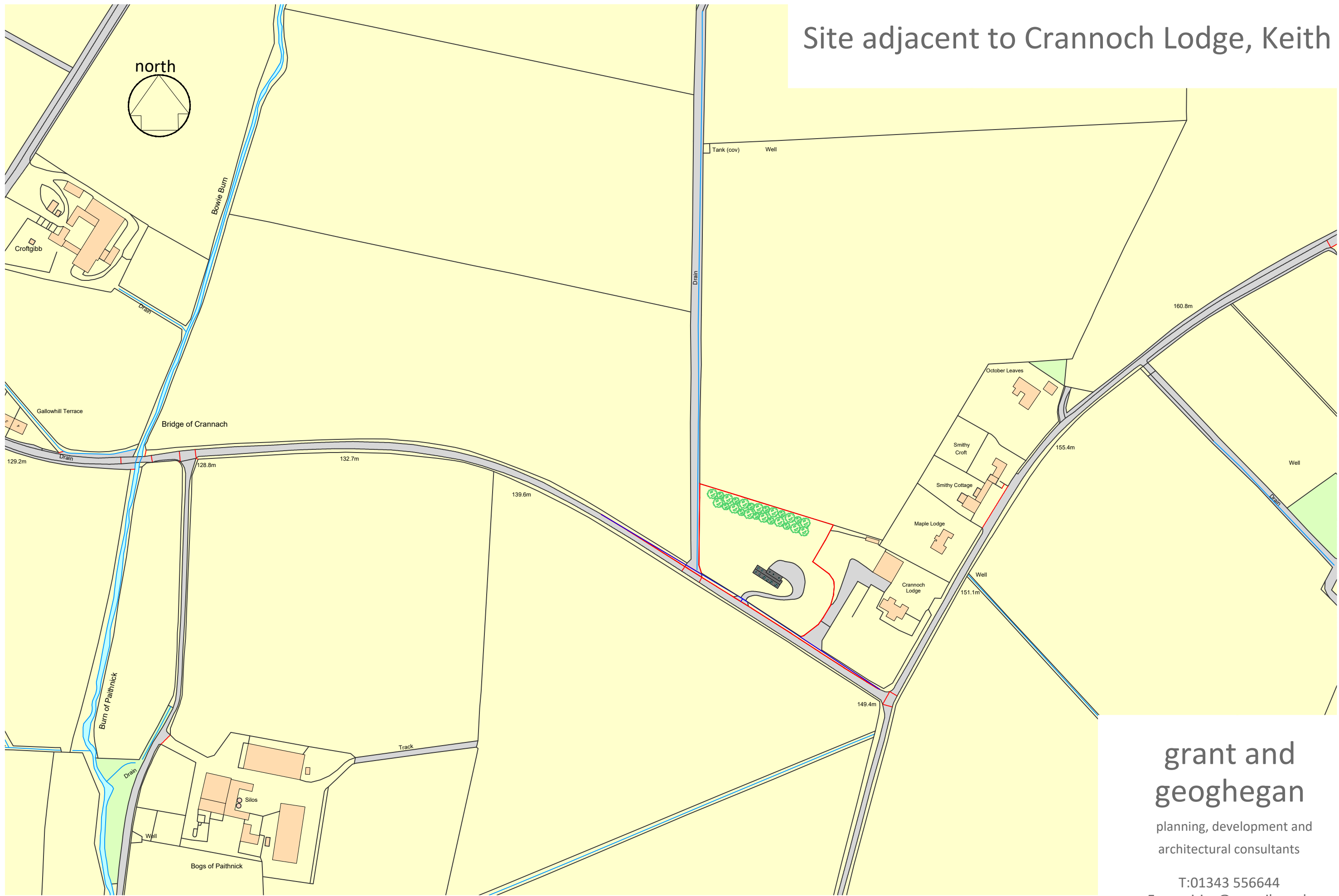
Declaration Date: 23/02/2018

Payment Details

Cheque: 1, 1

Created: 09/05/2018 14:36

Site adjacent to Crannoch Lodge, Keith

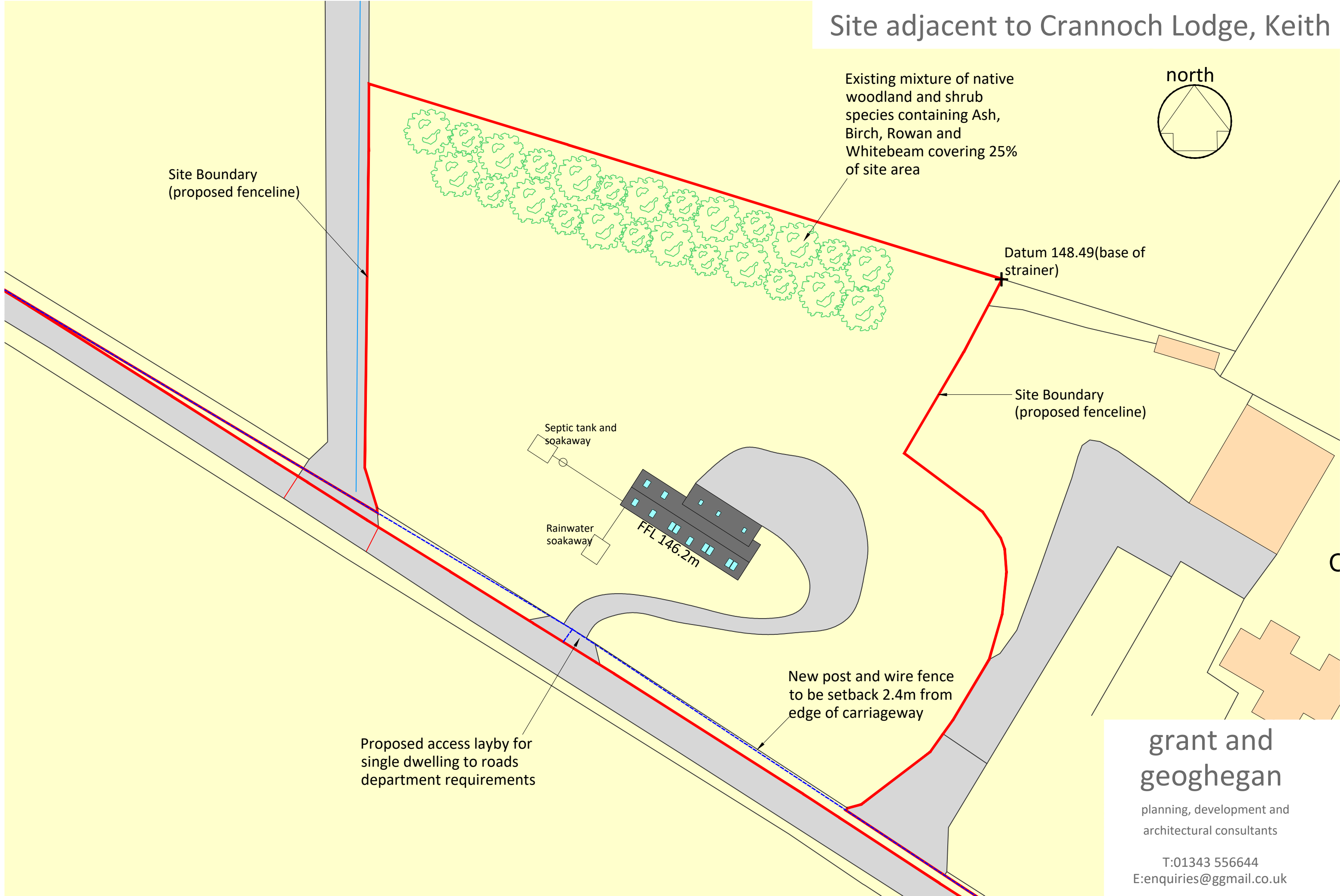


grant and
geoghegan

planning, development and
architectural consultants

T:01343 556644
E:enquiries@gmail.co.uk

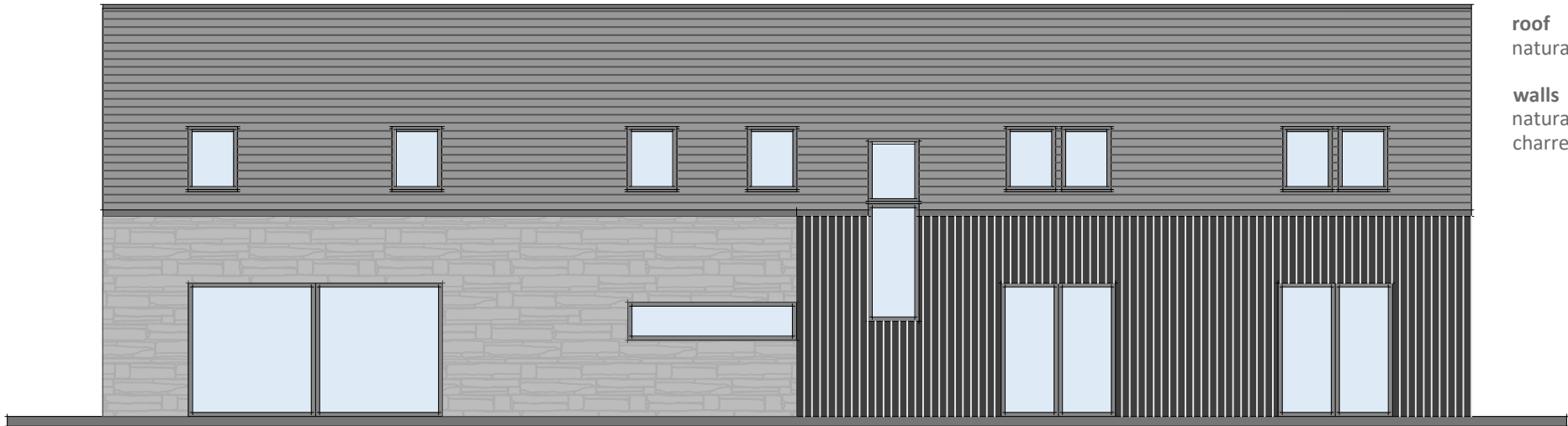
Site adjacent to Crannoch Lodge, Keith



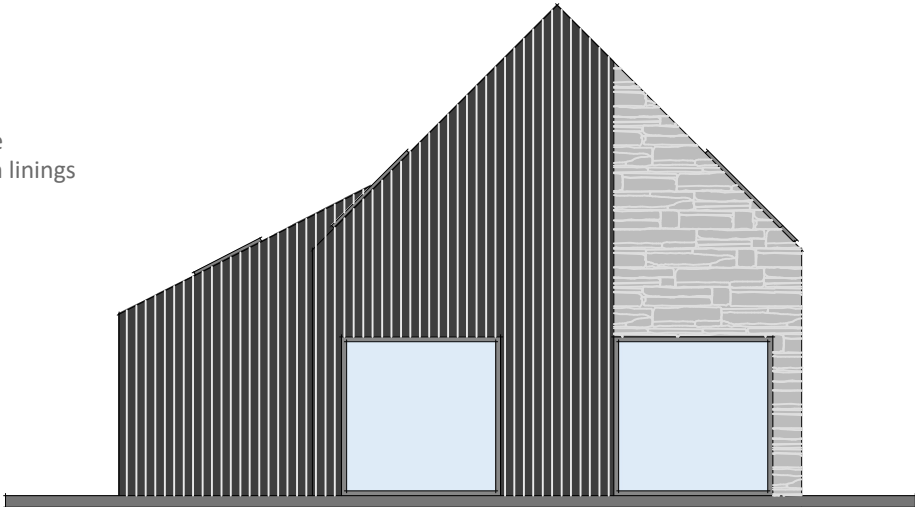
Site adjacent to Crannoch Lodge, Keith

external finishes

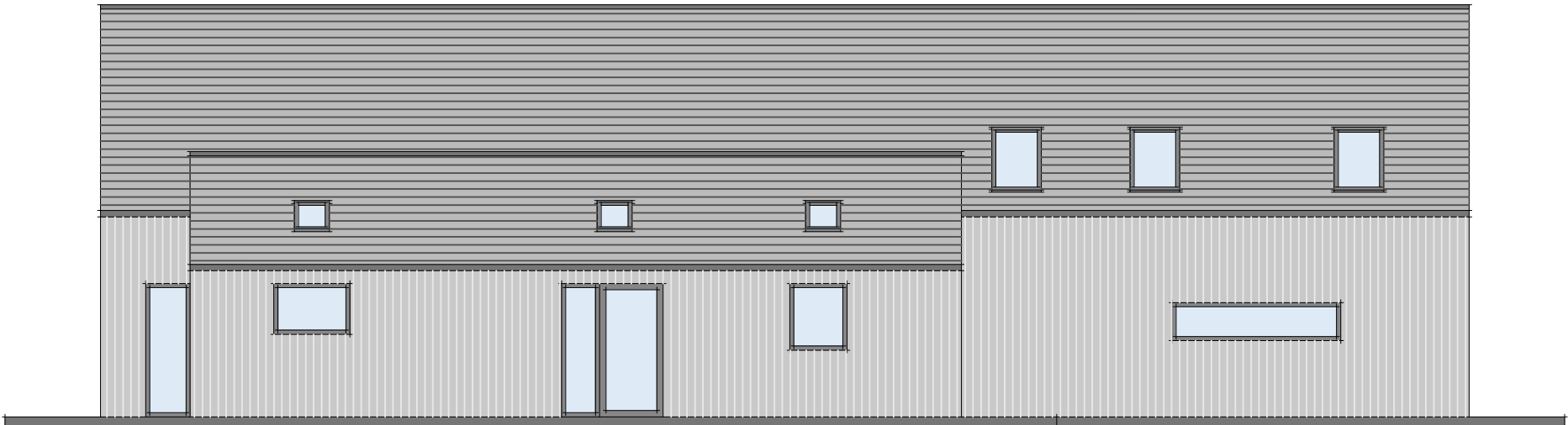
- roof
natural slate
- walls
natural stone
charred larch linings



