



PROPOSED CHANGE OF USE FROM AGRICULTURAL LAND  
TO GARDEN GROUND AT 'THE FORECOURT', CUMMINGSTON, ELGIN

| SUPPORTING STATEMENT

REVISION A - UPDATED

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AT 'THE FORECOURT', CUMMINGSTON, ELGIN

I

SUPPORTING STATEMENT

1.0 INTRODUCTION

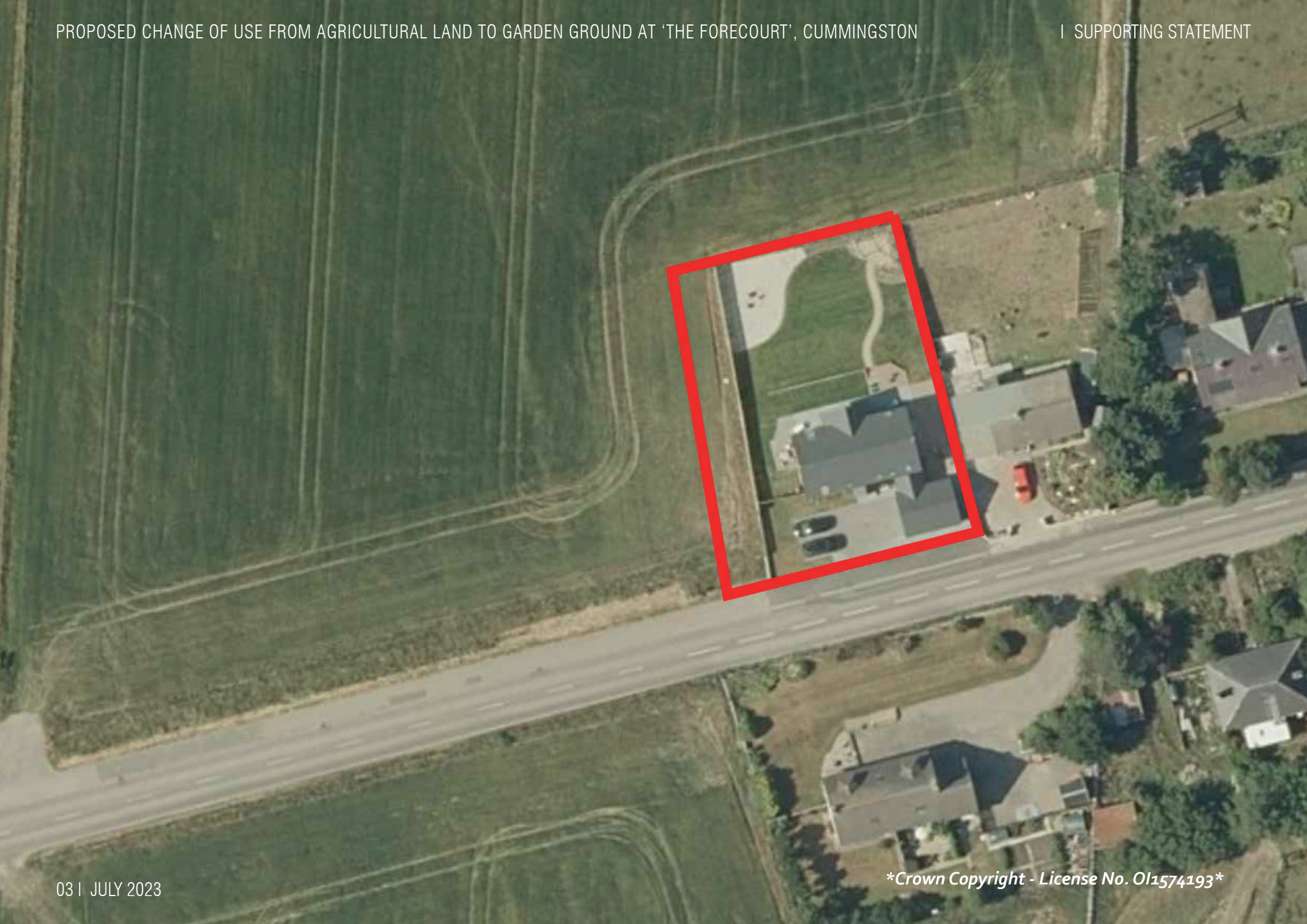
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2.0 SITE LOCATION RELATIVE TO SETTLEMENT BOUNDARY

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3.0 CONCLUSION

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## 1.0 | INTRODUCTION

### 1.00 - Introduction

**This supporting document has been prepared in support of the forthcoming application to Moray Council for the 'Proposed Part Change of Use of Agricultural Land to Garden Ground at 'The Forecourt, Cummingston'.**

## 2.0 | SITE LOCATION RELATIVE TO SETTLEMENT BOUNDARY

### 2.1 - Site Location

The site is located to the western extents of the village of Cummington, with the development boundary comprising the curtilage of the dwelling 'The Forecourt' and an adjoining strip of land, 5m wide, running the full length of the western boundary to the plot.

