



MORAY LOCAL REVIEW BODY

29 AUGUST 2019

SUMMARY OF INFORMATION FOR CASE No LR225

Planning Application 18/01568/APP – Plot 1, Innesmhor, Findhorn, Forres, Moray, IV36 3YL

Ward 8 - Forres

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 19 March 2019 on the grounds that the proposal is contrary to policies H3 and IMP1 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:

The proposal falls below the minimum site area criteria of 400sqm (excluding access) as required by policy H3 for new house plots formed through subdivision, and is considered to be too small to adequately accommodate the proposed development in this location without adversely impacting the character and amenity of the surrounding area. Although the current proposed house is modest, the limited size of the plot would mean that it would lead to cramped development that would fail to reflect the density of development in the immediate vicinity, which is characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

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

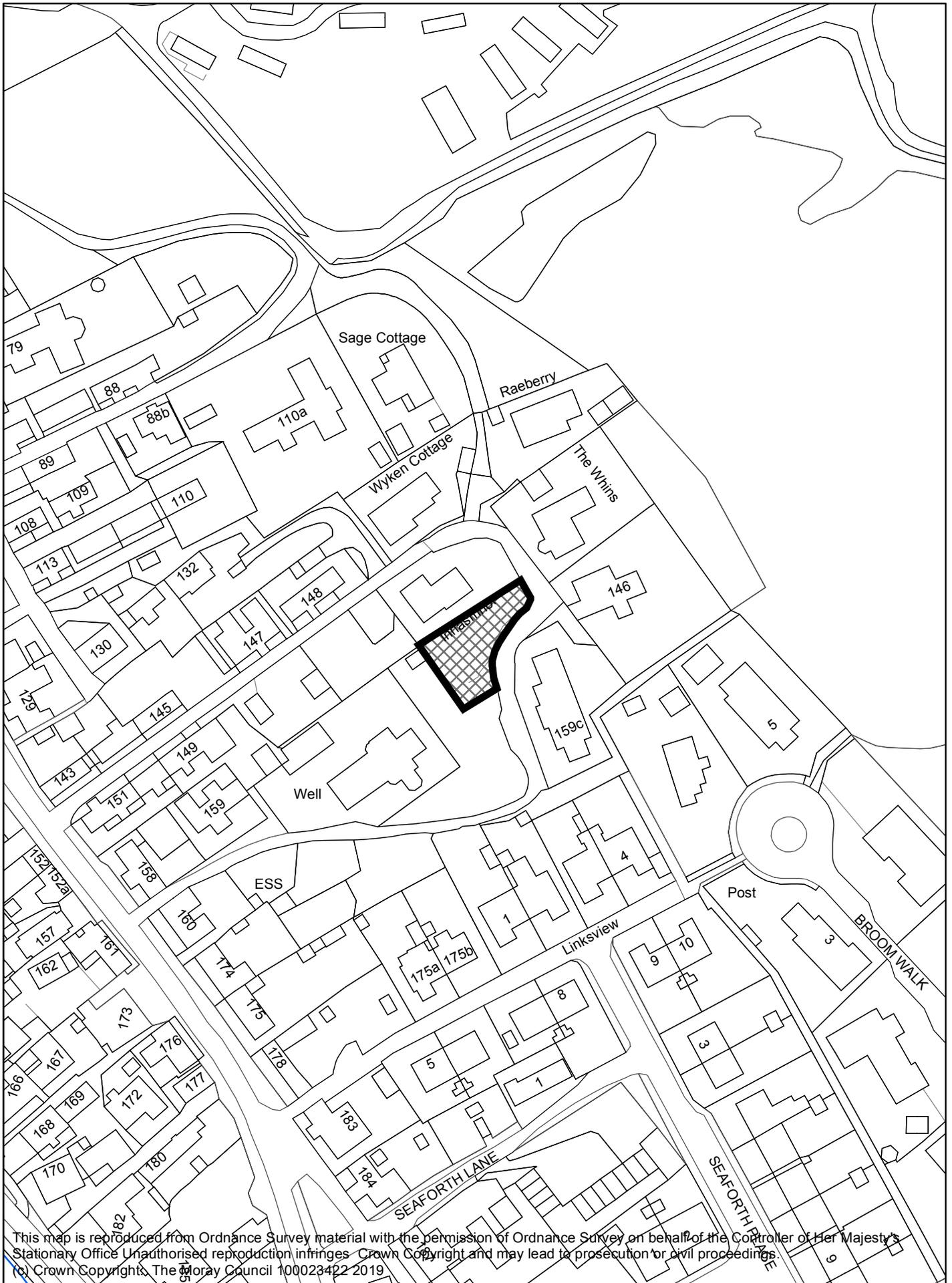
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

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

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



**Location plan for Planning Application Reference Number :
18/001568/APP**





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please refer to the accompanying **Guidance Notes** when completing this application
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	MS	Ref No.	
Forename	Beverley	Forename	David
Surname	A'Court	Surname	Dittman
Company Name		Company Name	
Building No./Name	Innesmhor 148A	Building No./Name	Heron Ridge
Address Line 1	Findhorn	Address Line 1	Rafford
Address Line 2		Address Line 2	
Town/City	Forres	Town/City	Forres
Postcode	IV36 3YL	Postcode	IV36 2RH
Telephone	[REDACTED]	Telephone	
Mobile		Mobile	07796 263 907
Fax		Fax	
Email	[REDACTED]	Email	daviddittman123@gmail.com
3. Postal Address or Location of Proposed Development (please include postcode)			
Innesmhor 148A Findhorn Forres IV36 3YL Plot adjacent to Innesmhor, currently known as "The Plot at Innesmhor."			
NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.			
4. Type of Application			
What is the application for? Please select one of the following:			
Planning Permission	<input checked="" type="checkbox"/>		
Planning Permission in Principle	<input type="checkbox"/>		
Further Application*	<input type="checkbox"/>		
Application for Approval of Matters Specified in Conditions*	<input type="checkbox"/>		
Application for Mineral Works**	<input type="checkbox"/>		
NB. A 'further application' may be e.g. development that has not yet commenced and where a time limit has been imposed a renewal of planning permission or a modification, variation or removal of a planning condition.			
*Please provide a reference number of the previous application and date when permission was granted:			
Reference No:		Date:	

5. Description of the Proposal

Please describe the proposal including any change of use:

Erection of single storey dwelling house

Is this a temporary permission?

Yes No

If yes, please state how long permission is required for and why:

Have the works already been started or completed?

Yes No

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application

6. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal?

Yes No

If yes, please provide details about the advice below:

In what format was the advice given?

Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name:

Date:

Ref No.:

7. Site Area

Please state the site area in either hectares or square metres:

Hectares (ha):

Square Metre (sq.m.)

400m² or thereabouts

Please describe the current or most recent use:

Garden extension. Sole ownership currently being transferred to Ms B. A'Court. (ie. The plot no longer part of the Innesuhor property -)

9. Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain 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 changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain 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?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total number of existing spaces plus any new spaces)

Please show on your drawings the position of existing and proposed parking spaces and specify if these are to be allocated for particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.)

10. Water Supply and Drainage Arrangements

Will your proposals require new or altered water supply or drainage arrangements? Yes No

Are you proposing to connect to the public drainage network (e.g. to an existing sewer?)

Yes, connecting to a public drainage network
No, proposing to make private drainage arrangements
Not applicable – only arrangement for water supply required

What private arrangements are you proposing for the new/altered septic tank?

Discharge to land via soakaway
Discharge to watercourse(s) (including partial soakaway)
Discharge to coastal waters

Please show more details on your plans and supporting information

What private arrangements are you proposing?
Treatment/Additional treatment (relates to package sewer treatment plants, or passive sewage treatment such as a reed bed)
Other private drainage arrangement (such as a chemical toilets or composting toilets)

Please show more details on your plans and supporting information.

Do your proposals make provision for sustainable drainage of surface water? Yes No

Note:- Please include details of SUDS arrangements on your plans

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

Yes No

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

11. Assessment of Flood Risk

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

Yes No

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

If yes, briefly describe how the risk of flooding might be increased elsewhere.

12. Trees

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

Yes No

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

13. Waste Storage and Collection

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

Yes No

If yes, please provide details and illustrate on plans.

If no, please provide details as to why no provision for refuse/recycling storage is being made:

Waste and recycling bins shown on drawing

14. Residential Units Including Conversion

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

Yes No

If yes how many units do you propose in total?

one

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

15. For all types of non housing development – new floorspace proposed

Does your proposal alter or create non-residential floorspace?

Yes No

If yes, please provide details below:

Use type:

If you are extending a building, please provide details of existing gross floorspace (sq.m):

Proposed gross floorspace (sq.m.):

Please provide details of internal floorspace(sq.m)

Net trading space:

Non-trading space:

Total net floorspace:

16. Schedule 3 Development

Does the proposal involve a class of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008?

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in your area. Your planning authority will do this on your behalf but may charge a fee. Please contact your planning authority for advice on planning fees.

17. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority?

Yes No

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority?