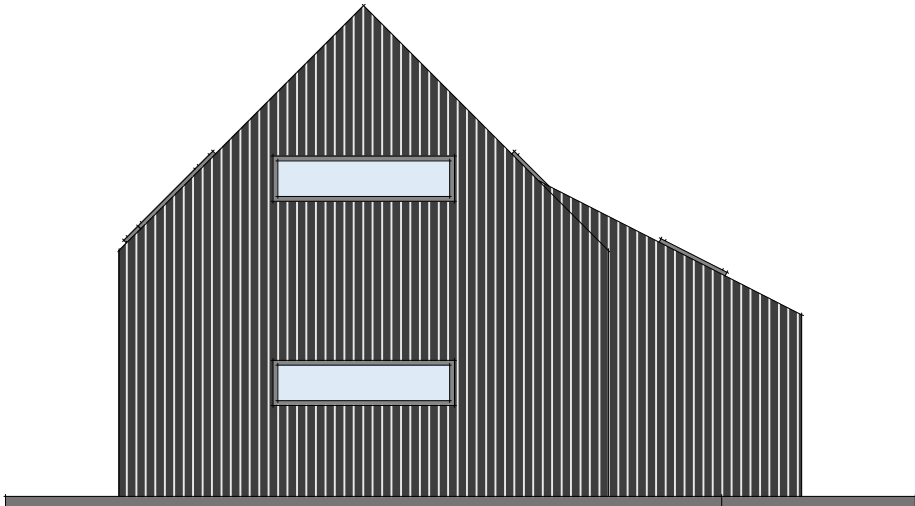
SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION



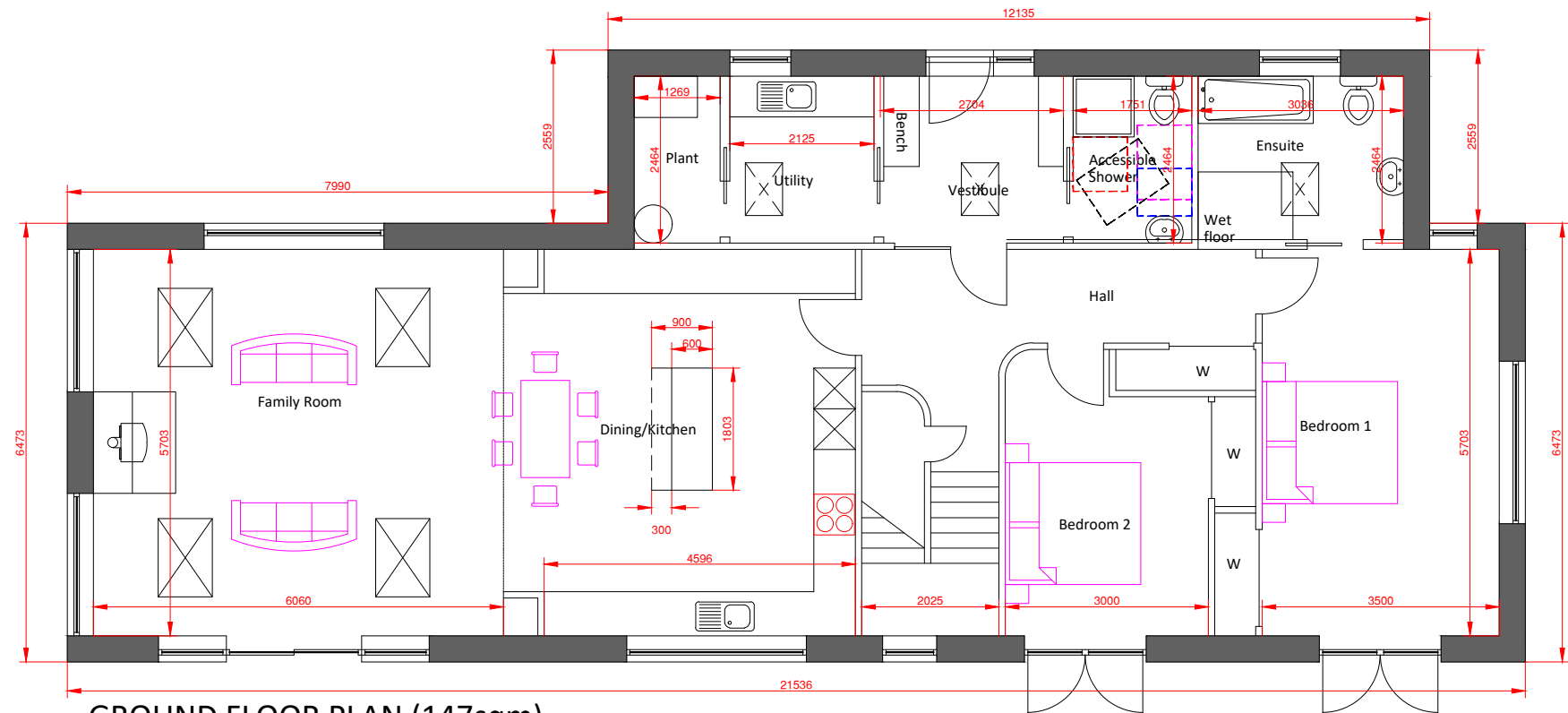
EAST ELEVATION

grant and
geoghegan

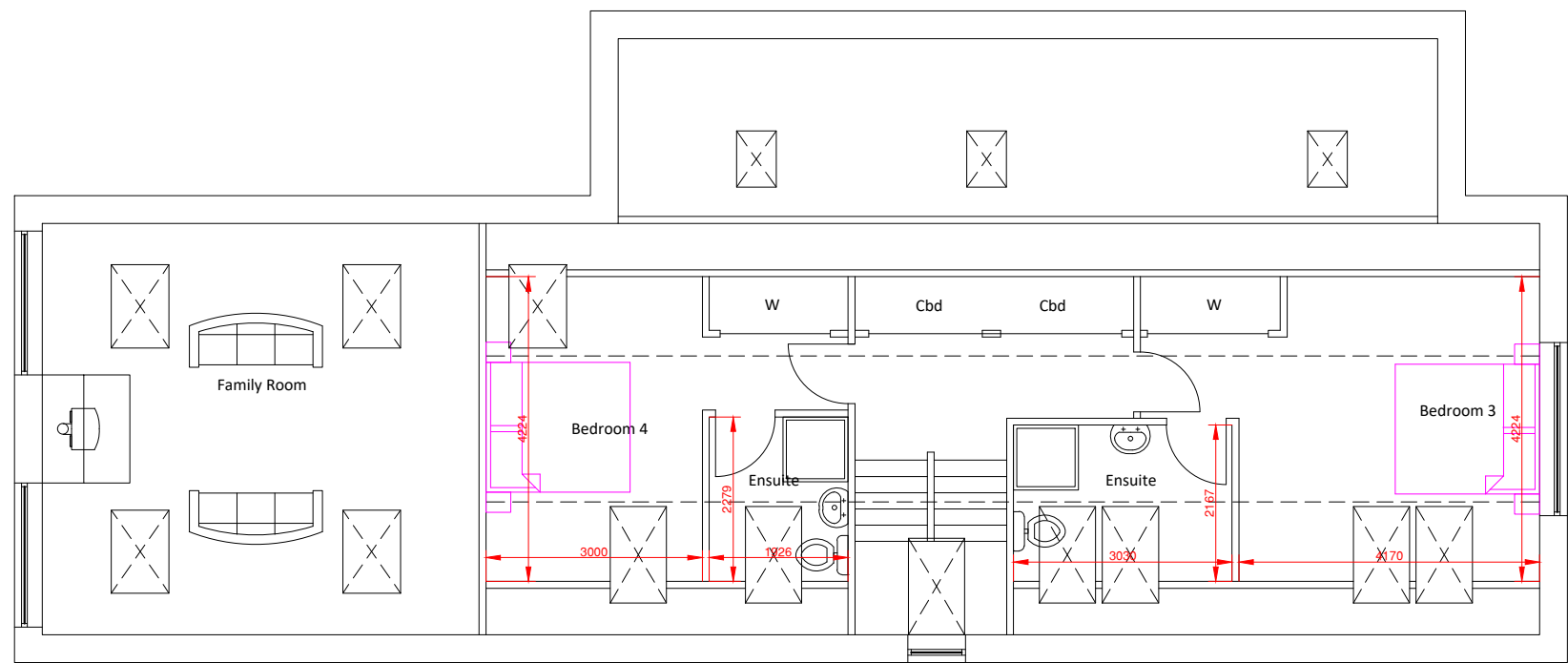
planning, development and
architectural consultants

T:01343 556644
E:enquiries@ggmail.co.uk

Site adjacent to Crannoch Lodge, Keith



GROUND FLOOR PLAN (147sqm)



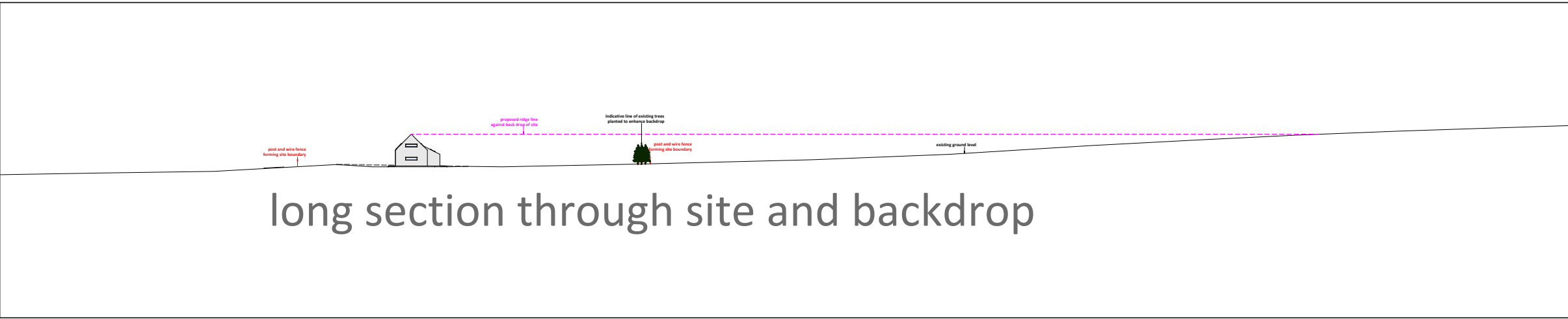
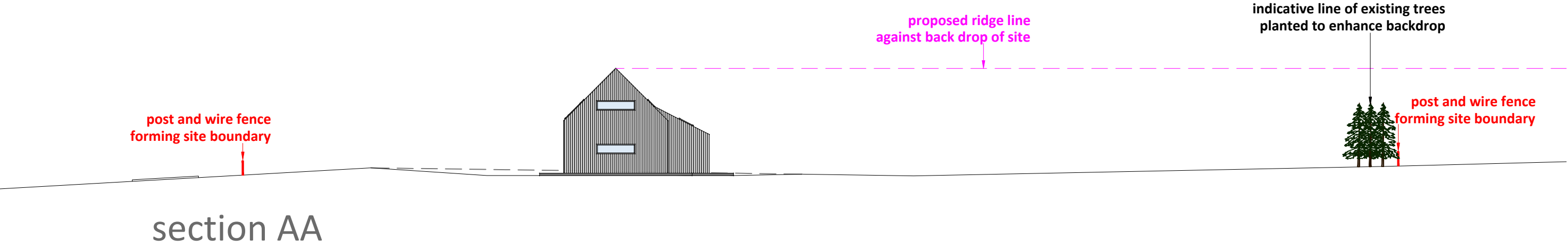
FIRST FLOOR PLAN (62sqm ex void)

grant and
geoghegan

planning, development and
architectural consultants

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E:enquiries@gmail.co.uk

Site adjacent to Crannoch Lodge, Keith



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grant & geoghegan ltd.