The area of land subject to 'change of use' is outwith the existing Cummington settlement boundary as defined within the current Moray Local Development Plan 2020.

Within the Cummington 'Settlement Strategy/Placemaking Objectives' document it notes '*...restrict growth to prevent coalescence with Hopeman and Burghead. Linear extension along the B9040 is not supported.*'

The existing settlement boundary of Cummington is indicated adjacent, and whilst it is acknowledged that the area of land outwith the existing dwelling curtilage to the west is technically outwith the existing settlement boundary, it should also be highlighted that part of the existing dwelling curtilage which previously benefitted from Planning Approval is also located outwith this boundary, albeit was deemed to be an acceptable departure from planning policy at that time.

The justification that this be deemed an acceptable increase will be considered through the remainder of this document.

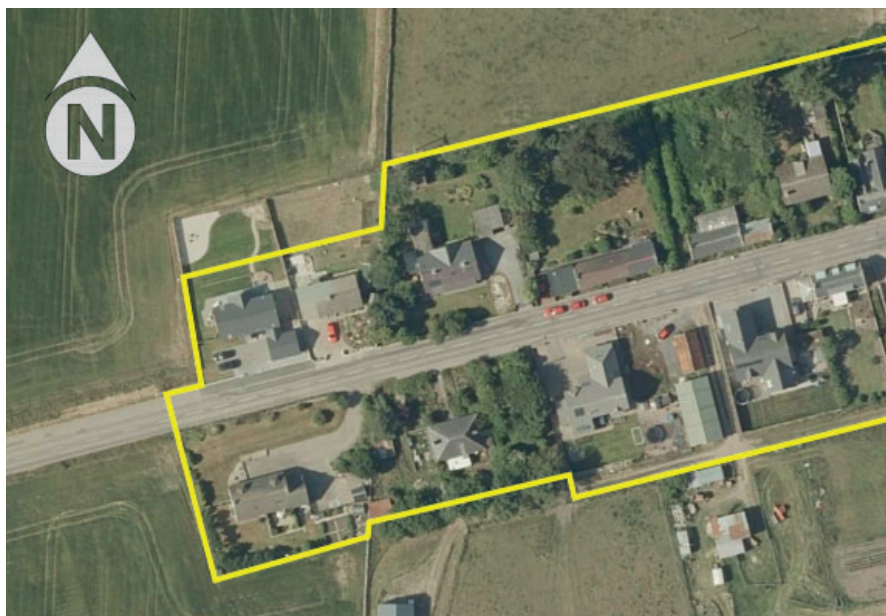


*\*Image Copyright - Moray Local Development Plan\**

### 2.2 - Recent Planning History Relative to Settlement Boundary

An application was approved in 2017 under application reference: 17/00830/APP for the change of use of agricultural land to garden ground on land to the rear of the existing dwelling curtilage.

Within the report of handling for the application a number of issues were addressed which are similar in nature to the current application, which will be summarised within the following text.