Yes No

If you have answered yes please provide details:

DECLARATION

I, the ~~applicant~~ agent certify that this is an application for planning permission The accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the ~~applicant~~ agent hereby certify that the attached Land Ownership Certificate has been completed

I, the ~~applicant~~ agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants

Yes No N/A

Signature:



Name:

David Dittman

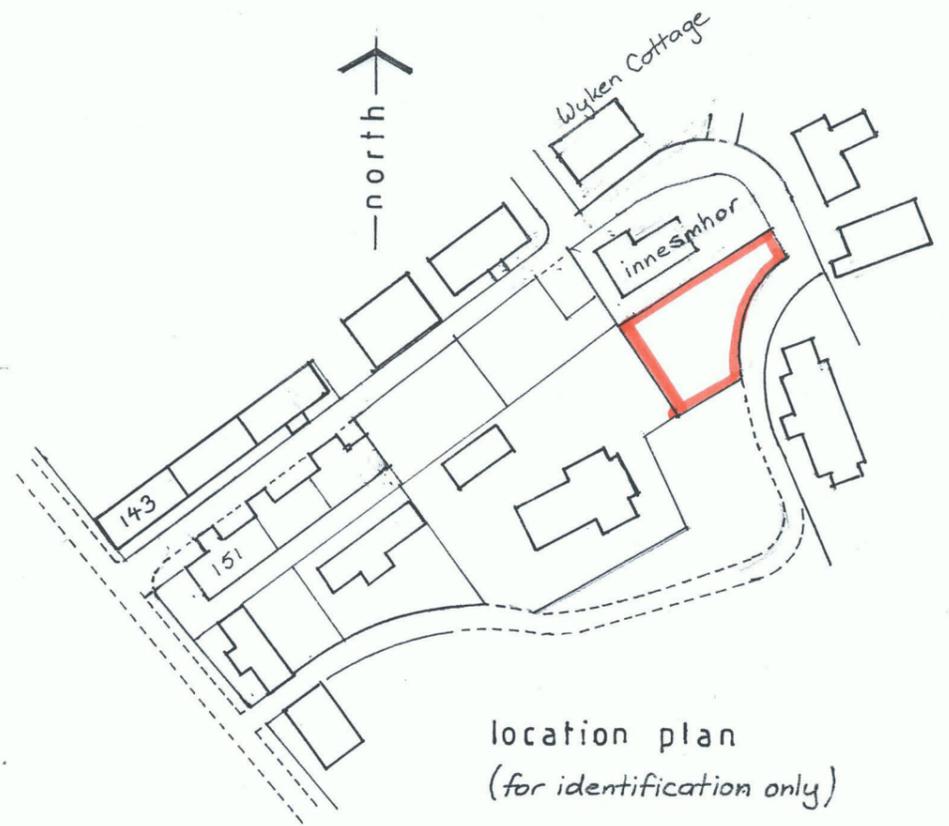
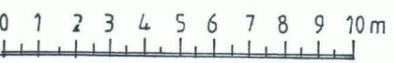
Date:

10/12/18

n e w h o u s e a d j a c e n t t o I n n e s m h o r
s i t e p l a n



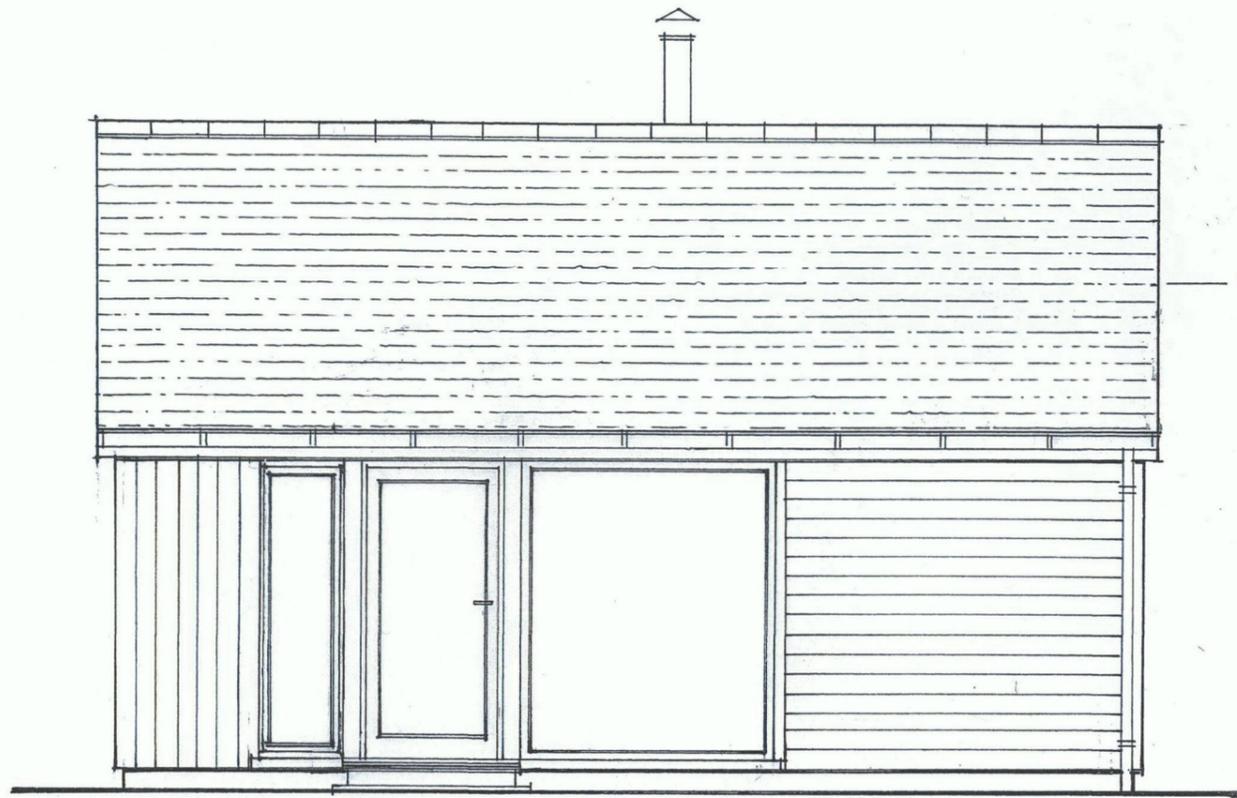
- KEY**
1. Parking for two cars
 2. Dedicated hardstand
 3. Paved pathway
 4. Bins / recycling
 5. Log store
 6. Surface water drain
 7. Soakaway
 8. Foul drain
 9. Public sewer
- Scale 1:200 as drawn**



location plan
(for identification only)