Planning Development and Architectural Consultants

Unit 4 Westerton Road Business Centre
4 Westerton Road South
Keith AB55 5FH

T: 01343 556644
E: enquiries@ggmail.co.uk

Planning Statement

Land adjacent to Crannoch Lodge, Grange, Keith

Issue Date:
15th May 2018

CONTENTS

- 1.0. Introduction
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- 3.0. The Site
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- 6.0. Other Material Considerations
- 7.0. Conclusion

1.0 Introduction

This statement has been prepared to accompany an application which seeks planning permission for a dwellinghouse and associated works, to demonstrate how the proposal relates to the requirements of National Planning Policy, the Moray Local Development Plan and its associated supplementary guidance, its rural setting and local architectural traditions.

2.0 The Proposal

Planning Permission is sought for the erection of a modest dwellinghouse and associated works, as a base to run an existing long established business, G&M Whyte Event Catering Scotland. This dwelling is required for succession purposes; the applicants are in the process of taking over the day to day running of the business and they require to live adjacent to the premises to manage the business and for security.

The proposed dwelling is 1½ storeys with a rectangular shaped plan form, 45 degree pitched roof, and finished in natural stone, charred larch linings and natural slate. The applicant sought to reinterpret traditional Scottish architecture through the design process, and firmly believes the final solution relates well to traditional domestic structures in the area.

The proposed development would be served by the public water supply and private drainage arrangements would be installed. Safe and suitable access arrangements are demonstrated in the plans and ample space for parking is provided within the site boundary

3.0 The Site

The application site is a relatively flat parcel of land in an irregular shape. The site forms part of a well contained larger cluster of buildings, gathered around the road. On approach from a westerly direction, the site has a backdrop formed by the existing housing, this backdrop is also in place when viewed from the main Keith to Cullen road.

A further landscape belt of mixed coniferous and deciduous trees have been planted along the northern edge of the plot to provide a robust backdrop to the new house in the coming years.

There are no environmental designations (National or International) covering the site that would impact upon the planning requirements of the proposal and there does not appear to be any historic/ archaeological interest in it. The site is not identified in SEPA's 1:200 year flood risk envelope.

4.0 Development Plan Context

- Scottish Planning Policy (SPP) is the statement of the Scottish Government's policy on nationally important land use planning matters.
- National Planning Framework (NPF) is the Scottish Government's strategy for Scotland's long term spatial development.
- Designing Places and Designing Streets are Scotland's two design policy documents.
- Circulars provide statements of the Scottish Government's policy and contain guidance on policy implementation through legislative or procedural change.
- Planning Advice Notes (PANs) provide advice and information on technical planning matters.

The Scottish Government has well-established design policies. In particular, Designing Places (2001) and Designing Streets (2010) still stand as the two main design policy documents, supported by the recently

consolidated Scottish Planning Policy. All of these documents state the importance of design as a material consideration in the determination of planning applications.

PAN 72 recognises that traditionally, local climate and available materials have had a profound influence on the design of houses and have helped to create local area characteristics. Likewise, features and finishes can help connect, or disconnect, a house to its surroundings. Increasingly however, design has been standardised across the Moray countryside.

Policy H7 of the Moray Local Development Plan 2015 echoes the aims of these documents and sets out siting and design criteria for new housing development in the Moray countryside. In this policy context, the challenge we faced was to design a building which not only met with the aforementioned needs of the applicant but which was also distinctive and responsive to its setting.

The following sections relate the proposal to the requirements of planning policy. We believe the finished proposal relates to and sits comfortably with current Moray Council Planning Policy and Supplementary Planning Guidance in these regards.

5.0 Design Solution within a Moray Context

Siting

The place on the site most suitable for the location of the house is centrally within the site- existing boundary treatments in the form of the public road and mature planting provide in excess of the require 50%. In this location the building is set back from the adjacent public road reflecting the established building line, on gently sloping land and enclosed tree belt to the rear of the site which will minimise any visual impact from the north and provide an effective backdrop to the proposed development, once established. In this position, glazing details will also maximise the effects of natural light from the south whilst also affording views of the surrounding countryside.

The applicant has stated his intention to implement a long term landscaping plan following a detailed inspection of the existing group to ensure that any dead trees are replaced with native species to enhance the site in terms of allowing the structure to integrate easily into its surroundings whilst also affording increased privacy within the development itself.

Design

Moray's Housing in the Countryside Supplementary Guidance identifies clean, simple, uncluttered lines as the distinguishing features of a successful approach to rural building. In this case, the proposed design is instantly recognisable in the Moray countryside given its resemblance to tradition dwelling in the Moray countryside. The design is a sensitive yet striking and contemporary addition to this group of houses and will ultimately make a positive contribution to its immediate setting and to the character and distinctiveness of the Moray countryside as a whole. It is considered to full adhere to the design criteria prescribed in policy H7 of the MLDP.

Scale

The scale of the development is compatible with the site and surrounding structures. PAN 72 recognises that there is a sturdy quality to much of the scale and shape of Scotland's domestic rural architecture which is derived largely from the simplicity of the form and proportion of buildings as well as in the arrangement of windows and doors. In this case, through its rectangular shaped plan form the proposal re-interprets traditional Scottish style in a modern context.

The majority of door and window openings have been provided with a vertical emphasis which is recognised in PAN 72 and Moray Council's Housing in the Countryside policy and supplementary guidance as another

characteristic feature of domestic rural architecture. However, PAN 72 goes on to acknowledge that more recently newer housing has incorporated some windows with a horizontal orientation which has the advantage of capturing light, solar gain and outward view from the house. The proposed design incorporates a few windows with a horizontal emphasis to take account of views, to increase passive solar gain and to flood the building with natural light. This is consistent with advice in PAN 72.

Materials

PAN 72 and Morays design guidance recognises the importance of materials in helping a building integrate with its surroundings. Given the position of the site in amongst trees larch cladding is proposed to ensure the development is sensitive to its environment and the proposed natural slate roofing takes its inspiration from its agricultural surrounds.

This project has also given detailed consideration to the sourcing of materials and components to reduce material miles, use renewable materials and avoid complex manufacturing processes to ensure the finished development's embodied energy usage is as low as possible.

The use of timber from well managed forests in the North of Scotland has far ranging positive influences on the regions environment; as such this project has sourced timber locally and plans to have it processed and fabricated into components in the area. This will include structural components (studwork, joists, beams and posts), external finishes (cladding, soffit, fascia, decking) and internal finishes (cills, skirtings, panelling). The use of local timber in this way is high on the political agenda and accords fully with the delivery of a sustainable economy and a low carbon future. - Using Local Timber, Contributing to Sustainable Construction, Guidance for North Scotland. The Forestry Commission in conjunction with The Highland Council, Moray Council, Aberdeenshire Council, Aberdeen Council and The Cairngorms National Park Authority 2010.

6.0 Other material considerations

The applicants run a successful catering business which is based in this location. Planning permission is sought for a dwelling in this location because the existing family members who live adjacent to the site wish to take a step back from the day to day running of the business but still wish to live in this location, as they have done for many years.

We understand that there is not an exception for residential accommodation in the countryside in the Moray Local Development Plan however, this application is made in the knowledge that paragraph 83 of SPP relates to new development in the countryside which encourages sustainable development that will provide employment. In this case, the proposed development will ensure continuity of this long established rural enterprise during this transitional period.

In the circumstances, we consider that these objectives are all in the public interest and accord with national planning policy. We would be happy to provide further details on the business through the planning process. Policy 44 contains the necessary criteria to assess the suitability of this proposal. It states proposals for tourist accommodation within the open countryside will be supported if the Council is satisfied that it can be demonstrated that a demand exists for this type of accommodation; that it can be achieved without adversely affecting the landscape character or the Natural, Built and Cultural Heritage features of the area and that it is consistent with the other guidance on siting and design set out in policy 36: Wider Countryside.

7.0 Conclusion

Overall the house will be read as a natural addition to this group of buildings and the accommodation will allow for the continuation of an established rural enterprise into the future, significantly contributing to sustainable economic growth.

The Council's Housing in the Countryside policy offers a flexible approach to ensure appropriate opportunities are enabled and supported and inappropriate development guarded against. It is considered that this proposal to erect a single house on a well-defined, unobtrusive site which ultimately rounds off an established group of buildings so that the occupants can continue to manage a rural enterprise is compliant with national and local development plan policy.

We look forward to hearing from you and welcome the opportunity to meet with you to discuss any aspect of the proposal.

Consultee Comments for Planning Application 18/00626/APP

Application Summary

Application Number: 18/00626/APP

Address: Land Adjacent To Crannoch Lodge Grange Crossroads Keith Moray

Proposal: Erect dwelling house and associated works 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

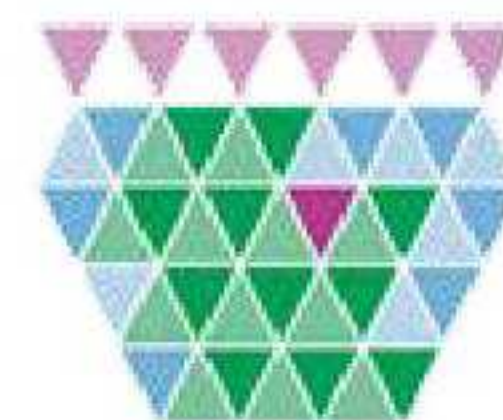
On Behalf Of: Contaminated Land

Comments

No Objections.

Adrian Muscutt

Developer Obligations: ASSESSMENT REPORT



MORAY
council

Date: 18/06/2018

Reference: 18/00626/APP

Description: Erect dwelling house and associated works on Land Adjacent to Crannoch Lodge, Grange Crossroads, Keith

Applicant: Mr & Mrs G Whyte

Agent: Grant and Geoghegan Limited

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

Summary of Obligations

Primary Education	Nil
Secondary Education	Nil
Transport	Nil
Healthcare (<i>Contribution towards Replacement Health Centre in Keith</i>)	
Sports and Recreation	Nil
Total Developer Obligations	

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:

4 bed = 1.2 SRUE

This assessment is therefore based on 1.2 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 Crossroads Primary School. The school is currently operating at 40% 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 Keith Grammar School. The school is currently operating at 69% 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 271m².

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).

Keith Medical Group is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Keith Medical Group is currently working well beyond design capacity with no room for expansion on existing site. Contributions will be sought towards a replacement Health Centre.

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE.

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

Existing sports provision within Keith 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.



From: DeveloperObligations
Sent: 18 Jun 2018 13:49:32 +0100
To: Iain Drummond
Cc: DC-General Enquiries
Subject: 18/00626/APP Erect dwelling house and associated works on Land Adjacent to Crannoch Lodge, Grange Crossroads, Keith
Attachments: 18-00626-APP Erect dwelling house and associated works on Land Adjacent to Crannoch Lodge, Grange Crossroads, Keith.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.

Thanks
Hilda

Find us on 
[Moray Council Planning](#)

Hilda Puskas
Developer Obligations Officer
Development Plans
hilda.puskas@moray.gov.uk
01343 563265


The logo for Moray Council, featuring the word 'moray' in a stylized, lowercase, serif font with a red-to-purple gradient, and the word 'council' in a smaller, lowercase, sans-serif font below it.

Consultee Comments for Planning Application 18/00626/APP

Application Summary

Application Number: 18/00626/APP

Address: Land Adjacent To Crannoch Lodge Grange Crossroads Keith Moray

Proposal: Erect dwelling house and associated works 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

On Behalf Of: Environmental Health C12

Comments

No Objections.

James McLennan

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	27th June 2018
Planning Authority Reference	18/00626/APP
Nature of Proposal (Description)	Erect dwelling house and associated works on
Site	Land Adjacent To Crannoch Lodge Grange Crossroads Keith Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133070610
Proposal Location Easting	348569
Proposal Location Northing	854411
Area of application site (Ha)	7479 m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=P8IORLBGKAI00
Previous Application	18/00262/APP
Date of Consultation	13th June 2018
Is this a re-consultation of an existing application?	No
Applicant Name	Mr & Mrs G Whyte
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Grant And Geoghegan Limited
Agent Organisation Name	
Agent Address	Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	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.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/00626/APP

**Erect dwelling house and associated works on Land Adjacent To Crannoch Lodge Grange
Crossroads Keith Moray for Mr & Mrs G Whyte**

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

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<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 | x |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

This application is a resubmission of 18/00262/AP. A review of the site and the documents submitted confirms there are no further transportation issues and therefore the conditions and comments below reflect those of our previous response.

Condition(s)

1. Notwithstanding the submitted details no development shall commence until:
 - i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 120 metres in both directions, and a schedule of maintenance for the splay area has been submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
 - ii) thereafter the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
 - iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.

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

2. Prior to the occupation of the dwellinghouse, the first 10m of the access track, measured from the edge of the public carriageway, shall be constructed to the Moray

Council specification and surfaced with bituminous macadam. The width of the vehicular access shall be minimum 3.5 metres, and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.

Reason: To ensure acceptable infrastructure at the development access.

3. Prior to the occupation of the dwellinghouse, an access lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with the Moray Council specification and surfaced with bituminous macadam.

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

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

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

5. Three car 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.

6. 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.

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

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

8. New boundary walls/fences shall be set back from the edge of the public carriageway at a minimum distance of 3.0m (as existing) and to a position behind the required visibility splays.