*\*Western extents of Existing Settlement Boundary\**

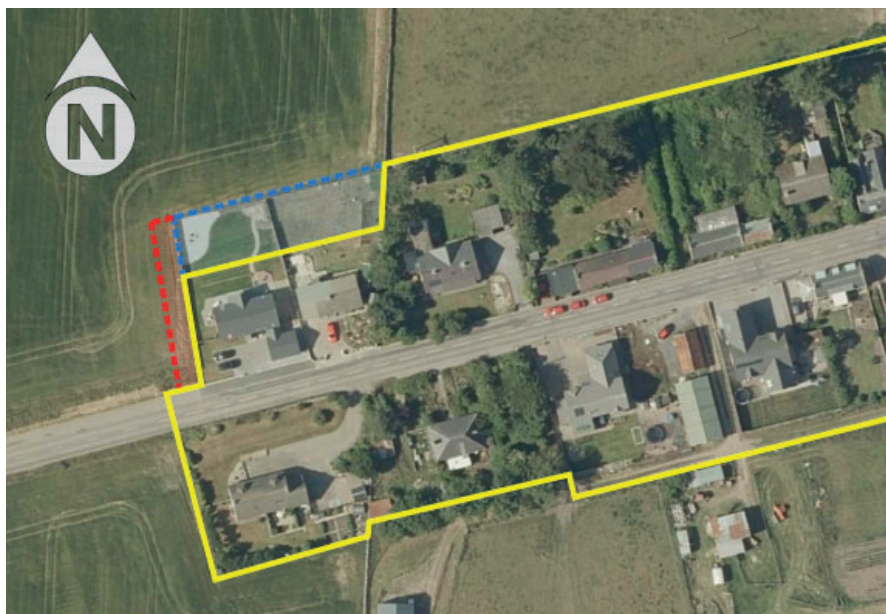


*\*Land Subject to Planning Approval ref: 17/00830/APP\**

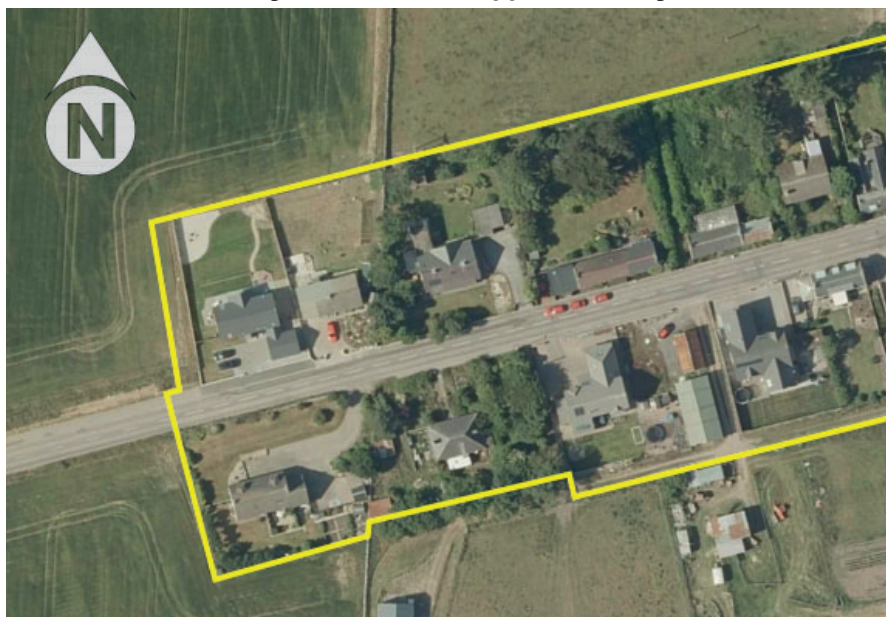
### Impact on Cummingston settlement boundary and development within the Coastal Protection Zone (E8 and Eg)

- *'Policy Eg seeks to restrict development immediately outwith the settlement boundary, in order to maintain a clear distinction between defined settlements and the countryside. Policy E8 Coastal Protection Zone (CPZ) seeks to protect and enhance Moray coastline for its landscape, nature conservation, and recreation and tourism benefits and requires proposals not to prejudice the objectives and character of the CPZ or the Water Framework Directive.'*
- *'In this instance, the proposal is a departure from the development plan in terms of the location of the development relative to the settlement boundary for Cummingston as defined and as development of a form which is not expressly permitted within the CPZ.'*
- *'However, in this case, support for the proposal, as an acceptable departure from the development plan, can be considered because the proposal will 'square off' the existing settlement boundary and align with the existing settlement boundary line as defined by the rear garden areas of property to the east including the property Eshanness...'*
- **REASONS FOR DECISION** - *'Having regard to its location and purpose, this proposal (as amended) is considered to be an acceptable departure from the development plan as it will neither prejudice the aims and objectives of Policy E8 (in terms of its location/siting relative to the settlement boundary for Cummingston) and Policy Eg (in terms of not detracting from the special character and qualities of the Coastal Protection Zone), and in all other respects the proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.'*

The Application was subsequently approved with conditions in July 2017.