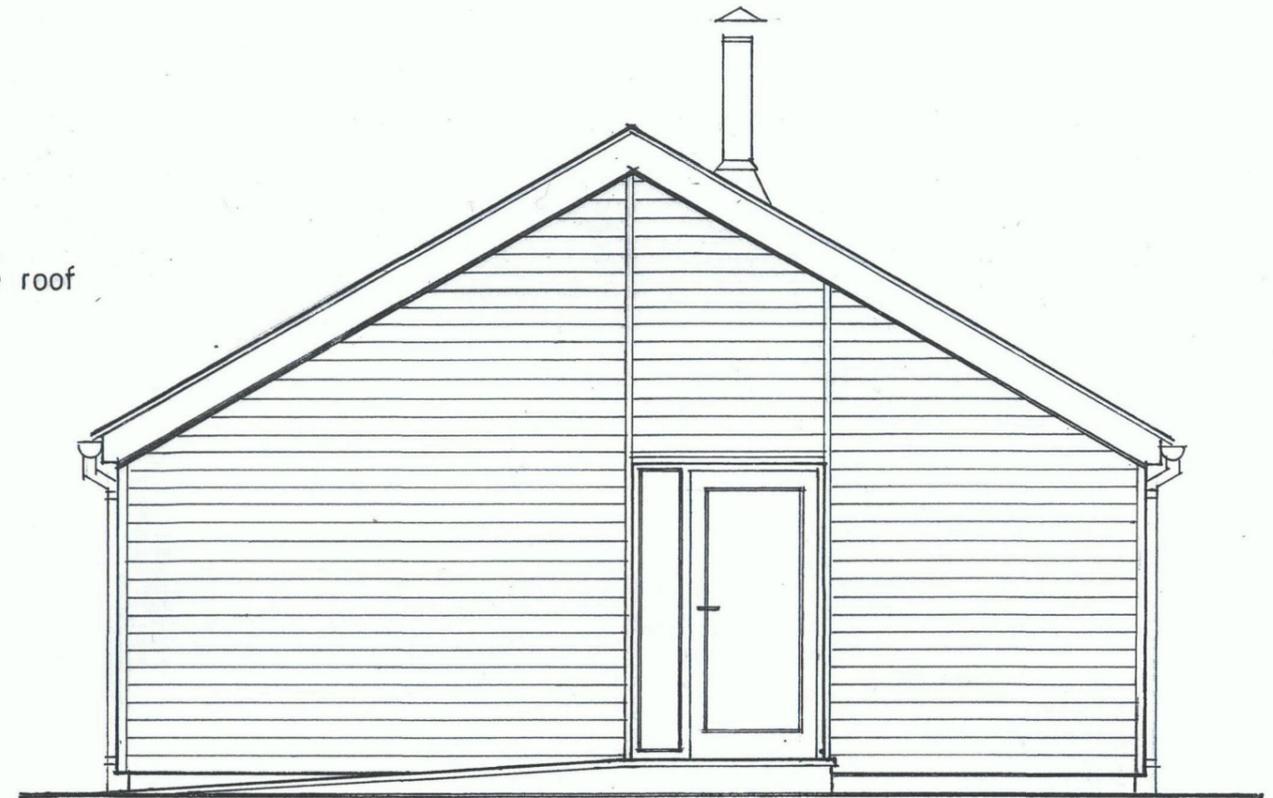
0 10 20 30 40 m
scale 1:1000

n e w h o u s e a d j a c e n t t o I n n e s m o r



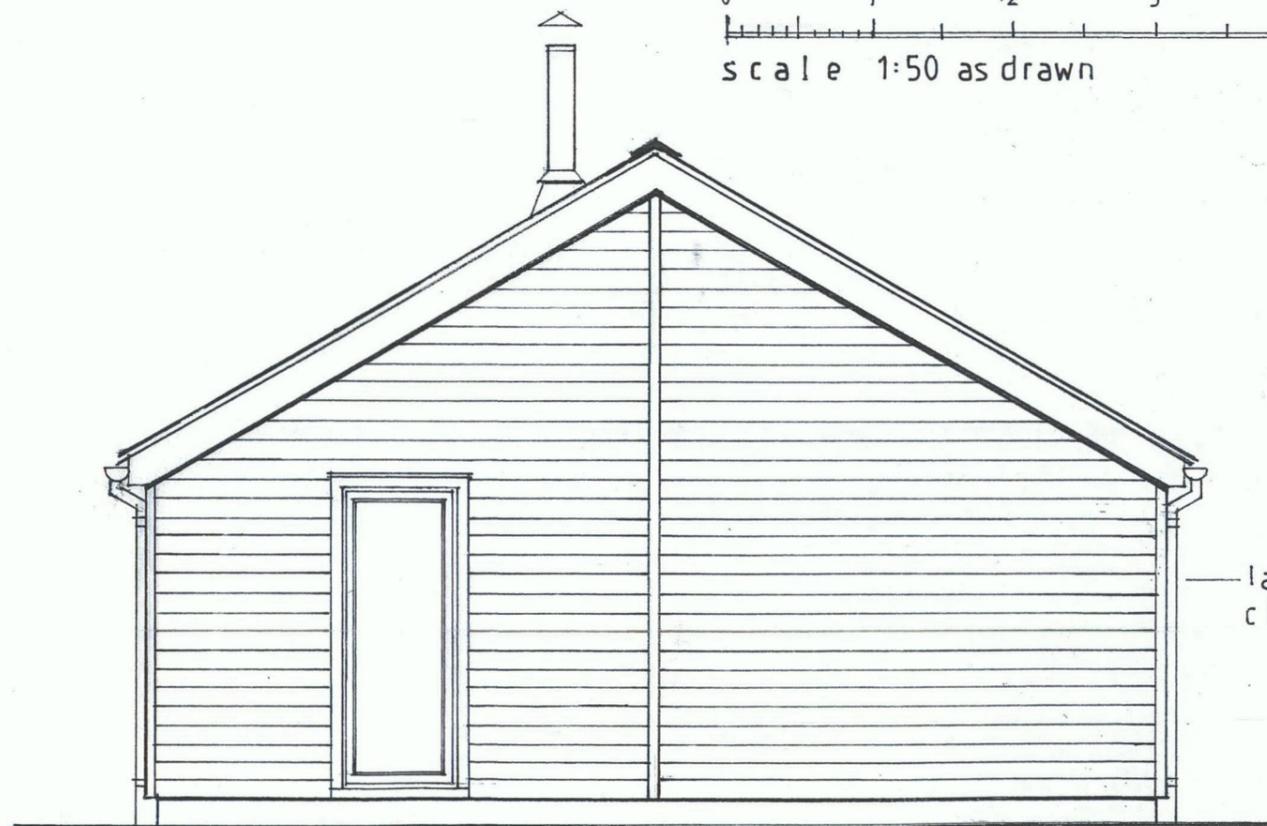
south east

slate roof



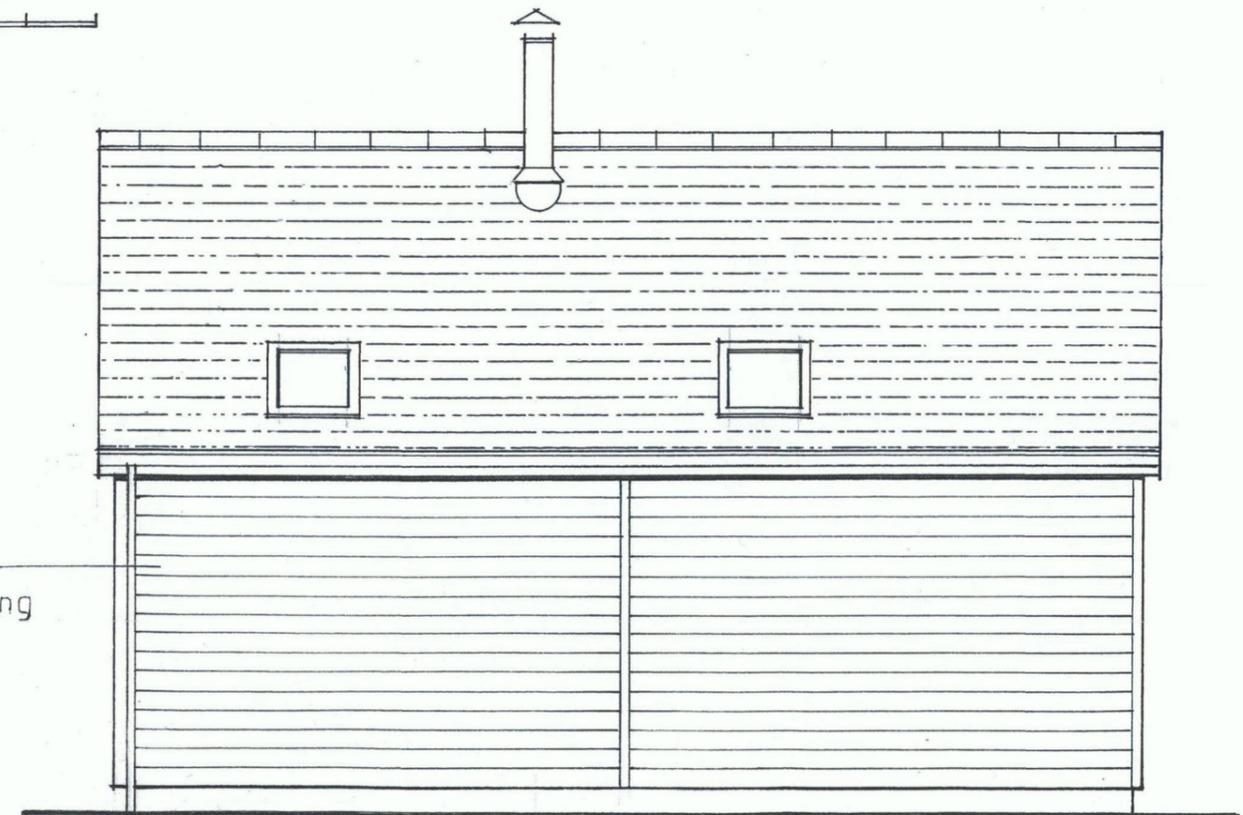
north east

0 1 2 3 4 5
scale 1:50 as drawn



south west

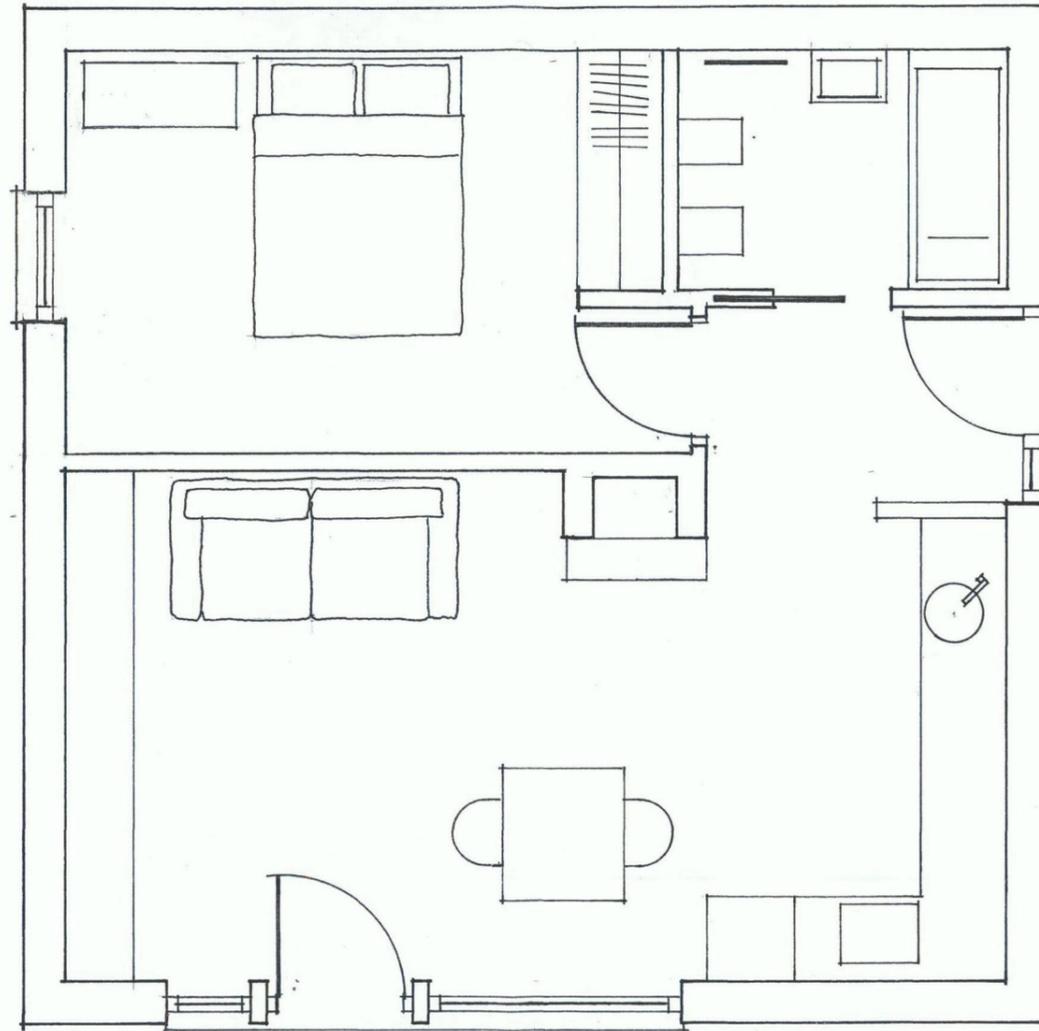
larch
cladding



north west

n e w h o u s e a d j a c e n t t o I n n e s m h a r

f l o o r p l a n



scale 1:50 as drawn

12 DEC 2018
18/01/56/81/008

3

David Dittman
Heron Ridge
Rafford
Forres
IV36 2RH

Moray Council
Planning Department
Council Offices
High street
Elgin

15th January 2019

Dear Sir / Madam

**New House at Innesmhor, Findhorn
Reference 18/01568/APP
Drainage Statement**

In response to your request for a drainage statement I confirm that the proposal is to connect the foul waste to the mains drainage system and the surface water to a soakaway. This is clearly indicated on the submitted site plan.

Regards, David Dittman

From: DeveloperObligations
Sent: Thu, 7 Feb 2019 14:29:52 +0000
To: Joe Taylor
Cc: DC-General Enquiries
Subject: 18/01568/APP Erect dwellinghouse on Plot 1 Innesmhor, Findhorn
Attachments: 18-01568-APP Erect dwellinghouse on Plot 1 Innesmhor, Findhorn.pdf

Hi

Please find attached the developer obligations assessment that has been undertaken for the above planning application. A copy of the report has been sent to the agent.

Regards
Hilda

Hilda Puskas | Developer Obligations Officer (Development Planning & Facilitation) |
Development Services
hilda.puskas@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) |
[newsdesk](#)
01343 563265

MORAY
council



Developer Obligations: ASSESSMENT REPORT



MORAY
council

Date: 07/02/2019

Reference: 18/01568/APP

Description: Erect dwellinghouse on Plot 1
Innesmhor, Findhorn

Applicant: Mrs Beverly A`Court

Agent: David Dittman

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 extension at Forres Health Centre, 2 Additional Dental Chairs and reconfiguration to existing Pharmacy outlets</i>)	██████████
Sports and Recreation (<i>Contribution towards 3G pitch in Forres</i>)	██████████
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:

1 x 1-bed= 0.6 SRUE

This assessment is therefore based on 0.6 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

Please note that 1 bed units are not included within any calculations for education infrastructure mitigation as 1 bed units are not assumed to generate any pupils.

Contribution towards Primary Education = Nil

Secondary Education

Please note that 1 bed units are not included within any calculations for education infrastructure mitigation as 1 bed units are not assumed to generate any pupils.

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).

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

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Contribution towards Healthcare= [REDACTED]

Sports and Recreational Facilities

Sports and Recreation Facilities

The nearest sports and recreational facilities that serve this development are located in Forres. The Moray Local Development Plan 2015 identifies a requirement for new development to contribute towards additional capacity of sports and recreational facilities. As set out in the Review of Sport, Leisure and Recreation Provision in Moray



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

Moray's provision of synthetic grass pitches is 0.55 (5 x 3G pitches/90,000 population), which is significantly lower than the national average of 0.7 pitches per 10,000 population. Moray Council has agreed that the Council aim is to provide every secondary school with convenient/adjacent access to a 3G pitch given that Sports Scotland stipulates that pitches should be adjacent to schools. Therefore, contributions will be sought towards a 3G pitch in Forres on the following basis:

[REDACTED]

[REDACTED]

Contribution for Sports and Recreation

Facilities = [REDACTED]



TERMS OF ASSESSMENT

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

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

PAYMENT OF CONTRIBUTIONS

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

INDEXATION

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

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



Consultee Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

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, CLO

Consultee Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

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 comments.

Andrew Stewart

EHO

Consultation Request Notification – Building Standards

Planning Authority Name	Moray Council
Response Date	13th February 2019
Planning Authority Reference	18/01568/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL
Site Postcode	N/A
Site Gazetteer UPRN	000133044609
Proposal Location Easting	304142
Proposal Location Northing	864430
Area of application site (M²)	
Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PJMAYIBG0FU00
Previous Application	03/01720/FUL
Date of Consultation	30th January 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs Beverly A'Court
Applicant Organisation Name	
Applicant Address	Innesmhor Findhorn Forres Moray IV36 3YL
Agent Name	David Dittman
Agent Organisation Name	
Agent Address	Heron Ridge Rafford Forres Moray IV36 2RH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Joe Taylor
Case Officer Phone number	01343 563082
Case Officer email address	joe.taylor@moray.gov.uk

PA Response To	consultation.planning@moray.gov.uk
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NOTE:

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

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

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

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Building Standards

Planning Application Ref. No: 18/01568/APP

Erect dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray for Mrs Beverly A'Court