Reason: To ensure acceptable development in the interests of road safety.

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 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

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 developer must contact the Roads Authority Roads Maintenance Manager at Ashgrove Depot, Elgin – Tel 01343 557300 to discuss the proposals.

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

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

Date 15.06.2018
Phone No

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



15th June 2018

Moray Council
Council Office High Street
Elgin
IV30 9BX

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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Local Planner,

AB55 Keith Grange Crossroads Adj Crannoch Lodge
PLANNING APPLICATION NUMBER: 18/00626/APP
OUR REFERENCE: 762434
PROPOSAL: Erect dwelling house and associated works on

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 **Turriff 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.

Water

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

Infrastructure within boundary

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

I can confirm that I have made our Asset Impact Team aware of this proposed development however the applicant will be required to contact them directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water Disclaimer

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

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

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

- **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 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

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.

Yours sincerely,

Christopher O'Brien

Tel: 0141 414 <insert extension>

Christopher.O'Brien@scottishwater.co.uk

REPORT OF HANDLING

Ref No:	18/00626/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Erect dwelling house and associated works on Land Adjacent To Crannoch Lodge Grange Crossroads Keith Moray		
Date:	27.07.2018	Typist Initials:	LMC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Environmental Health Manager	15/06/18	No objections
Contaminated Land	15/06/18	No objections
Transportation Manager	15/06/18	No objections subject to conditions and informatives
Scottish Water	15/06/18	No objections
Planning And Development Obligations	18/06/18	Contributions sought

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H7: New Housing in the Open Countryside	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	Y	
IMP3: Developer Obligations	N	
PP1: Sustainable Economic Growth	Y	

REPRESENTATIONS		
Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks detailed planning approval to erect a dwellinghouse on land adjacent to Crannoch Lodge, Grange Crossroads, Keith.

The proposed house is a one and a half storey rectangular design, with rear lean-to finished in natural slate on the roof and a mixture of natural stone and larch cladding on the walls.

Associated works include formation of a driveway/parking area onto the adjacent public road, drainage and post and wire fencing. The house would be served by a septic tank and would connect to a public water supply. Landscape works propose 25% site coverage with trees and shrubs.

The Site and Surroundings

The site lies to the west of an existing row of 5 houses and is bounded by the public road to the south with open farmland beyond and there is also open farmland to the north and west. The site gently slopes towards the existing houses and largely comprises grassland, with the exception of some relatively recently planted trees located along the northern boundary.

Planning History

17/01035/PE - Pre application advice for the erection of a new house on the proposed site was provided in August 2017, where amongst detailed consideration of the relevant planning policies, the following advice was offered:

The site lies in an extensive area of open countryside with limited screening and enclosure within close proximity. The current proposal for a dwelling within this open setting lacking sufficient screening/enclosure would fail to integrate sensitively and would give rise to unacceptable visual impacts affecting the rural character of the area contrary to the siting requirements of the above provisions. Any application submitted along these lines is therefore attract a recommendation of refusal.

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, H7 and IMP1, Supplementary Guidance: 'Housing in the Countryside' MLDP 2015)

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 or create inappropriate ribbon development,
- 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.

In this case the existing row of 5 houses is at odds with the established traditional development pattern of the surrounding countryside. The row of houses is not included as part of a rural grouping as defined by the Moray Local Development Plan 2015 and is classed a ribbon development along the roadside. The proposed house would act to extend this ribbon development further along the roadside and as such is not compliant with criteria (b) of the policy H7, which aims to restrict ribbon development due to the detrimental impact that it has on the character of the countryside.

In addition to the above the proposed site is very open within the surrounding landscape and any house on this site, will on occasion appear above the ridgeline on which it is sited especially when traveling on the main road through the valley (B9018), in turn resulting in a very prominent and obtrusive development within the surrounding landscape. The site has no mature features or planting that would act to settle the development into the landscape and although the applicants have carried out planting along the northern boundary of the site, this is immature at present and would take a substantial amount of time to mature and assist with the integration of the house and as such does not justify the erection of a house on this site.

The applicants have outlined that the new house is required for security purposes and to run the adjacent business on a day to day basis. There are no criteria for permitting houses in the countryside within the Moray Local Development Plan in relation to existing businesses in the countryside and on this basis this reasoning provided by the applicants does not justify the erection of a new house on this site, especially where the new house would be obtrusive as discussed previously. In addition to the above, the planning service holds no information in relation to the existing business operation and according to our records no previous planning permission has been granted on this site for the business and as such this matter has been reported to the planning enforcement team for further investigation.

With all of the above in mind the proposal is not considered compliant with policies PP1, H7 and IMP1, and Supplementary Guidance: 'Housing in the Countryside' MLDP 2015.

Access/Parking (T2 and T5)

The Transportation service have confirmed they have no objection to the approval of the application subject to conditions and informatives.

The development is therefore considered to comply with the requirements of Local Plan policies T2 and T5.

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 have no objection to the proposed use of a public 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

None

HISTORY

Reference No.	Description			
18/00262/APP	Erect dwelling house on Land Adjacent To Crannoch Lodge Grange Crossroads Keith Moray			
	Decision	Withdrawn	Date Of Decision	24/04/18

ADVERT

Advert Fee paid?	No		
Local Newspaper	Reason for Advert	Date of expiry	
Banffshire Herald	No Premises Departure from development plan	12/07/18	
PINS	No Premises Departure from development plan	12/07/18	

DEVELOPER CONTRIBUTIONS (PGU)

Status	Contribution sought
--------	---------------------

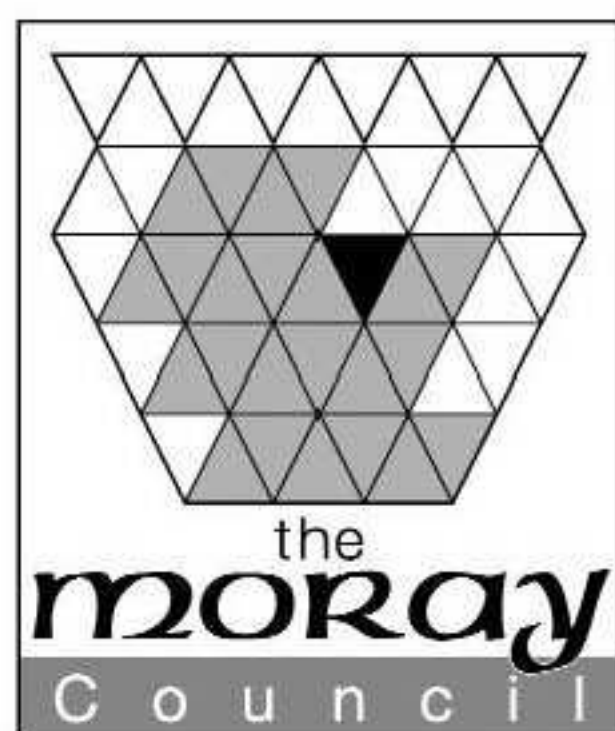
DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Planning Statement	
Main Issues:	The planning statement outlines that the new house is required for the applicants who have taken over the main running of the adjacent event catering business from their family. The statement also discusses the design/material finish and siting of the proposed house in terms of compliance with planning policy.	

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

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

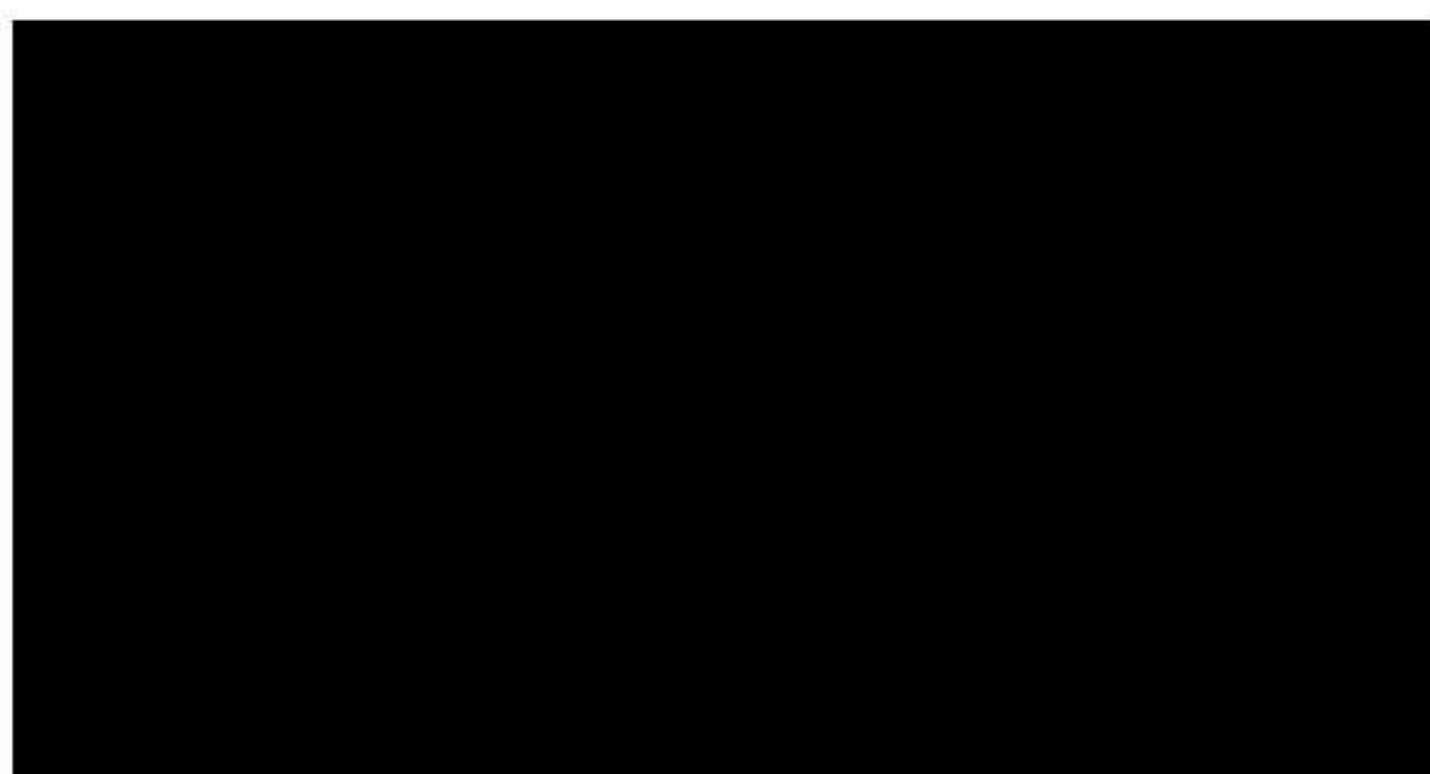


**THE MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Keith And Cullen]
Application for Planning Permission**

TO

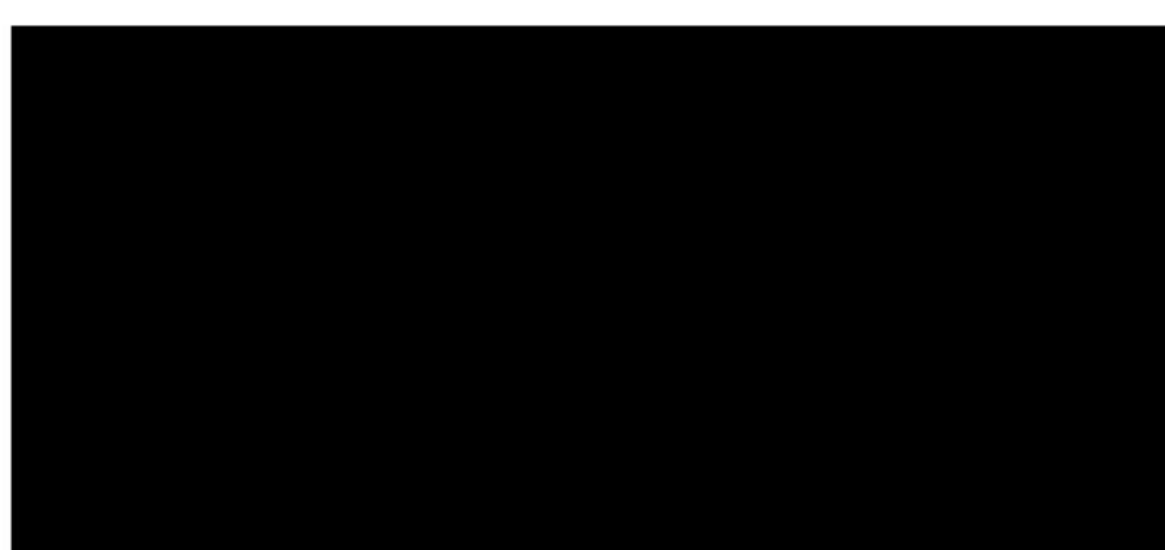


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Erect dwelling house and associated works on Land Adjacent To Crannoch Lodge Grange Crossroads Keith Moray

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

Date of Notice: **30 July 2018**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The 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, H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) for the following reasons:

1. The existing row of 5 houses immediately adjacent to the proposed site, is at odds with the established traditional development pattern of the surrounding countryside. The row of houses is not included as part of a rural grouping as defined by the Moray Local Development Plan 2015 and is classed a ribbon development along the roadside. The proposed house would act to extend this ribbon development further along the roadside and as such is not compliant with criteria (b) of the policy H7, which aims to restrict ribbon development due to the detrimental impact that it has on the character of the countryside.
2. The proposed site is very open within the surrounding landscape and any house on this site, will on occasion appear above the ridgeline on which it is sited especially when traveling on the main road through the valley (B9018) , in turn resulting in a very prominent and obtrusive development within the surrounding landscape. The site has no mature features or planting that would act to settle the development into the landscape and although the applicants have carried out planting along the northern boundary of the site, this is immature at present and would take a substantial amount of time to mature and assist with the integration of the house and as such does not justify the erection of a house on this site.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
016/2152/01		Site plan
016/2152/02		Location plan
016/2152/03		Elevations
016/2152/04		Floor plans
016/2152/05		Topographical survey
016/2152/06		Site sections

**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, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr & Mrs	Ref No.	
Forename	G	Forename	Neil
Surname	Whyte	Surname	Grant
Company Name		Company Name	Grant & Geoghegan
Building No./Name		Building No./Name	Unit 4
Address Line 1		Address Line 1	Westerton Road Business Centr
Address Line 2		Address Line 2	Westerton Road South
Town/City		Town/City	Keith
Postcode		Postcode	AB55 5FH
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	Moray Council
Planning authority's application reference number	18/00626/APP
Site address	Land Adjacent To Crannoch Lodge Grange Crossroads Keith Moray
Description of proposed development	Erect dwelling house and associated works

Date of application

10/05/2018

Date of decision (if any)

30/06/2018

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

☒

Application for planning permission in principle

☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐

5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

☐

One or more hearing sessions

☐

Site inspection

☐

Assessment of review documents only, with no further procedure

☒

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

We do feel Members would benefit from seeing the site because the landscape and visual impact of the proposal is referred to in the appointed officers reasons for refusal. However, we have provided visual information within the body of the appeal statement so that Member's may refer to that.

7. Site inspection

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

Can the site be viewed entirely from public land?

☒

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

☐

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Grounds of appeal in separate document.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Appendices to the Grounds of Appeal in separate document.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:

Name:

Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

grant & geoghegan ltd.

Chartered Planning Development and Architectural Consultants

Unit 4 Westerton Road Business Centre
4 Westerton Road South
Keith AB55 5FH

T: 01343 556644
E: enquiries@ggmail.co.uk

Grounds of Appeal

Land adjacent to Crannoch Lodge, Grange, Keith

Issue Date:
10th September 2018

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7.0. Reasons for Refusal

8.0. Conclusion

Appendices – separate document:

Appendix 1: Decision Notice 18/00626/APP

Appendix 2: Circular 4/2009 – Development Management Procedure (Annex A)

Appendix 3: Moray Local Development Plan- Extracts

- Policy H7 Housing in the Countryside
- Policy IMP1 Developer Requirements
- Policy T2 Provision of Access
- Policy T5 Parking Standards
- Policy EP5 Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)
- Policy EP10 Foul Drainage
- Policy PP1 Sustainable Economic Growth

Appendix 4: Scottish Planning Policy- Extracts

Appendix 5: Planning Advice Note (PAN) Housing in the Countryside

Appendix 6: Handling Report 18/00626/PPP

1.0 Introduction

These grounds for review of a decision to refuse planning permission for a house on land adjacent to Crannoch Lodge, Grange Crossroads, Keith are submitted under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended). This notice of review has been lodged within the prescribed three month period from the refusal of permission dated the 30th of July 2018.

The grounds for review respond to the reasons for the refusal of planning permission and address the proposal in relation to Development Plan Policies and relevant material planning considerations as required by Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2.0 Background

The application was made valid on the 5th of June 2018 and was refused under the Councils Delegation scheme by the case officer on the 30th of July 2018. The reasons for refusal (Appendix 1) state that;

The proposal would be contrary to policies PP1, H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) for the following reasons:

- 1. The existing row of 5 houses immediately adjacent to the proposed site, is at odds with the established traditional development pattern of the surrounding countryside. The row of houses is not included as part of a rural grouping as defined by the Moray Local Development Plan 2015 and is classed a ribbon development along the roadside. The proposed house would act to extend this ribbon development further along the roadside and as such is not compliant with criteria (b) of the policy H7, which aims to restrict ribbon development due to the detrimental impact that it has on the character of the countryside.*
- 2. The proposed site is very open within the surrounding landscape and any house on this site, will on occasion appear above the ridgeline on which it is sited especially when traveling on the main road through the valley (B9018), in turn resulting in a very prominent and obtrusive development within the surrounding landscape. The site has no mature features or planting that would act to settle the development into the landscape and although the applicants have carried out planting along the northern boundary of the site, this is immature at present and would take a substantial amount of time to mature and assist with the integration of the house and as such does not justify the erection of a house on this site.*

3.0 The Proposal

The proposal is for a single dwelling served by a public water supply and private drainage (septic tank/soakaway and SUDS). Access will be from the Unclassified Road that bounds the site to the south west, which extends from the B9018 approximately 600 metres to the west.

The design of the proposed house is 1½ storeys incorporating features and finishes that result in a traditional appearance. Existing trees around the boundaries of the site will be retained and supplemented with new planting as required.

4.0 The Site

The site is located immediately to the north of an established cluster of five houses which form part of Crannoch- these buildings are a long established and accepted feature in the landscape. The site is very well defined being an enclosed area of ground surrounded on three sides by field boundaries, an access track and the public road.

In addition, there are no environmental designations (National or International) covering the site and no archaeological/ historic interest has been identified. There is not considered to be any flood risk at the site.

5.0 Development Plan Context

The Development Plan for Moray comprises the Moray Local Development Plan 2015 and its associated Supplementary Guidance. The Planning Act requires planning applications to be determined in accordance with the Development Plan unless there are “material considerations” to justify doing otherwise.

Scottish Government Circular 4/2009 (Appendix 2) describes how planning applications should be determined when balancing the Development Plan and material considerations. It sets out the following approach;

- Identify the provisions of the development plan which are relevant to the decision;
- Interpret them carefully, looking at the aims and objectives of the plan as well detailed wording of policies;
- Consider whether or not the proposal accords with the Development Plan,
- Identify and consider relevant material considerations for and against the proposal, and
- Assess whether these considerations warrant a departure from the Development Plan.

The provisions of the circular are important in the context of this application because the appellants consider the proposal to be in full accordance with the Development Plan and that there are no material considerations that would warrant the refusal of this application.

Moray Local Development Plan 2015

Policy H7 Housing in the Countryside (Appendix 3, page 8) contains a general presumption in favour of small scale housing developments in the countryside provided the prescribed siting and design of the proposal are in accordance with the following criteria;

Siting

- 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;
- 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;
- It does not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. Particular attention will be given to proposals in the open countryside where there has been a significant growth in the number of new house applications; and;
- At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).

If the above criteria for the setting of the new house are met, the following design requirements then apply:

Design

- A roof pitch between 40-55 degrees;
- A gable width of no more than 2.5 times the height of the wall from ground to eaves level (see diagram 2);
- Uniform external finishes and materials including slate or dark ‘slate effect’ roof tiles;
- A vertical emphasis and uniformity to all windows and doors;
- Boundary demarcation that reflects the established character or style (e.g. dry stone dykes, hedges) in the locality;

- Proposals must be accompanied by a landscaping plan showing an appropriate proportion of the plot, generally 25%, to be planted with native tree species at least 1.5 metres in height.

The siting and design criteria in Policy H7 are supplemented by the general criteria based Policy IMP1 – Development Requirements (Appendix 3, page 10). This policy has a range of requirements applicable to all new development including that;

- scale, density and character must be appropriate to the surrounding area;
- development must be integrated into the surrounding landscape.

In addition, there are a range of other policies relating to infrastructure and servicing which seek to ensure that new development is provided with a safe and suitable access, adequate car parking and adequate surface and foul drainage, namely;

- T2: Provision of Access (Appendix 3, page 11);
- T5: Parking Standards (Appendix 3, page 12);
- EP5: Surface Water Drainage (Appendix 3, page 13);
- EP10: Foul Drainage (Appendix 3, page 14);

National Planning Policy and Guidance

National Planning Policy and Guidance is a material planning consideration to be taken into account in the consideration of planning applications. It is set out in Scottish Planning Policy (SPP) and Planning Advice Notes (PAN's).

Scottish Planning Policy 2014 (Appendix 4)

Scottish Planning Policy (SPP) sets out the Scottish Governments overarching policy on land use planning. SPP advises that Planning should take a positive approach to enabling high quality development and making efficient use of land to deliver long term benefits for the public, while protecting and enhancing natural and cultural resources.

With respect to rural development, SPP states that the planning system should promote a pattern of development that is appropriate to the character of the particular rural area.

Planning Advice Note 72 (PAN72) – Housing in the Countryside (2005) (Appendix 5)

PAN72 starts by recognising the changing circumstances in the countryside and points out that one of the most significant changes in rural areas has been a rise in the number of people wishing to live in accessible parts of the countryside while continuing to work in towns and cities within commuting distance. It contains guidance in some detail on how to achieve a successful development in the countryside. The PAN acknowledges that there will continue to be a demand for single houses, often individually designed, but these have to be planned, with location carefully selected and design appropriate to locality.

The PAN gives advice on location within the landscape and specifically states that housing related to existing groups will usually be preferable to new isolated development. It requires new housing in small groups to avoid a suburban appearance, by being sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality (Appendix 5, page 18).

Setting a building against a backdrop of trees is identified in the PAN as one of the most successful means by which new development can blend with the landscape. However it also states that the purpose of new planting is not to screen or hide new development, but to help integration with the surrounding landscape. The PAN also cautions against skyline development and heavily engineered platforms (Appendix 5, page 19).

6.0 Main Issues

There is a clear commitment in National Planning Policy and Guidance and the Moray Local Development Plan to the principle of well sited and designed new housing in the countryside. There is particular support for houses related to existing groups as is the case with the site under appeal.

Policy H7 is the lead local policy in the consideration of this proposal; its stated aim being to allow housing in the open countryside that can be easily absorbed into the landscape. It sets out four specific criteria under the heading of 'siting' which have to be met to secure the principle of development.

Firstly, the proposed site should reflect the traditional pattern of development in the locality and does not constitute obtrusive development. The settlement pattern in this area of Moray is characterised by single and small groups of houses and outbuildings dispersed throughout the rural area, as such the introduction of a dwelling which consolidates an established housing group set in this wider scattering of houses and agricultural buildings can be seen to reflect the established settlement pattern.

In addition, the site does not meet with the Council's definition of obtrusive development i.e. on a skyline, artificially elevated ground or in open settings such as the central area of a field. Once built, it will not be possible to view this modest structure on the skyline from the surrounding countryside, and it is not the appellant's intention to build the house on artificially elevated ground (conditions relating to finished floor levels can be imposed to ensure control is retained over this matter).

The second element of the siting criteria states that the proposed development should not detract from the character or setting of existing buildings or their surrounding area or create inappropriate ribbon development. The proposed plot is very well related to the size and characteristics of existing and approved plots to the East. In this position, it effectively rounds off this small group of houses, the private access track which bounds the site to the North West providing a natural break to development. The established plots to the East are set within mature gardens and the proposed site has the benefit of similar landscaped surroundings within which the proposed house is to be contained which will soon mature.

The proposed house has been positioned within the plot to keep it well apart from existing properties to ensure that the relationship between the size of the house and the plot is consistent with that of the relationship between the size of the houses and plots. As a result, the proposal will relate very well to the character and setting of the existing small grouping of houses. In the proposed position, there is little or no impact on the character or setting of these properties or upon neighbouring amenity (privacy, prejudice to sunlight/ daylight etc). Furthermore, for these reasons the proposed development does not result in inappropriate ribbon development.

The third of the siting criteria states that new housing in the countryside should not contribute to a build-up of development where the number of houses has the effect of changing the rural character of the area. The submitted plans clearly demonstrate that the addition of one dwellinghouse in this location, with the proposed separation between buildings, and natural break to any further development, will not have this effect nor will it contribute to this effect in the future.

Finally, the site should have at least 50% of its boundaries as long established features capable of distinguishing it from the surrounding land. Examples of acceptable boundaries are listed as dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways. The proposed development meets and exceeds the boundary requirements prescribed through a combination of long established boundary treatments and the substantial stand of semi-mature trees that surround the site.

Although the proposed design of the property is not identified as an issue in the reasons for refusal, there are a series of specific design requirements within policy H7 which are all met by the proposal;

- A roof pitch between 40-55degrees;
- A gable width of no more than 2.5 times the height of the wall from ground to eaves level
- Uniform external finishes and materials including slate or dark 'slate effect' roof tiles;
- A vertical emphasis and uniformity to all windows and doors;
- Boundary demarcation that reflects the established character or style (e.g. dry stone dykes, hedges) in the locality;
- Proposals must be accompanied by a landscaping plan showing an appropriate proportion of the plot, generally 25%, to be planted with native tree species at least 1.5 metres in height.