*\*Land Subject to Current Application ref: 22/01594/APP\**



*\*'Notional' Settlement Boundary if Approved\**

### 2.3 - Current Proposals Relative to Settlement Boundary

The are obvious parralels between the above noted consent and the current proposals:

- Although the land subject to change of use is outwith the settlement boundary, it is a marginal increase.
- Similar to above, this too could be seen as a natural 'squaring off' of the settlement boundary - In this instance to the Western boundary, with the property 'Westerley' to the South. The Western boundary of the proposal would not extend West along the B9040 beyond that of the Western boundary of Westerly, therefore the separation between Cummington and Burghead would be retained.
- The proposal is for a change of use of a marginal area of ground to bring it into the curtilage of an existing dwelling. The development does not propose any additional dwellings on this land between Cummington and Burghead , which the policy objectives obviously look to prevent.
- The adjacent images and those on page 6, note the existing settlement boundary as defined within the current Moray Local Development Plan; the area of ground subject to the 2017 approval (ref: 17/00830/APP); the area of ground subject to the current application (ref: 22/01594/APP) and a final image indicating the overall 'notional' settlement boundary, should consent be granted, to demonstrate the marginal increase and to highlight this will have no impact on the current separation between Cummington and Burghead.



## 2.4 - Planning History Relative to Application REF: 22/01594/APP

Previous planning application ref: 22/01594/APP was refused permission in January 2023, citing two reasons for refusal.

Reason 1 was as follows:

*'The proposal is contrary to Moray Local Development Plan Policies 2020 EP6 and the Cummingston Settlement Text as the proposal would introduce a large building at the edge of the village on land that is immediately outwith the existing settlement boundary resulting in additional linear roadside development along the B9040 and increasing the potential for coalescence with surrounding settlements.'*

Reason 2 was as follows:

*'The proposal is contrary to Moray Local Development Plan Policies 2020 DP1 (1)(a) and EP3 as the development fails to reflect the traditional settlement character in terms of siting and design as the siting of a building of this size in this prominent location would not reflect the character of this part of the village.'*

Our new proposal is markedly different from that subject of the recent refusal and we would contend that both reasons advanced to support the refusal of 22/01594/APP are no longer relevant for the planning officer to consider. If this position is accepted, then the logical outcome for this new proposal would be a recommendation for approval. Our reasons are as follows:-

Reason 1 – This indicated the proposal was contrary to the Development Plan as it “would introduce a large building at the edge of the village.....resulting in additional linear roadside development.....increasing the potential for coalescence”.

We entirely understand the Council’s concerns relating to coalescence, however, our new proposal, which does not feature any building, largely makes the text of Reason 1 obsolete. We will address the issue of coalescence further in to this statement, just to give some reassurance to the Council that development of this land would not lead to coalescence. Just to emphasise, our proposal relates to change of use of a small component of agricultural land to “round off” the garden of the existing property. As has been said, it would not extend beyond the extent of the village boundary as evidenced by development on the south side of the B9040.

Reason 2 applied to 22/01594/APP, referred to siting and design of building, not reflecting the character of this part of the village. This new proposal contains no buildings, therefore reason 2 falls and cannot be a consideration of our proposal.

In reviewing Policy EP6, the Council’s justification/notes states understandably, that it wishes to guide development to the *'towns, villages and rural groupings, preventing ribbon development and maintaining a clear distinction between the built up area and the countryside.'*

The policy itself states that development proposals *'outwith the boundaries of these settlements will not be acceptable, unless the proposal is a designated “LONG” term development site....'*

## 3.0 | CONCLUSION

### 3.0 - Conclusion

In conclusion, whilst acknowledging the modest extension westward of the existing boundary line of the village, the proposals seek to harmonize this with the western most extent of development on the southern side of the road at this location in the village.

The change of use comprises a marginal area of land, immediately adjacent to the existing settlement boundary. The separation between Cummingston and Burghead will be retained with little or no impact being felt as a result of the proposals. The proposals are not intended in any way, to undermine the policy objectives relating to coalescence and we are confident that they do not.

It is therefore hoped that on consideration of all aspects relative to the current proposals, the application will benefit from a positive determination.

We understand and support the concept of avoiding linear roadside development and increasing the potential for coalescence - However, our proposal relates to the development of an *existing* property.

It is not disputed that the proposals seek a modest incursion beyond the existing boundary, which in real terms extend westwards no greater than the established development of the village on the southern side of the B9040.

It would not extend Cummingston any nearer to Burghead than the westernmost point of the village as it presently exists.

Our proposal does not seek to "grow" the village, rather it seeks to consolidate the existing residential development.

Turning to the Cummingston Settlement Text, the Development Strategy/Placemaking Objective seeks to '*Restrict growth to prevent coalescence with Hopeman and Burghead. Linear extension along the B9040 is not supported.*'

Our proposal does not threaten that objective, given that it is consolidating an existing residential development.

We do not seek to "grow" the village, but rather, incorporate a strip of agricultural land within the existing plot curtilage.

Our proposals do not threaten to undermine the objective of maintaining separation between Burghead and Cummingston.