In terms of Building Warrant requirements.

- | | Please |
|--|--------------------------|
| | x |
| (a) A Building Warrant is required | X |
| (b) A Building Warrant is not required (IBS008) | <input type="checkbox"/> |
| (c) A Building Warrant will not be required but must comply with Building Regulations.(IBS009) | <input type="checkbox"/> |
| (d) Comments | <input type="checkbox"/> |
| | |
| | |

Contact: Emma Thomas

Date: 31.01.19

email address: emma.thomas@moray.gov.uk

Phone No: 563442

Consultee: Building Standards

Return response to

consultation.planning@moray.gov.uk

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

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	13th February 2019
Planning Authority Reference	18/01568/APP
Nature of Proposal (Description)	Erect dwellinghouse on
Site	Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL
Site Postcode	N/A
Site Gazetteer UPRN	000133044609
Proposal Location Easting	304142
Proposal Location Northing	864430
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=PJMAYIBG0FU00
Previous Application	03/01720/FUL
Date of Consultation	30th January 2019
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs Beverly A'Court
Applicant Organisation Name	
Applicant Address	Innesmhor Findhorn Forres Moray IV36 3YL
Agent Name	David Dittman
Agent Organisation Name	
Agent Address	Heron Ridge Rafford Forres Moray IV36 2RH
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Joe Taylor
Case Officer Phone number	01343 563082
Case Officer email address	joe.taylor@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

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For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/01568/APP

Erect dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray for Mrs Beverly A'Court

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

Please

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

Condition(s)

1. Two 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.

Further comment(s) to be passed to applicant

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

The development is not directly served by a public road. The applicant should note that it is their responsibility to establish any Rights of Vehicular Access with the party (parties) in control of the private road which serves the site.

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.

Contact: DA/AG

email address: Transport.develop@moray.gov.uk

Consultee: TRANSPORTATION

Date 08 February 2019

Return response to

consultation.planning@moray.gov.uk

4th February 2019

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

IV36 Forres Innesmhor Plot 1
PLANNING APPLICATION NUMBER: 18/01568/APP
OUR REFERENCE: 772448
PROPOSAL: Erect dwellinghouse 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

- This proposed development will be fed from Glenlatterach Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application

Foul

- There is currently sufficient capacity in the Forres Waste 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.

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

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not 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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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

Emma Taylor

Development Operation Technical Analyst
emma.taylor2@scottishwater.co.uk

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Road access

Comment: The Applicant does not have Servitude access onto this Plot from the access lane that I own. Applicant has designated two parking places on the plan but has no legal access to the site.

I have had no Neighbour Notification about this development from Moray Council contrary to planning process.

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Parking
- Procedures not followed correctly
- Road access

Comment: The Applicant does not have Servitude access onto this Plot from the access lane that I own. Applicant has designated two parking places on the plan but has no legal access to the site.

I have had no Neighbour Notification about this development from Moray Council contrary to planning process.

This plot was the subject of a previous planning application in 2014 which was refused on 16/12/2014 for the following reason:

" The proposal is contrary to the Moray/local Plan 2008 policies H3, H4 and IMP1 as the proposed site is only 207sq/m and would result in a cramped, awkward development which would not reflect the density of development in the immediate vicinity which is characterised by houses in generous plots and would have an adverse impact on the amenity of the surrounding area."

Looking at this new Application the house is slightly smaller, the footprint has been moved towards the edge of the site and two parking places have been designated.

I urge the planning department to refuse this application again.

[REDACTED]

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

- Community Council/Association Consult
- Contrary to Local Plan
- Legal issues
- Parking
- Poor design
- Precedent
- Road access

Comment: Contrary to the Local Plan. In a Conservation Area.

Road Access.

There is only access to this plot of land by car as it is necessary to cross over private land. All vehicles will need to

Parking.

At least 2 parking spaces needed, there does not appear to be space for these.

Over development of the site

The new plot is very small and will further decrease the size of the original garden

Inappropriate materials/finishes

Moray Local Development Plan>Policy H3>Sub Division for House plots

If the site provided is at least 400 square meters excluding access, if the house style complements the character of the area and the scale and architecture of the parent and neighbouring properties.

The larch wood material for the outer is not a local feature.