Overall it is considered that the proposal is exemplary in this regard and therefore meets the requirements of Policy H7 and the related Supplementary Guidance on Housing in the Countryside. In doing so it also satisfies the requirements of Policy IMP1 which requires development to be integrated into the landscape and of a character appropriate to the surrounding area.

7.0 Reasons for Refusal

The first reason for refusal states that the existing row of 5 houses immediately adjacent to the proposed site is at odds with the established traditional development pattern of the surrounding countryside, that is not included as part of a rural grouping as defined by the LDP and that it amounts to ribbon development along the roadside. On this basis the appointed officer concludes the proposed development is not compliant with criteria (b) of policy H7.

However, we contend that the appointed officer has misinterpreted the criteria within this policy and that on account of that, this reason for refusal is flawed. Criteria (b) of policy H7 states *"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**"*. In this context, whether or not the appointed officer considers an existing group of houses in the countryside to be at odds with the established settlement pattern is irrelevant.

The test in policy relates to whether the addition of a house to an existing group detracts from the character or setting of existing buildings or the surrounding area- not whether the existing group meets with the aforementioned assessment criteria.

In this case then, the site is located in a relatively well settled part of the Moray countryside. As previously stated the locality is characterised by single and small groups of buildings dispersed throughout the rural area, with many groups being concentrated along roadsides to varying extents. Consequently, it is clear that the addition of a sensitively sited and designed development in the manner proposed in this application would not have a significant detrimental impact upon character or setting of existing buildings or the surrounding area, so as to warrant refusal of the planning application.

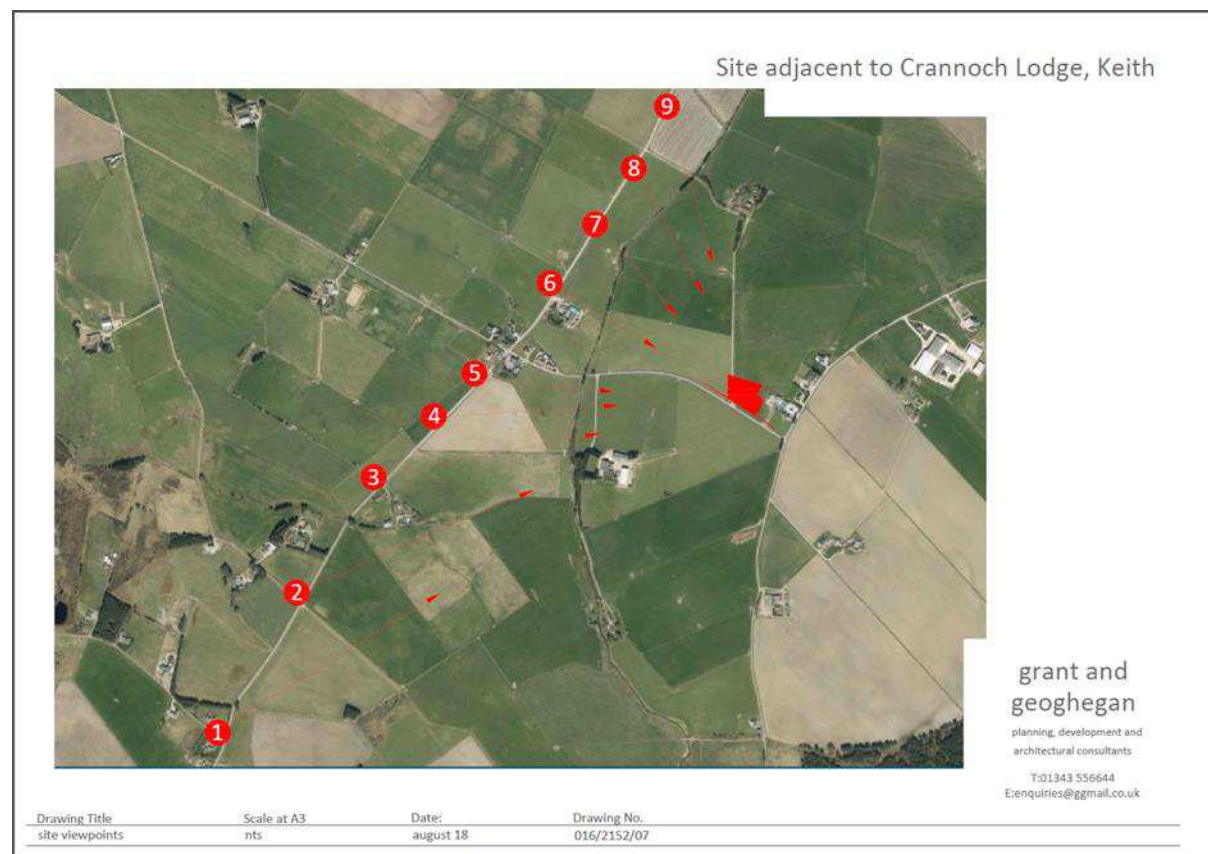
Furthermore, the reason for refusal states that *"the proposed house would act to extend this ribbon development further along the roadside and as such is not compliant with criteria (b) of the policy H7, which aims to restrict ribbon development due to the detrimental impact that it has on the character of the countryside"*.

Crucially, the fact that a proposal constitutes ribbon development is not, in itself, a reason to reject the proposal in terms of policy- the test under development plan policy is whether the proposal constitutes *"inappropriate ribbon development"*. In this context then, having established that the addition of one house in this location would not detract from existing buildings or the surrounding countryside, the central issue in the reason for refusal is whether the introduction of a house on to this site would lead to the further build-up of development which would be detrimental to the character of the existing groups of houses and surrounding countryside.

In this case, although all applications are assessed on their own individual merits, Member's should take comfort that the access track to the North West and the public road provides a natural break to development which will preclude the extension of this group further into the countryside. The appellants have sought planning permission on this site so that they can be located near to their existing business enterprise- although this is not prescribed in the criteria enabling housing in the countryside in Moray, Member's should be aware that the approval of this application will support an existing well established rural business. On account of all these factors, there is clearly significant material weight in favour of siting the development in this location in the manner proposed.

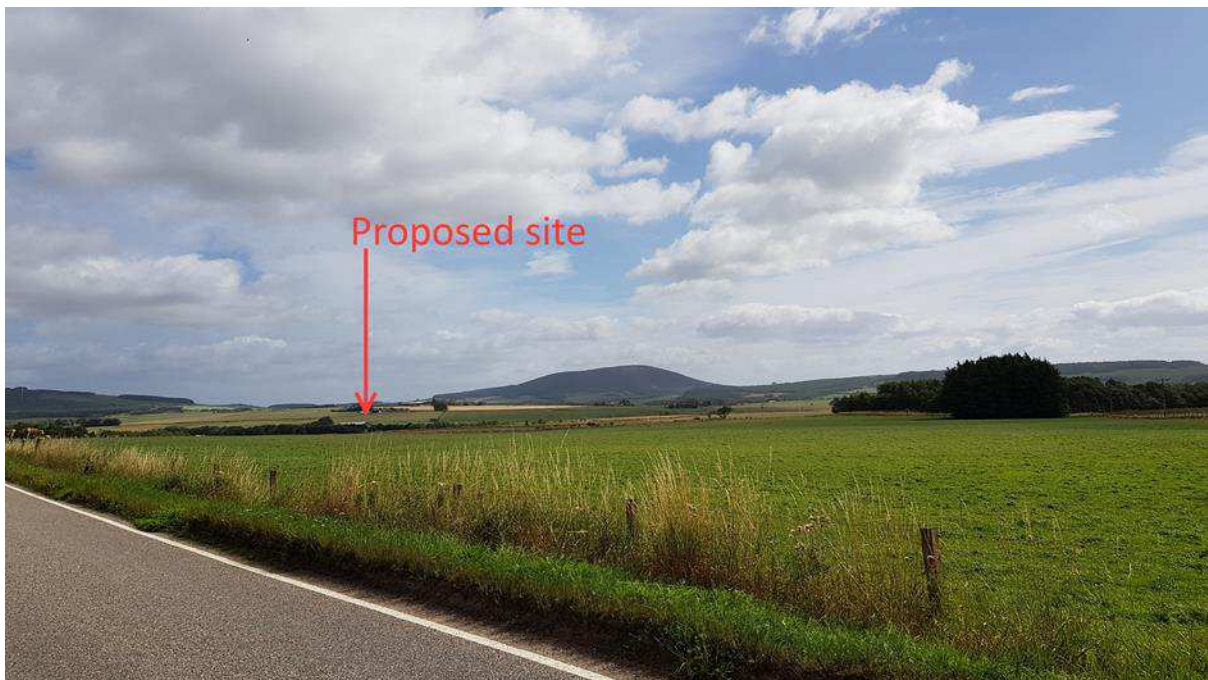
The thrust of the second reason for refusal is that the proposed house would appear above the ridgeline, upon which it is sited, from key views along the B9018, and consequently constitutes obtrusive and overly prominent development. It goes on to state that there is a lack of mature features or planting within the site to integrate the development into its surroundings.

We recognise that there are views of the site from the B9018 however, we strongly disagree with the appointed officers conclusions that the proposed development constitutes obtrusive development. The proposed dwellinghouse has been positioned in the lower part of the site, which in reality will result in no clear views of the building on the sky line, as inferred. To demonstrate this we have provided a series of photographs taken from key viewpoints along the B9018, as shown below;

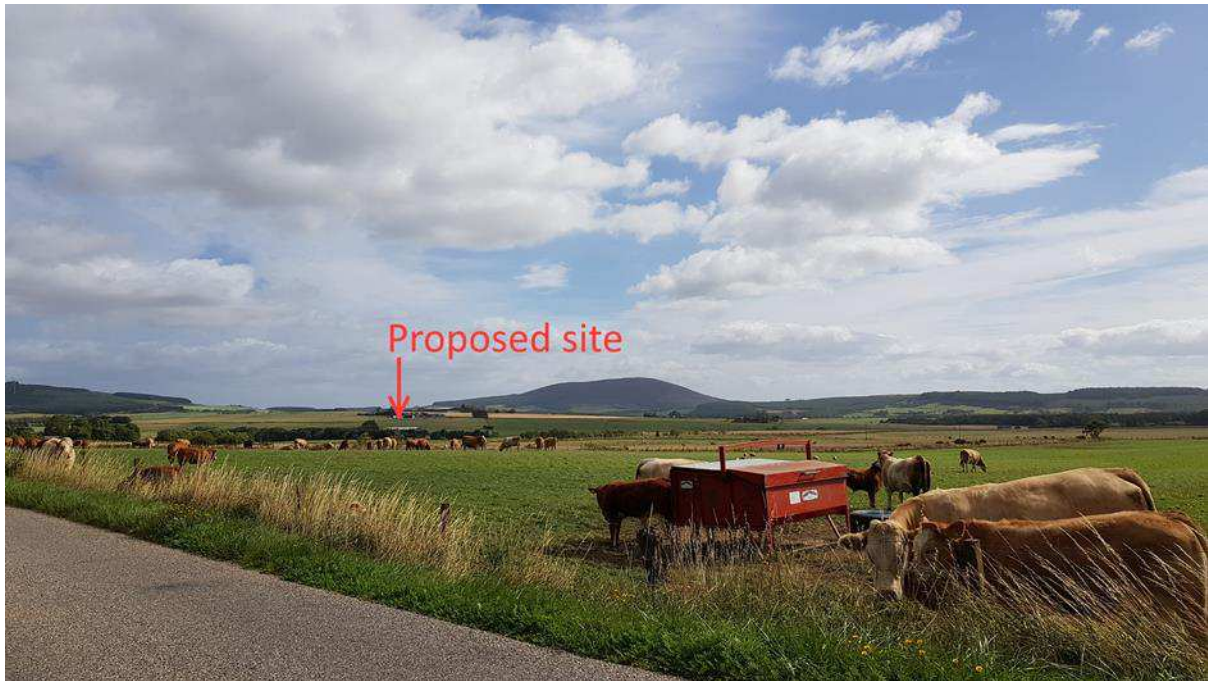




Viewpoint 1 – long distance view of the site with backdrop of trees and planting. The site appears as part of an existing cluster of buildings.



Viewpoint 2 – the distance diminishes clear views of the site from this section of the road. It does not appear on the skyline and is read as part of an existing group of buildings.