Poor Design. Inappropriate materials/finishes

Moray Local Development Plan>Policy H4>House Alterations and Extensions

House Alterations and extensions will normally be approved if the appearance of the house and the surrounding area is not adversely affect in terms of style, scale, proportions or materials.

The larch wood material for the outer is not a local feature and this is a conservation area.

Precedent,

If this building is allowed to go forward it will allow a number of precedents for others to copy.

Comments for Planning Application 18/01568/APP

Application Summary

Application Number: 18/01568/APP

Address: Plot 1 Innesmhor Findhorn Forres Moray IV36 3YL

Proposal: Erect dwellinghouse on

Case Officer: Joe Taylor

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Loss of privacy (being overlooked)
- Over-development of site

Comment: The application for building on the site was refused 2014 as the proposal was contrary to Moray local Plan 2008 polices H3, H4 and IMP1 as the site is only 207sqm. We agreed with the refusal at the time and cannot understand why it would be permissible to build in 2019.

REPORT OF HANDLING

Ref No:	18/01568/APP	Officer:	Richard Smith
Proposal Description/ Address	Erect dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray		
Date:	19.03.2019	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	31/01/19	No objection.
Contaminated Land	01/02/19	No objection.
Transportation Manager	08/02/19	No objection, subject to conditions and informatives.
Scottish Water	04/02/19	No objection, informative advice and caveats regarding capacity and connection.
Planning And Development Obligations	07/02/19	Obligations required, no confirmation of a willingness to pay to obligation received to date.
Building Standards Manager	31/01/19	Warrant required.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP3: Placemaking		
PP1: Sustainable Economic Growth		
H3: Sub division for House Plots	Y	
EP5: Sustainable Urban Drainage Systems		
EP9: Contaminated Land		
EP10: Foul Drainage		

T2: Provision of Access		
T5: Parking Standards		
IMP1: Developer Requirements	Y	
IMP3: Developer Obligations		
2020 Proposed Local Development Plan		
PP1 Placemaking		
PP2 Sustainable Economic Growth		
PP3 Infrastructure & Services		
DP1 Development Principles		
DP2 Housing		
EP12 Management and Enhancement of the		
EP13 Foul Drainage		

REPRESENTATIONS

Representations Received

YES

Total number of representations received: THREE OBJECTIONS (Two from separate individuals and one from the Findhorn and Kinloss Community Council)

Names/Addresses of parties submitting representations

Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.

Summary and Assessment of main issues raised by representations

Issue: The applicant does not have Servitude access onto the plot from the access lane which is owned by the objector. Access to the plot will require crossing private land.

Comments (PO): Access to the site via the access lane in question is a private legal matter between the applicant and owners of the lane, which does not preclude determination of the application.

Issue: Two parking spaces are shown on plan but the applicant has no legal access to the site. There does not appear to be space for these parking spaces on site.

Comments (PO): See comment above regarding access. The Transportation Section has assessed the proposal and considers that the level of parking provision is adequate and achievable, and has recommended imposition of a planning condition regarding its provision.

Issue: Procedures not followed correctly: Objector has had no neighbour notification.

Comments (PO): Council records show that neighbour notification correspondence was sent out to

<p>the objector in accordance with procedures.</p>
<p>Issue: The plot was subject to a previous application in 2014 which was refused; the refusal reason was that it was contrary to policies of the Moray Local Plan 2008 at the time, as it was only 207sqm and would result in cramped, awkward development which did not reflect density of surrounding development which is characterised by houses in generous plots and would have an adverse impact on the amenity of the surrounding area. Notes that new application is for a slightly smaller house, the footprint has been moved towards the edge of the site and two parking spaces have been designated.</p> <p>Comments (PO): Each planning application is considered on its individual merits, against current development plan policy and any other material considerations. The previous refused application was determined under a different local plan and differs from the current proposal, in terms of site area, layout and house design.</p>
<p>Issue: Over-development of site. Proposed plot is very small and will decrease size of original garden. Contrary to Local Plan.</p> <p>Comments (PO): Refer to observations section below.</p>
<p>Issue: Loss of privacy (being overlooked).</p> <p>Comments (PO): The proposal would not give rise to any adverse amenity impacts. Refer to observations section below.</p>
<p>Issue: Policies H3 Sub-division for House Plots and H4 House Alterations and Extensions require proposed house styles to complement the character of the area and scale and architecture of parent and neighbouring properties, and to be acceptable in terms of style, scale, proportions or materials. The larch wood material is not a local feature and the proposal is located in a conservation area.</p> <p>Comments (PO): The proposed use of larch as an external finish is acceptable in this location. The site is not located in the Findhorn Conservation Area, although this does lie to the immediate west of the site.</p>
<p>Issue: Precedent: Approval will set a precedent for others to follow.</p> <p>Comments (PO): Precedent is not a justifiable reason to refuse planning permission.</p>

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks planning permission to erect a dwelling house on garden ground at Innesmhor, Findhorn.

The proposed house is a single storey design (containing 1 bedroom, kitchen/living space and WC/bathroom) with square footprint (52sqm), 30 degree high pitched roof (4.7m to ridge) and external material finishes of larch cladding and natural slate. It would also have a wood burner chimney flue.

The application includes water, foul and surface water drainage arrangements involving a connection to the public water supply, foul and drainage network, and on plot soakaway (SUDs), and parking for two cars.

The Site and Surroundings

The site is located within the settlement of Findhorn as identified in the Moray Local Development Plan 2015 (MLDP).

The site is garden ground associated with the parent property, Innesmhor to the north and currently comprises a parking area/hardstanding, lawn, and trees and shrubs. The application form describes the use of the site as a garden extension to this house and that sole ownership is currently being transferred to the applicant (i.e. with the plot no longer being part of the Innesmhor property).

The site extends to approx. 358sqm and is irregular in shape. The combined size of both Innesmhor and the site is approx. 817sqm.

The site is served by a private track which loops around the north, south and east of the site. There are houses immediately to the east, northeast, southeast and southwest of the site.

Appraisal

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted Moray Local Plan 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Plan was approved as the "settled view" of the Council and minimal weight will be given to the Proposed Plan, with the 2015 MLDP being the primary consideration.

Siting and Character (H3 and IMP1)

The proposal involves the creation of a new house plot through subdivision of an existing residential property and therefore requires assessment against policies H3 and IMP1 of the MLDP.

Policy H3 Sub Division for House Plots states that proposals for subdivision for housing plots in settlements where there is no specific embargo will be acceptable if the plot subdivision is less than 50% of the original plot, the site provided is at least 400sqm (excluding access), and if the house style complements the character of the area and scale and architecture of the parent property and neighbouring properties. It further states that the built up area of the plot should avoid overlooking and maintain the amenity of the parent property and surrounding properties, and should include sufficient on-plot parking for both the new and parent properties. The policy further states that 'backland' development will be acceptable where it meets the above conditions but proposals for 'tandem' development (i.e. backland development proposed immediately behind an existing house served by the same access) will only be permitted in exceptional circumstances because of unacceptable impacts upon the amenity of the dwelling at the front of the site.

Policy IMP1 Developer Requirements requires new development to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area and to comply with set criteria. This includes the requirement for development to be appropriate to the surrounding area in terms of scale, density and character.

The site is not located within any of the identified settlements where there is an embargo on plot subdivision as defined in Policy H3 (Craigellachie, Dallas, Kingston and Urquhart). It has a frontage onto the existing private road and is not considered to be backland or 'tandem' development. The existing plot area is approximately 817sqm and an area of 358sqm has been identified for the new house. The proposed house site is less than 50% of the overall plot but falls below the 400sqm area (excluding access) required by the policy. There are examples of plots of around the size proposed but these are generally associated with traditional cottages in the older part of the village. The proposed plot is smaller than that of the parent plot and those of the larger modern houses to the east, northeast/southeast and southwest. The current proposed house is modest, but the limited size of the plot (which fails minimum site area criteria) would mean that it would lead to cramped development that would not reflect the density of development in the immediate vicinity, which is

characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

Design and Materials (H3 and IMP1)

The proposed house is of broadly traditional design, with a simple footprint, modest ridge height and external material finishes of timber cladding and natural slate. There are other timber clad buildings present in the surrounding area, and the building of the style and finish proposed would normally sit comfortably in this context. The house is modest with a footprint of 52sqm, however as is noted above the identified plot and building would not reflect the density of development in the immediate vicinity.

Amenity (H3 and IMP1)

The proposed new house is positioned to the south of and close to the existing house, Innesmhor, however due to its modest ridge height there would be no significant loss of sunlight or daylight to the existing. Similarly, since there are no windows in the north elevation facing the existing house no overlooking/loss of privacy would occur. Although the application does not include details of fencing, particularly along the mutual boundary with the existing house, had the application been recommended for approval the provision of a 1.8m high timber fence would have been imposed by condition to protect privacy. The site of the proposed new house is adequately separated from existing houses to the east, northeast, southeast and southwest and as such the proposal will not give rise to any unacceptable impacts in terms of privacy and overlooking for these neighbouring houses.

Access and Parking (T2 & T5)

The existing house and the proposed house would be accessed onto a private road. The maintenance and use of the private road is a civil matter for the relevant parties.

Following consultation, the Transportation Section has raised no objection subject to a condition requiring the provision of two parking spaces for the proposed house. This level of provision is acceptable for the scale of development proposed and meets Council's parking standards and policy T5. Had the application been recommended for approval, the condition would have been attached to the formal decision notice.

Whilst the application identifies no retained parking provision for the existing house (which is outside the red line boundary), from observations on site there is scope for this to be provided in the north eastern part of the existing garden.

Drainage and Water Supply (EP5, EP10 and IMP1)

Proposed connections to the public foul and water drainage network and an on-plot soakaway for dealing with surface water are appropriate and satisfy the requirements of policies EP5, EP10 and IMP1. Detailed drainage arrangements would be also assessed under the Building Regulations. Scottish Water has not objected to the proposal but has identified the need for separate discussion between the applicant and Scottish Water direct regarding availability of capacity and connection arrangements.

Developer Obligations (IMP3)

An assessment has been carried out and an obligation has been identified towards healthcare and sports and recreation. Had the application been recommended for approval, an upfront payment would have been taken prior to issue of the decision. At the time of writing this report the applicant has not confirmed agreement to the payment.

Recommendation

The proposal falls below the minimum site area criteria of 400sqm (excluding access) as required by policy H3 for new house plots formed through subdivision, and is considered to be too small to adequately accommodate the proposed development in this location without impacting upon the character and amenity of the surrounding area. Although the current proposed house is modest, the limited size of the plot would mean that it would lead to cramped development that would fail to reflect the density of development in the immediate vicinity, characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
03/01720/FUL	Enlargement of house at Innesmhor Findhorn Forres Moray IV36 3YL		
	Decision	Permitted	Date Of Decision

ADVERT

Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
PINS	Planning application affecting LB/CA No Premises Departure from development plan	05/03/19
Forres Gazette	Planning application affecting LB/CA No Premises Departure from development plan	05/03/19

DEVELOPER CONTRIBUTIONS (PGU)

Status	CONT SOUGHT
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DOCUMENTS, ASSESSMENTS etc. *

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

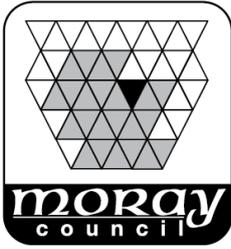
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

S.75 AGREEMENT		
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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)			
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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)			



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

REFUSAL OF PLANNING PERMISSION

**[Forres]
Application for Planning Permission**

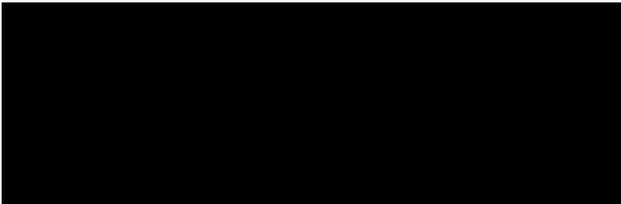
TO Mrs Beverly A'Court
c/o David Dittman
Heron Ridge
Rafford
Forres
Moray
IV36 2RH

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 dwellinghouse on Plot 1 Innesmhor Findhorn Forres Moray

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

Date of Notice: **19 March 2019**



HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to policies H3 and IMP1 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:

The proposal falls below the minimum site area criteria of 400sqm (excluding access) as required by policy H3 for new house plots formed through subdivision, and is considered to be too small to adequately accommodate the proposed development in this location without adversely impacting the character and amenity of the surrounding area. Although the current proposed house is modest, the limited size of the plot would mean that it would lead to cramped development that would fail to reflect the density of development in the immediate vicinity, which is characterised by larger dwellings in more spacious plots. This deviation from the density of development in this part of Findhorn would be detrimental to the character and amenity of the surrounding area and contrary to policies H3 and IMP1, and on this basis the application is recommended for refusal.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Site and location plan
		Elevations
		Floor plan

NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

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

11

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	<input type="text" value="Ms"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Beverley"/>	Forename	<input type="text"/>
Surname	<input type="text" value="A'Court"/>	Surname	<input type="text"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="REDACTED"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="REDACTED"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="REDACTED"/>	Town/City	<input type="text"/>
Postcode	<input type="text" value="REDACTED"/>	Postcode	<input type="text"/>
Telephone	<input type="text" value="REDACTED"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text" value="REDACTED"/>	Email	<input type="text"/>
3. Application Details			
Planning authority	<input type="text" value="Moray Council"/>		
Planning authority's application reference number	<input type="text" value="18/01568/APP"/>		
Site address	<input style="height: 100px;" type="text" value="Plot 1, Innesmhor, Findhorn, Forres, Moray, IV36 3YL"/>		
Description of proposed development	<input style="height: 50px;" type="text" value="Erect dwellinghouse on Plot 1, Innesmhor, Findhorn, Forres, Moray, IV36 3YL"/>		

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

None, Please close the gate after you leave + walk slowly if the young
seagulls are on the ground. Thank you.

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.

Please see additional documentation

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 your 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.

A number of nearby local residents were supportive of my application as I have a long record of caring for the nature and culture of the area. I did not think it would be necessary to raise some of these issues in my original application.

However, I am raising them now as the grounds for rejection of my application appear to be very discriminatory, to overly favour a specific high-income population and in direct contradiction to current national and regional policies regarding environmental and social criteria. I am concerned both for my own ability to remain living in this area, my home for 22 years, but also for what seems to be serious ecological and social decline in village life, largely influenced by planning decisions. I have therefore addressed each of the reasons given for refusal and highlighted some aspects of local context of my plot and application, in the hope that a more inclusive, longer term, social-ecological view will prevail in this decision. I appreciate this is a detailed document and appreciate councillors' time and attention in reading it.

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

Letter stating reasons for appeal;
Photographs to provide comparison with 3 other recent local applications of regulations;
Location Plan;
Side Elevation Plan;
Floor Plan

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:

Beverley A'Court

Date:

17/06/19

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

Letter to The Moray Council re Planning Application ref: 18/01568/APP
Plot 1 Innesmhor, Findhorn Forres Moray IV36 3YL

I am appealing against the refusal of planning permission and request a review of my application on the following grounds.

1. Policy H3 & IMP1: during a previous application I was clearly told that the plot size of 397 square metres was sufficiently close to the 400sq.m guideline that it would not be a major block to development.
2. The 400sq. m. *included* access/parking. The 2015 rule was never communicated to me and as far as I can tell from simple observation, no other recent local build has had to abide by this rule, so it seems arbitrary / discriminatory.

The current design submitted to you addressed all previous comments;

3. The roof pitch was lowered in keeping with, and to match the gables of Innesmhor & The Whins, both built in the mid 1960s
4. My proposed house was relocated to be out of line of view of 159a & to not overlook /intrude on Innesmhor or the [REDACTED] hot tub / summerhouse which they located immediately hard up against our boundary some years ago.

Access: Parking

I travel mostly by bicycle and do not own a car (see below) so bring no extra pressure on the 'amenities' of the area. My intention was to fence the parking area once built, and to surface it with for dual purpose use as a quiet garden patio area. Moray Council claims to support the growth of Moray Carshare, of which I have been a member for over 5 years. I use 3 village-based cars, all of which are parked at specific locations nearby to my plot. I park at my property only to pick up / drop off and the parking area is situated to allow sufficient space for an emergency vehicle to park comfortably & reverse/pull out. To insist that every small studio style, 1-person dwelling must still include access & parking of a size applicable to a 3 / 4 bedroom house seems to completely contradict, undermine and disincentivise the whole carshare purpose & function.

5. The Planning dept. staff member who visited the property very briefly would not have realised that the fence surrounding the plot does not follow the plot boundary but is *significantly* smaller /shorter, erected primarily to protect young trees and a vegetable garden. The plot extends about .25 m - .5 m beyond the fence perimeter, to the far end of the shed, and a new fence will adjust this. So the plot's actual size may have been mis-perceived.
6. The plot is close to the conservation area, in which houses are traditionally densely placed, and adjacent to Innesmhor, which was originally on the smaller garden now reverted to.
7. You mention the 'character' of the area; I am largely responsible for the greener more attractive nature of this area which originally had smaller gardens/plots.

Local Context: Comparison with 3 other recent local applications of regulations: Please see the enclosed photographs of properties mentioned

Permission was granted for [REDACTED] to build 2 adjoined houses on a 1-cottage plot. Access was met by a turning circle, but there is no space for 2 parked cars - this requirement was not imposed on her design. The sizable garden, (with its iconic historic mature tree, one of only 2 in the village— for which no local consultation or financial compensation was required, despite its major role in local

(Photographs included)

biodiversity and bird populations) - ideal for a small family, is completely covered, leaving a minimal, less than 1m strip of earth along a short boundary.

This seems completely contrary to general UK & Scottish government avowed policies claiming to encourage ecological biodiversity, support affordable housing for growing families & local 1st time buyers and to ensure water capture to the water table & reducing unnecessary energy usage. Insurers insist on (polluting oil) heating & intense security lighting 2nd homes for months when uninhabited. It also contradicts your objection to my plan: it creates very cramped density and massively impacts adjacent properties. The entirely paved garden, a low-maintenance garden trend for holiday-homers currently sweeping the village, has impact on the local water table level & flood issues.

I understand another [REDACTED] resident [REDACTED], has also been granted permission to build on a small plot, (now for sale) replacing a modest, traditional half-house - potentially a small family home in a spacious, child-safe garden, with an over-sized house completely covering the garden, blocking all light, view and rear access for the adjacent traditional cottage, negatively impacting its financial value & habitability except as a part-time holiday / investment home.

[REDACTED] house 159a and its steep-roofed garages both exceeded the permitted heights by about 1m. The house was excessively large at the time, of a style & materials totally out of keeping with this area of mostly single story and partly timber /stone houses. The [REDACTED] family's 2 most recently built houses seem to be defining the future of this area for all other residents: this seems an arbitrary and biased decision.