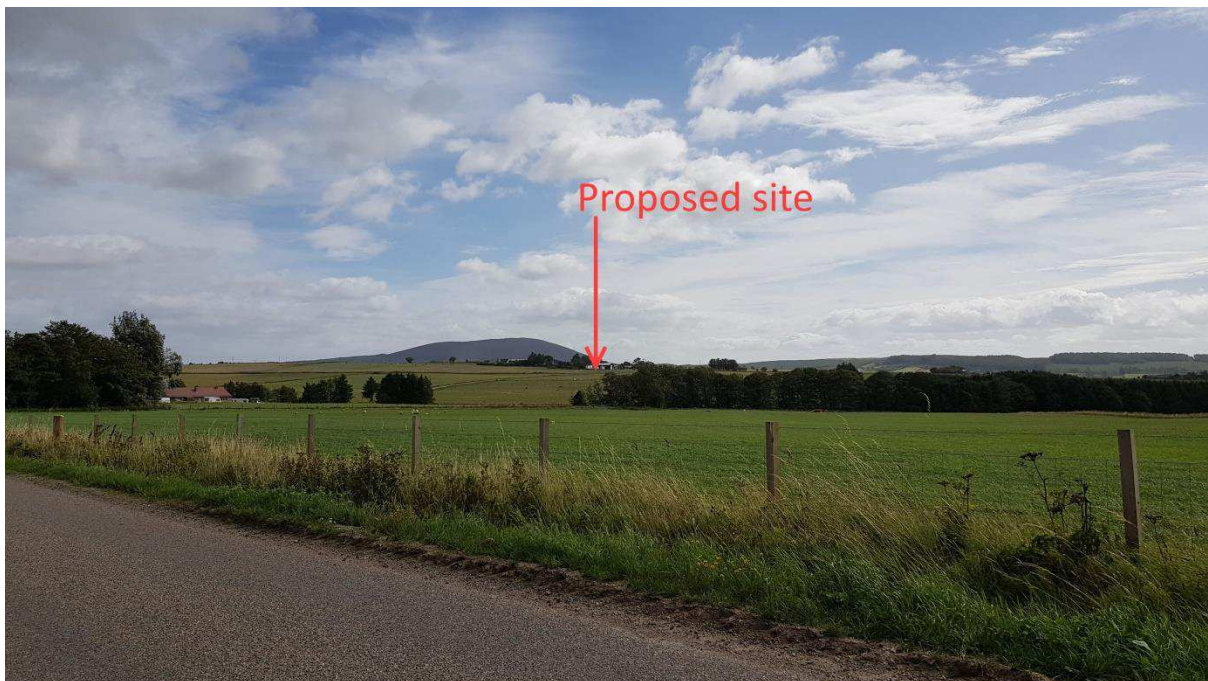
Viewpoint 3 – the site has a backdrop of buildings, mature planting and landform from this view.



Viewpoint 4 – the site is clearly not on the ridge and does not appear on the skyline. As such, it cannot constitute obtrusive development.



Viewpoint 5 – built form in the backdrop of the subject site.



Viewpoint 6 – Although the site can be seen in this view, there are long sections of the road where views of the site are restricted by mature planting.



Viewpoint 7 – view of the site with backdrop of mature planting.



Viewpoint 8 – there is a perceptible relationship between the subject site and neighbouring properties. It is read as a natural addition to this group in all views.



Viewpoint 9 – the site has a substantial backdrop in all clear views of the site from the B9018. The intention is to further integrate the site into its surroundings with the implementation of a long term landscaping plan using native species trees.

In reality, the proposal benefits from substantial backdrop in all views and the coherent visual relationship between the proposal and existing development mean that a recommendation of refusal based on an adverse impact on the character and appearance of the area is highly questionable

The appellants would contend quite the opposite; that a domestic structure on this site can be accommodated sensitively and the proposed development can be seen to compliment the wider dispersed settlement pattern, respect and reflect the separation and amenity of existing houses and once established will integrate successfully with its surroundings.

The Moray Council's Housing in the Countryside policy offers a flexible approach to ensure appropriate opportunities are enabled and supported and inappropriate development guarded against. It is submitted that the proposal in hand to add another house to an existing, well screened group is reasonable and compliant with the development plan because it relates well to the established settlement pattern. The modest scale and appearance of the proposed dwelling coupled with the implementation of a long term landscaping plan will protect and enhance the important amenity value of the area.

It is important to note that the introduction of a house onto this site is in full accordance with PAN72 because it adds to an existing grouping and owing to its coherent relationship with existing properties does not detract from its rural character. The guidance reiterates the importance of locating new houses in existing groups in relation to sustainable development criteria such as location and infrastructure needs.

Through policy PP1 Sustainable Economic Growth (Appendix 3, page 15), the Council recognises the importance of diversifying the rural economy and new small scale housing developments in the Moray countryside undoubtedly contribute directly and indirectly to that over-arching aim but this proposal, which seeks planning permission for a house in connection with an established rural business, is particularly important in this regard.

The consolidation of an existing housing group in the way proposed, with all the servicing benefits associated with such a project, point to a well-balanced development that deserves the support of the Local Authority.

8.0 Conclusion

As stated, the Planning Act requires planning applications to be determined in accordance with the Development Plan unless there are “material considerations” to justify doing otherwise.

National Planning Policy and the Moray Local Development Plan all encourage well sited and designed houses in the countryside and there is a preference for the siting of new houses within existing groupings; recent decisions demonstrate accordance with these aims and objectives so the applicants simply ask that this application be determined in the same manner.

The lead policy in the Local Plan for testing the acceptability of the site as a suitable location for a house in the countryside is Policy H7 and it contains specific criteria about the siting and design of new dwellings. These Grounds of Appeal and the submitted plans clearly show that the proposal is acceptable under the criteria set out in the policy. It has also been shown that the proposal is acceptable in relation to other relevant Local Plan policies regarding design, provision of access, parking and drainage.

As the proposal can be accepted under Development Plan policies and there are no known material considerations to the contrary, it is respectfully requested that the Local Review Body reconsider the decision to refuse the proposed development and grant planning permission.

grant & geoghegan ltd.

Chartered Planning Development and Architectural Consultants

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Grounds of Appeal- Appendices

Land adjacent to Crannoch Lodge, Grange, Keith

Issue Date:
10th September 2018

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

REFUSAL OF PLANNING PERMISSION

**[Keith And Cullen]
Application for Planning Permission**

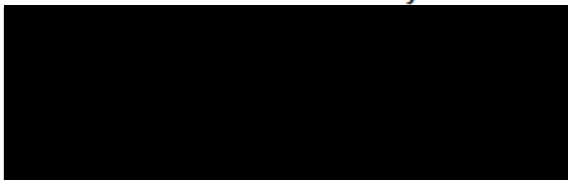
TO Mr & Mrs G Whyte
c/o Grant And Geoghegan Limited
Unit 4
Westerton Road Business Centre
4 Westerton Road South
Keith
AB55 5FH

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

Erect dwelling house and associated works on Land Adjacent To Crannoch Lodge Grange Crossroads Keith Moray

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

Date of Notice: **30 July 2018**



HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
The 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, H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) for the following reasons:

1. The existing row of 5 houses immediately adjacent to the proposed site, is at odds with the established traditional development pattern of the surrounding countryside. The row of houses is not included as part of a rural grouping as defined by the Moray Local Development Plan 2015 and is classed a ribbon development along the roadside. The proposed house would act to extend this ribbon development further along the roadside and as such is not compliant with criteria (b) of the policy H7, which aims to restrict ribbon development due to the detrimental impact that it has on the character of the countryside.
2. The proposed site is very open within the surrounding landscape and any house on this site, will on occasion appear above the ridgeline on which it is sited especially when traveling on the main road through the valley (B9018) , in turn resulting in a very prominent and obtrusive development within the surrounding landscape. The site has no mature features or planting that would act to settle the development into the landscape and although the applicants have carried out planting along the northern boundary of the site, this is immature at present and would take a substantial amount of time to mature and assist with the integration of the house and as such does not justify the erection of a house on this site.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
016/2152/01		Site plan
016/2152/02		Location plan
016/2152/03		Elevations
016/2152/04		Floor plans
016/2152/05		Topographical survey
016/2152/06		Site sections

**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, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

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.



ANNEX A

DEFINING A MATERIAL CONSIDERATION

1. Legislation requires decisions on planning applications to be made in accordance with the development plan (and, in the case of national developments, any statement in the National Planning Framework made under section 3A(5) of the 1997 Act) unless material considerations indicate otherwise. The House of Lord's judgement on *City of Edinburgh Council v the Secretary of State for Scotland* (1998) provided the following interpretation. If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.
2. The House of Lord's judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision,
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies,
 - Consider whether or not the proposal accords with the development plan,
 - Identify and consider relevant material considerations for and against the proposal, and
 - Assess whether these considerations warrant a departure from the development plan.
3. There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and
 - It should fairly and reasonably relate to the particular application.
4. It is for the decision maker to decide if a consideration is material and to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.

5. The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy, and UK Government policy on reserved matters
 - The National Planning Framework
 - Scottish planning policy, advice and circulars
 - European policy
 - a proposed strategic development plan, a proposed local development plan, or proposed supplementary guidance
 - Guidance adopted by a Strategic Development Plan Authority or a planning authority that is not supplementary guidance adopted under section 22(1) of the 1997 Act
 - a National Park Plan
 - the National Waste Management Plan
 - community plans
 - the environmental impact of the proposal
 - the design of the proposed development and its relationship to its surroundings
 - access, provision of infrastructure and planning history of the site
 - views of statutory and other consultees
 - legitimate public concern or support expressed on relevant planning matters
6. The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

<div><div>Policy H7</div><div>New Housing in the Open Countryside</div></div>	
<p>This policy assumes in favour of an application for a new house in the open countryside provided all of the following requirements are met:</p>	
<p>Siting</p> <ul style="list-style-type: none">a) 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;b) 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;c) 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,d) At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (e.g. dykes, hedgerows, fences, watercourses, woodlands, tracks and roadways).	<div><p>Justification</p><p>The Plan aims to allow housing in the open countryside that can be easily absorbed into the landscape. New development should be low impact and reflect the character of the surrounding area in terms of the traditional pattern of settlement and the scale and design of housing. The introduction of suburban layouts and house styles and the incremental build up of new houses have the potential to alter the rural character and detrimentally impact on the area's high quality rural environment.</p><p>Proposals that add to an existing grouping, such as an established re-use or rehabilitation scheme, will be more satisfactorily integrated where they connect through built form, layout and landscape features. Development that adds to an existing suburban layout should be avoided. Infill development along a road or landscape feature may be appropriate where this does not detract from the character or setting of existing houses.</p><p>Innovative modern design and energy efficiency measures are encouraged to promote sustainable development.</p></div>

If the above criteria for the setting of the new house are met, the following design requirements then apply:

Design

- i) A roof pitch between 40-55 degrees;
- ii) A gable width of no more than 2.5 times the height of the wall from ground to eaves level (see diagram 2);
- iii) Uniform external finishes and materials including slate or dark 'slate effect' roof tiles;
- iv) A vertical emphasis and uniformity to all windows and doors;
- v) Boundary demarcation that reflects the established character or style (e.g. dry stone dykes, hedges) in the locality;
- vi) Proposals must be accompanied by a landscaping plan showing an appropriate proportion of the plot, generally 25%, to be planted with native tree species at least 1.5 metres in height.

Exceptions to the above design requirements will only be justified on the basis of innovative designs that respond to the setting of the house.

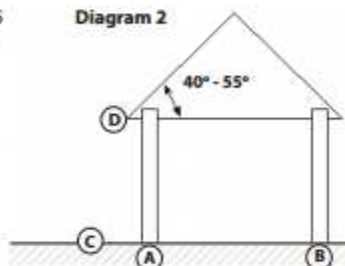
Proposals which involve the loss of woodland will be assessed against policy ER2 and must take account of the Council's Supplementary Guidance on Trees and Development.

Supplementary Guidance has been produced in order to provide further advice on the interpretation of this policy, and will be used in the process of determining planning applications.

Proposals for holiday homes in the open countryside will be assessed against this policy.

Other considerations such as noise contours, developer contributions and energy efficiency will be taken into account in the determination of a planning application, and advice on these matters can be viewed in the aforementioned Supplementary Guidance.

Diagram 2



Ground Level:

A fixed point measured 100mm below the finished floor level of a house with a solid ground floor;

or 300mm below finished floor level of a suspended ground floor

Eaves:

The point where the front face of the external wall intersects with the uppermost point of the roof line

The width of the gable as measured from A to B should not be greater than 2.5 times the height of the ground to eaves measurement C to D.

Pitch on roof to be 40° - 55°

Policy IMP1 Developer Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria

- a) The scale, density and character must be appropriate to the surrounding area.
- b) The development must be integrated into the surrounding landscape
- c) Road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths; long distance footpaths; national cycle routes must not be adversely affected.
- d) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water.
- e) Where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria.
- f) Make provision for additional areas of open space within developments.
- g) Details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications.
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impacts arising from the disturbance of carbon rich soil.
- i) Avoid areas at risk of flooding, and where necessary carry out flood management measures.
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- k) Address and sufficiently mitigate any contaminated land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land.
- m) Make acceptable arrangements for waste management.

Justification

The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance, development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, with particular emphasis on providing pedestrian and cycle access, and any necessary public transport facilities/connections. The use of SUDS and incorporation of renewable energy techniques and sustainable design and construction methods will all help promote sustainability in Moray. Most of the serious flood risks have been addressed by flood alleviation schemes, but there are still areas that are susceptible and these should be avoided. Similarly, pollution issues in relation to air, noise, groundwater and ground contamination, must be adequately addressed to provide proper development standards.