Also I understand [REDACTED] was granted permission in 2012 for a Ukrainian log holiday cabin on his land immediately bordering my plot. How is this in keeping with the local character? The 'character of the area' you refer to - largely abandoned formerly 'midden' land used a dump for old furniture, high hummocks of gorse and marram, unable to be walked, has been improved and partly created by my landscaping, tree and shrub planting. The original plots were smaller than 400sq.m.

Since my plan has been refused, [REDACTED] intends to build on his land adjacent to my plot. My modest 1-2 person dwelling and bio-diverse kitchen-garden (restoring local indigenous shrubs & herbs lost in recent builds) I hope to continue to improve, is more like the original fishing village homes, not another 6 bedroom home no single or young locals can afford. Findhorn vernacular style is completely disregarded by the most recent builds of generic suburban housing.

I ask please that you reconsider my application in the light of all these factors.

Findhorn is at risk of dying as a real village; with no resident children growing up here or able to settle here as adults, no full school bus, struggling local shop, post office and pubs, in favour of a summer playground and cash-cow for absent part-time owner/investor-developers.

I have lived here for 22 years contributing to local culture, health care and economy. I used to teach on post-graduate architecture and planning courses, when the aesthetics and whole socio-ecological fabric of the community were seriously and carefully considered in planning decisions.

Thank you,

Yours sincerely,

Beverley A'Court

[REDACTED]

17.06.19

Postscript:

I have become aware of the Dunelands planning application form38 more house in the dunes area and that previous development aims by Dunelands were advised against.

How can Moray Council refuse my application while granting this? a totally inappropriate ecologically destructive, financially motivated development which will bring more wealthy outside pensioner residents, create yet more 2nd homes, more vehicles, and destroy much of what makes life here healthy and brings visitors to this beautiful, natural area.

Primary reason given for refusal: Over-development/Site too small

My plot, historically part of one of the old village middens, is close to the conservation area, in which houses are traditionally densely placed, but with small highly cultivated, biodiverse gardens. My plot is adjacent to Innesmhor, which was originally, like Wyken Cottage opposite, on a smaller plot now reverted to.

The size of my proposed house – which could have been even smaller if Moray council allowed tiny house or small eco-friendly, minimal-resource-consuming mobiles on such plots – covers far less, proportionally, of its plot than a number of recent builds in the village and its rejection seems completely discriminatory. Other cottages in the conservation area have been allowed to 'develop', build holiday-home cabins and extensions close to original buildings, completely covering garden areas, increasing the original density. It therefore seems very discriminatory to claim my small house on its significant plot is over-development on a too small plot.

Comparison with 3 other recent local applications of regulations: Please see the photographs sent with my original application and prints of properties mentioned.

Example: Permission was granted for [REDACTED], at plot no. 110, to build 2 adjoined houses on a 1-cottage plot. This contradicts your objection to my plan: it creates very cramped density and massively impacts adjacent properties. The entirely paved garden, a low-maintenance garden trend for holiday-homers currently sweeping the village, has impact on the local water table level & flood issues.

I understand another [REDACTED] resident, my friend and neighbour [REDACTED], has also been granted permission to build on a small plot, in the nearby lane no. 133 (now for sale) .His plan replaces a modest, traditional half-house - potentially a small single person /couple or family home in a spacious, child-safe garden, with an over-sized house completely covering the garden, blocking all light, view and rear access for the adjacent traditional cottage, negatively impacting its financial value & habitability except as a part-time holiday / investment home. The cottage at 133 was capable of restoration, is inside the conservation area but was intentionally allowed to decay over 28 years and planning permission granted for a completely inappropriate building to replace it for financial gain, with no respect again for the historical garden area or for the need for *small*, single person \ small affordable family accommodation in the area. I regard this as short-term planning but for current purposes, primarily I do not understand how this could be acceptable but my modest plans refused.

There seems to be a consistent planning policy bias to support large houses as 2nd homes or for wealthy incomers.

Access / Parking

1. Policy H3 & IMP1: during a previous application I was clearly told that the plot size of 397 square metres was sufficiently close to the 400sq.m guideline that it would not be a major block to development, once a few adjustments were made to my design/materials – all which conditions were met & accepted. The current design submitted to you addressed all previous comments;



- i. Roof pitch, originally designed to resemble traditional village half-houses / net stores, was lowered in keeping with, and to match the gables of Innesmhor, Wyken and The Whins, built in the 1960s
 - ii. My proposed house was relocated to be out of line of view of 159a & to not overlook /intrude on Innesmhor or the [redacted] hot tub / summerhouse which they located immediately hard up against our boundary some years ago.
2. The 400sq. m. *included* access/parking. The 2015 rule was never communicated to me and as far as I can tell from simple observation, no other recent local build has had to abide by this rule, so it seems arbitrary / discriminatory. This policy, applied only to this one lane, based on the most recent buildings seems arbitrary and exceedingly biased. Access @ new build no. 110 has been met by a turning circle, but there is no space for 2 parked cars - this requirement was not imposed on her design.

Carshare

I travel mostly by bicycle and do not own a personal car (see below) so I bring no extra pressure on the 'amenities' of the area. My intention was to fence the parking area once built, and to surface it for dual purpose use as a quiet garden patio area but easily allowing space for 2 cars and emergency vehicle access.

Moray Council claims to support the growth of Moray Carshare, of which I have been a member for over 5 years. I use 3 village-based cars, all of which are parked at specific locations nearby to my plot. I park at my property only to pick up / drop off and the parking area is situated to allow sufficient space for an emergency vehicle to park comfortably & reverse/pull out. To insist that every small studio style, 1-person dwelling must still include access & parking of a size applicable to a 3 / 4 bedroom house seems to completely contradict, undermine and disincentivise the whole carshare purpose & function.

Character of the Area:

The definition of 'the area' of my plot seems completely arbitrary and favours the most recent large buildings erected, in generic suburban housing style and materials, not in the prevailing style or historical nature of this part of the village and prevailing village centre vernacular. A terraced property close to my plot had been permanently occupied and a creative, picturesque, biodiverse garden created. The house was sold several years ago and became a holiday home – all the planted areas and young trees were removed, leaving a bare area and ugly exposed oil tank.

My planned house and its garden resembles the many small, traditionally well cultivated small homes and plots throughout the back lanes of Findhorn. The neighbouring bare lawn, the eradication of all wild plants trees & shrubs around no 159a & 159 c is the exception, and 2nd investment home-style should surely not be the deciding criterion influencing all future planning permissions.

Ecological Impact, Climate Emergency & Biodiversty

My modest 1-2 person dwelling and bio-diverse kitchen-garden (restoring local indigenous shrubs & herbs lost in recent builds) which I continue to improve, is more like the original fishing village homes, not another 4 bedroom home no single or young locals can afford. Findhorn vernacular

style and ecology seem completely disregarded by the recent builds. My plot is still being created but has a small plot of organic vegetables, native trees which I planted and aims to foster biodiversity and restore many local plant species lost during recent housing development. Refusal of my plan seems particularly sad for the area, which I have observed to be losing species year by year.

Example: The sizable garden at no.110, (with its iconic historic mature tree, one of only 2 in the village– for which no local consultation or financial compensation was required, despite its major role in local biodiversity and bird populations) - ideal for a small family, is completely covered, leaving a minimal, less than 1m strip of earth along a short boundary.

This seems completely contrary to general UK & Scottish government avowed policies claiming to encourage ecological biodiversity, local food production/kitchen gardening, support for affordable housing for growing families & local 1st time buyers and to ensure water capture to the water table & reducing unnecessary energy usage.

The ecological impact of 2nd/3rd/ investment homes in Findhorn seems to be completely overlooked. The many 2nd homes in the area around my plot are empty for many consecutive months, yet insurers insist on (noticeably air-polluting) oil heating and intense, invasive, light-polluting security lighting, all wasting precious energy resources, for which we all end up paying. The systematic felling of mature trees marked as ‘significant’ on Moray Council’s own plans, the destruction of all shrub, fruit trees, native herbs, edible plants and flower beds in favour of ‘low maintenance’ paved, deck & gravel areas, has noticeably reduced the number & variety of birds, butterflies & insects in the area. There seems no care, concern or incentives to encourage Findhorn homeowners to act in more ecologically responsible ways. To refuse my application as a long-term permanent resident for a humble, unostentatious home here seems again to disregard all publicly promoted ecological and housing aims.