Policy T2 PROVISION OF ACCESS

The Council will require that new development proposals are designed to provide the highest level of access for end users including residents, visitors, and deliveries appropriate to the type of development and location. Development must meet the following criteria:

- Proposals must maximise connections and routes for pedestrian and cyclists, including links to active travel and core path routes, to reduce travel demands and provide a safe and realistic choice of access.
- Provide access to public transport services and bus stop infrastructure where appropriate.
- Provide appropriate vehicle connections to the development, including appropriate number and type of junctions.
- Provide safe entry and exit from the development for all road users including ensuring appropriate visibility for vehicles at junctions and bends.
- Provide appropriate mitigation/modification to existing transport networks where required to address the impacts of new development on the safety and efficiency of the transport network. This may include but would not be limited to, the following measures, passing places, road widening, junction enhancement, bus stop infrastructure and drainage infrastructure. A number of potential road improvements have been identified in association with the development of sites the most significant of these have been shown on the Settlement Map as TSPs.
- Proposals must avoid or mitigate against any unacceptable adverse landscape or environmental impacts.

Developers should give consideration to aspirational core paths (under Policy 2 of the Core Paths Plan) and active travel audits when preparing proposals.

New development proposals should enhance permeability and connectivity, and ensure that opportunities for sustainable and active travel are protected and improved.

Justification

Policy supports the creation of sustainable communities accessible by a range of transport modes including viable alternatives to private vehicles. Pedestrian movement, cycling and public transport routes will be a priority. At the early design stages consideration should be given to the likely desire routes (public transport, schools, and facilities) which shall inform the layout and design of the development. Inclusion of aspirational core paths and active travel audit proposals will provide new links that have a focus on facilitating active travel and sustainable transport helping to maximise new development's accessibility and connections to existing networks and facilities.

The street design guidance within Designing Streets can be used as a material consideration in determining applications. Proposals must incorporate the principles of "Designing Streets" and the Council's supplementary guidance "People and Places – A design Guide for Moray". Consideration should also be given to any active travel audits in place. For smaller developments in the countryside the Council's guidance "Transportation Requirements in Small Developments in Rural Parts of Moray" should be considered. The Planning Authority will be realistic about the likely availability of public transport services in rural areas. Innovative solutions such as demand responsive public transport and small scale park and ride facilities at nodes on bus corridors are encouraged to reduce travel demands by private vehicles.

Continued on next page.

Policy T5**PARKING STANDARDS**

Proposals for development must conform with the Council's current policy on parking standards.

Justification

The application of parking standards related to development assists in the implementation of appropriate traffic management, and in the availability of on-street car parking provision. The standards specify where there is scope to provide commuted payments as an alternative to parking on site, as well as the need for parking for commercial vehicles.

Policy EP5 Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that has a neutral effect on the risk of flooding or which reduces the risk of flooding. The method of dealing with surface water should also avoid pollution and promote habitat enhancement and amenity. All sites should be drained by a sustainable drainage system (SUDS). Drainage systems should contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

Specific arrangements should be made to avoid the issue of permanent SUD features becoming silted-up with construction phase runoff. Care must be taken to avoid the introduction of invasive non-native species during the construction of all SUD features.

Applicants must agree provisions for long term maintenance of the SUDS scheme to the satisfaction of the Council in consultation with SEPA and Scottish Water as appropriate.

A Drainage Assessment (DA) will be required for developments of 10 houses or more, industrial uses, and non-residential proposals of 500 sq metres and above.

The Council's Flood Team will prepare Supplementary Guidance on surface water drainage and flooding.

Justification

Under the Water Environment Controlled Activity (Scotland) Regulations 2011, SUDS are a statutory requirement for almost all development and therefore this needs to be considered during the site design to ensure adequate space will be available. Well designed and maintained, SUDS can reduce diffuse pollution from surface water run-off, free up capacity in water management infrastructure, contribute to green/blue networking thereby supporting River Basin planning. Blue networks are identified to ensure that new development is set back from and planned around watercourses to create networks and corridors to facilitate natural hydrological process, enhance biodiversity and help create a "unique sense of place" on-site. Systems should be designed to comply with the Controlled Activity Regulations (CAR) general binding rules (GBR's). SUDS also have a role in reducing flood risk and mitigating against the effects of climate change.



Policy EP10 Foul Drainage

All development within or close to settlements (as defined in the Local Development Plan) of more than 2,000 population equivalent will require to connect to the public sewerage system unless connection to the public sewer is not permitted due to lack of capacity. In such circumstances, temporary provision of private sewerage systems may be allowed provided Scottish Water has confirmed investment to address this constraint has been specifically allocated within its current Quality Standards Investment Programme and the following requirements apply:

- Systems shall not have an adverse impact on the water environment;
- Systems must be designed and built to a standard which will allow adoption by Scottish Water.
- Systems must be designed such that they can be easily connected to a public sewer in the future. Typically this will mean providing a drainage line up to a likely point of connection.

All development within or close to settlements (as identified in the Local Development Plan) of less than 2000 population equivalent will require to connect to public sewerage system except where a compelling case is made otherwise. Factors to be considered in such a case will include size of the proposed development, whether the development would jeopardise delivery of public sewerage infrastructure and existing drainage problems within the area. Where a compelling case is made, a private system may be acceptable provided it does not pose or add risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or amenity of the general area. Consultation with Scottish Environment Protection Agency will be undertaken in these cases.

Where a private system is deemed to be acceptable (within settlements as above or small scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with Technical Handbooks (which sets out guidance on how proposals may meet the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

Justification

This policy aims to achieve the satisfactory disposal of sewage. The policy encourages new development to connect to the mains system whenever possible but recognises that in some cases this will not prove possible. The policy seeks to ensure that drainage systems can be designed to a standard that can be adopted by Scottish Water and which could be connected to a public system in the future.

Primary Policies

The Primary Policies reflect the priorities set out in Scottish Planning Policy and the objectives of the Council. These policies will be applied to all development proposals and used with the more detailed policies set out within the relevant sections to determine planning proposals.

The primary policies aim to support the Scottish Government's aims in terms of sustainable economic growth, climate change and placemaking.

PP1 Sustainable Economic Growth

The Local Development Plan identifies employment land designations to support requirements identified in the Moray Economic Strategy. Development proposals which support the Strategy and will contribute towards the delivery of sustainable economic growth and the transition of Moray towards a low carbon economy will be supported where the quality of the natural and built environment is safeguarded and the relevant policies and site requirements are met.

Justification:

The Moray Economic Strategy provides a long term strategy to influence decision makers in addressing the challenges in diversifying the economy of Moray. This includes the objectives for growth and inward investment in higher paid employment, to reduce the outmigration of young people and to reduce any dependency on public sector employment including the defence sector.

The aims of the strategy are to deliver population growth, create 5,000 jobs and raise earnings to above the Scottish average. The Strategy includes an Action Programme which identifies a programme of projects and enabling actions with a focus on improving regional infrastructure including, road, rail and air and broadband connectivity, opportunities to grow and diversify the economy in the sectors of life sciences, engineering, energy, food and drink and tourism. The Strategy and Action Programme also support the reinforcement of Elgin as a regional centre through the Elgin City for the Future Masterplan to support the towns of Buckie, Forres, Keith and Lossiemouth and the settlements of Speyside.

The aims of this policy must be balanced with the need to safeguard Moray's natural and built environment.

- the scale of development proposed is appropriate, and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location;
- the proposal will help to meet qualitative or quantitative deficiencies; and
- there will be no significant adverse effect on the vitality and viability of existing town centres.

Promoting Rural Development

NPF Context

74. NPF3 sets out a vision for vibrant rural, coastal and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas. Between these extremes are extensive intermediate areas under varying degrees of pressure and with different kinds of environmental assets meriting protection. Scotland's long coastline is an important resource both for development and for its particular environmental quality, especially in the areas of the three island councils.

Policy Principles

75. The planning system should:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

Key documents

- [Getting the Best from Our Land – A Land Use Strategy for Scotland](#)⁴⁰
- National Marine Plan

Delivery

76. In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

77. In remote and fragile areas and island areas outwith defined small towns, the emphasis should be on maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place.

78. In the areas of intermediate accessibility and pressure for development, plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a

⁴⁰ www.scotland.gov.uk/Publications/2011/03/17091927/0

Rural development

Problems to solve

For over 10 years, *PAN 36* has had some positive impact on new housing development but, nevertheless, concerns remain:

- an inability to understand designs particular to local areas;
- development plans and supporting guidance not always sufficiently clear about the standards required;
- a lack of confidence in articulating and holding out for quality design, and following through to appeal, if necessary;
- an over reliance on houses not designed specifically for the site; and
- roads and drainage engineers using urban solutions rather than having greater flexibility to reflect local circumstances.

It is therefore appropriate to restate the importance of quality development in the countryside by expanding on the messages in *PAN 36*.

Changing circumstances

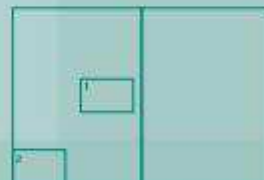
One of the most significant changes in rural areas has been a rise in the number of people wishing to live in the accessible parts of the countryside while continuing to work in towns and cities within commuting distance. Others wish to live and work in the countryside. These trends derive from lifestyle choices and technological changes which allow working from home. More people are now also buying second or holiday homes. In addition, leisure and tourism businesses have been increasingly active, for example through timeshare and chalet developments. It is for planning authorities to assess these demands and decide how, and where, to accommodate them.



a rise in the number of people wishing to

live

in the countryside



1: Self catering units, near Auchtermoider, Perth & Kinross
2: Contemporary artist's studio and home, Perth & Kinross

Opportunities

Some landscapes will probably have to accommodate considerable change in the coming years. This change needs to be planned and managed so that the effects are positive. Buildings in rural areas can often be seen over long distances and they are there for a long time. Careful design is essential. Traditional buildings can be an inspiration but new or imaginative re-interpretation of traditional features should not be excluded. Where possible, the aim should be to develop high quality modern designs which maintain a sense of place and support local identity.

Examples of the main opportunities include:

conversion or rehabilitation

The revival of rural buildings to provide comfortable modern homes has become increasingly popular. It not only brings a building back to life but it may provide opportunities to sensitively conserve our built heritage, including buildings of merit which are not listed. The sympathetic restoration of buildings which are structurally sound, largely intact, safely accessible and linked to water and other services maintains the character and distinctiveness of places.



7

small-scale infill

Small-scale infill in existing small communities can bring economic and social benefits by supporting existing services such as schools and shops. Planning authorities should generally seek to reinforce the building pattern of the existing settlement and ensure that new buildings respect and contribute to the area's architectural and cultural heritage.



new groups of houses

Housing related to existing groupings will usually be preferable to new isolated developments. The groupings should not be suburban. They should be small in size, and sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality. They should take account of sustainable development criteria in location and infrastructure needs.



single houses

There will continue to be a demand for single houses, often individually designed. But these have to be planned, with location carefully selected and design appropriate to locality.



Some landscape considerations

Location within the landscape – Location concerns site selection within the wider landscape. Some areas are so prominent that it is accepted that any development at these locations would be detrimental to the surrounding landscape. Most new developments should try to fit into or nestle within the landscape. Skyline development should normally be avoided, as should heavily engineered platforms. This is to ensure that the building does not interrupt and conflict with the flow of the landform or appear out of scale. Even where sites are less visible they will still require a significant level of skill to assimilate buildings into the landscape. Sites which are least visible can often be suitable for more adventurous or individual designs. Occasionally, where a landmark development is considered to be appropriate, its design needs to be of the highest quality and considered very carefully. Likewise, where there are groupings of new buildings, their location within the landscape and relationship to each other is important.



Woodlands – Setting a building against a backdrop of trees is one of the most successful means by which new development can blend with the landscape. Where trees exist they should be retained. Care should be taken to ensure an appropriate distance between tree root systems and building foundations, so that neither is compromised. In some parts of Scotland, where there is little existing planting and limited scope for landscaping, particular care should be taken in the selection of sites and design of houses.



New planting – The purpose of new planting is not to screen or hide new development, but to help integration with the surrounding landscape. New trees and shrubs which are locally native will usually be easier to establish than non-native plants, and will be more in keeping with the character of the area. Planting with locally native species has the additional benefits of creating habitats for wildlife and potentially contributing to Local Biodiversity Action Plans.



Boundary treatments – The open space associated with a house or houses should be considered as an integral part of the development, not as an afterthought, and again be treated in relation to the surrounding environment. Suburban ranch-type fences, concrete block walls and the regimented use of non-native fast-growing conifers should be avoided. Although the use of dry-stone walling in some areas can help the integration of new development with the landscape, the costs involved may mean that this can only be justified in exceptional circumstances. Such circumstances are most likely to arise in designated areas, e.g. National Parks, National Scenic Areas, Conservation Areas and local landscape designations.