Since my plan has been refused, [REDACTED] has made clear he intends to build on his land adjoining my plot

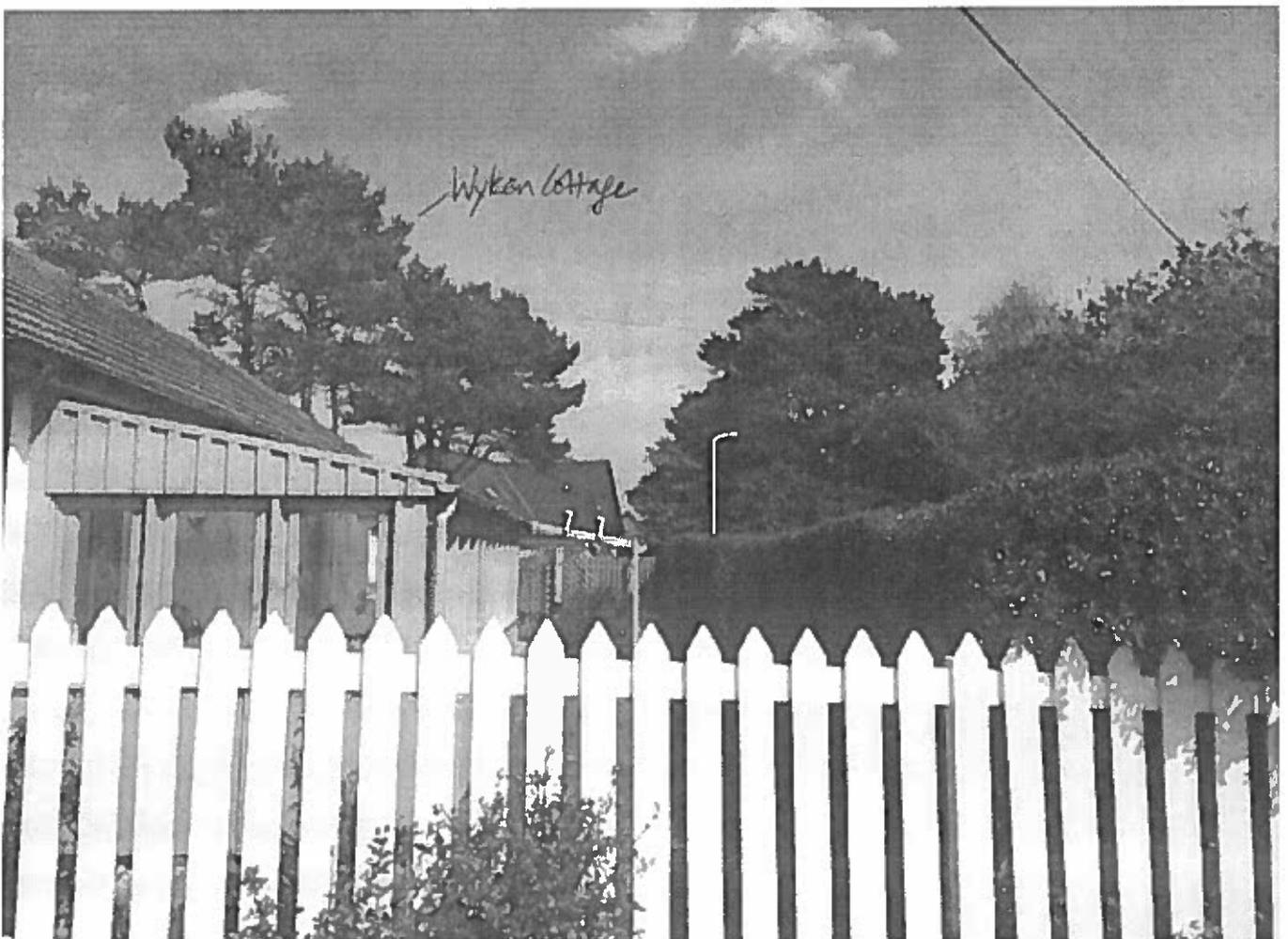
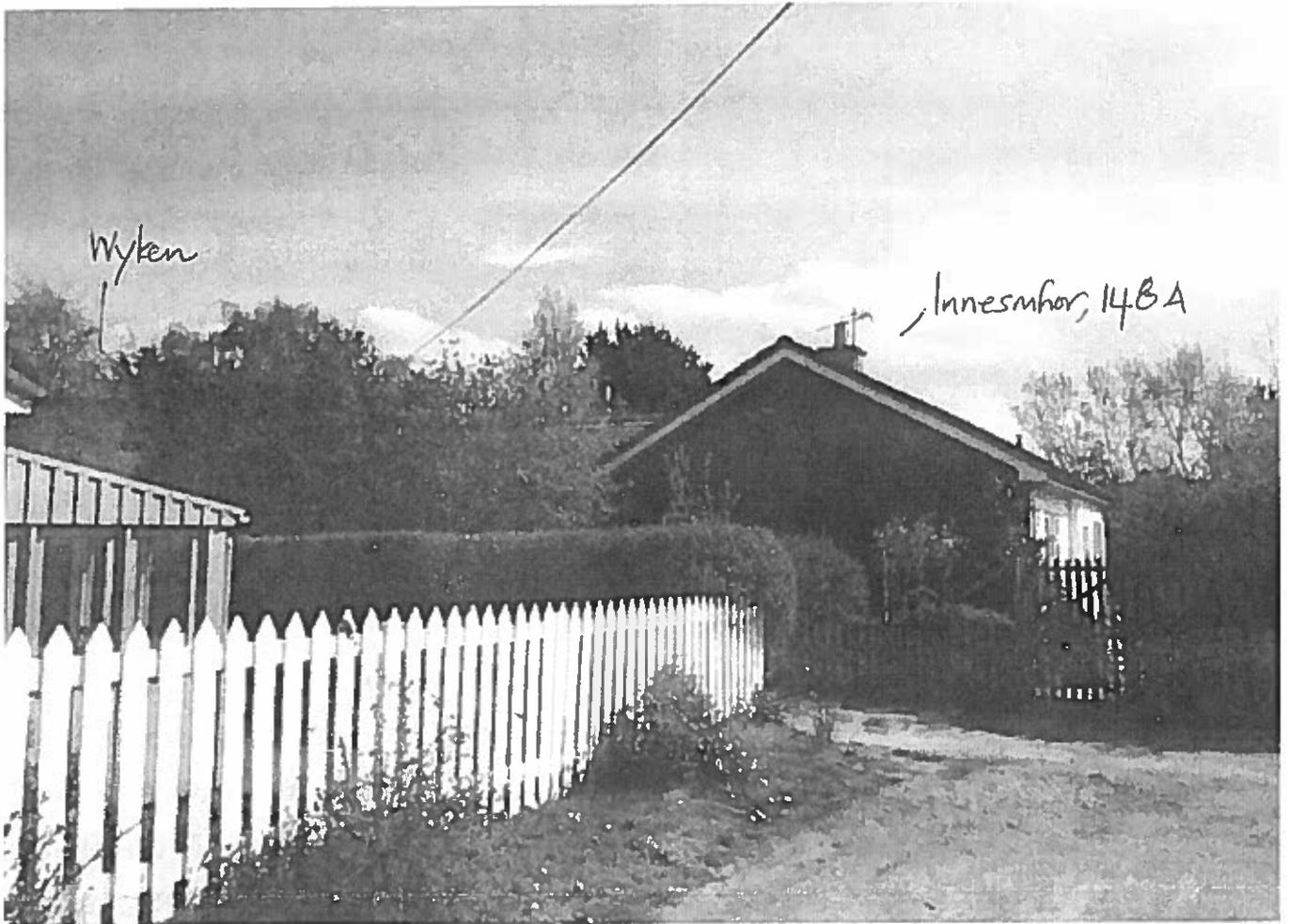
I ask please that you reconsider my application in the light of all these factors. Thank you.

[REDACTED]

[REDACTED]



My proposed plan @ the Plot would be at this level of density/proximity,
characteristic of much of the village.



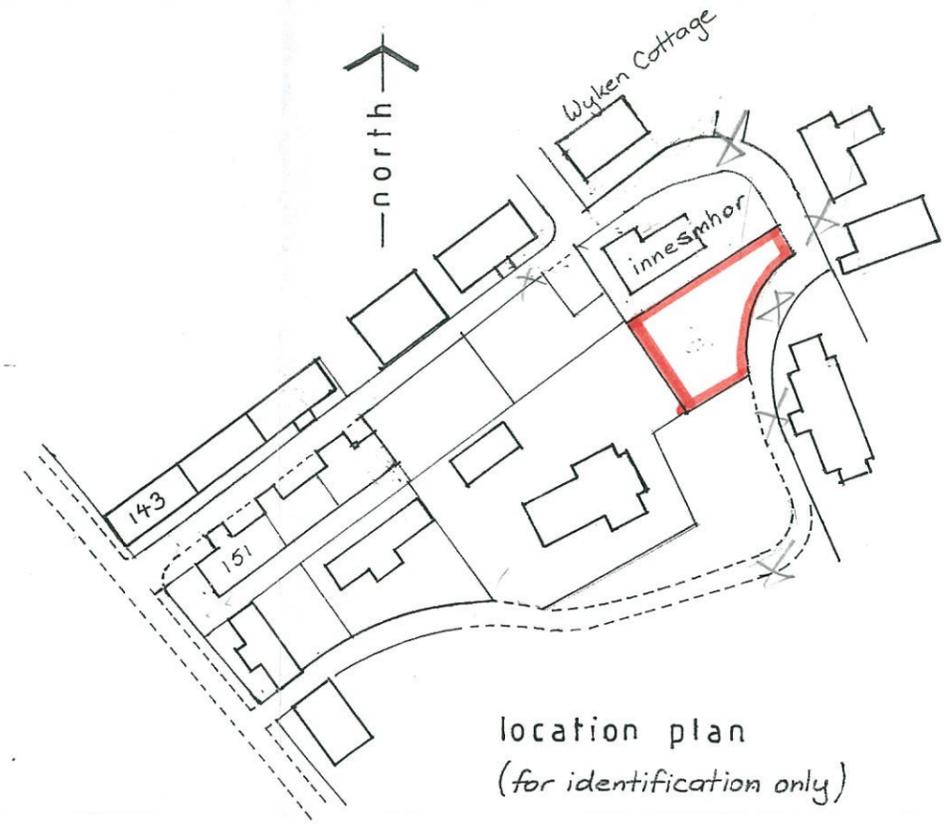
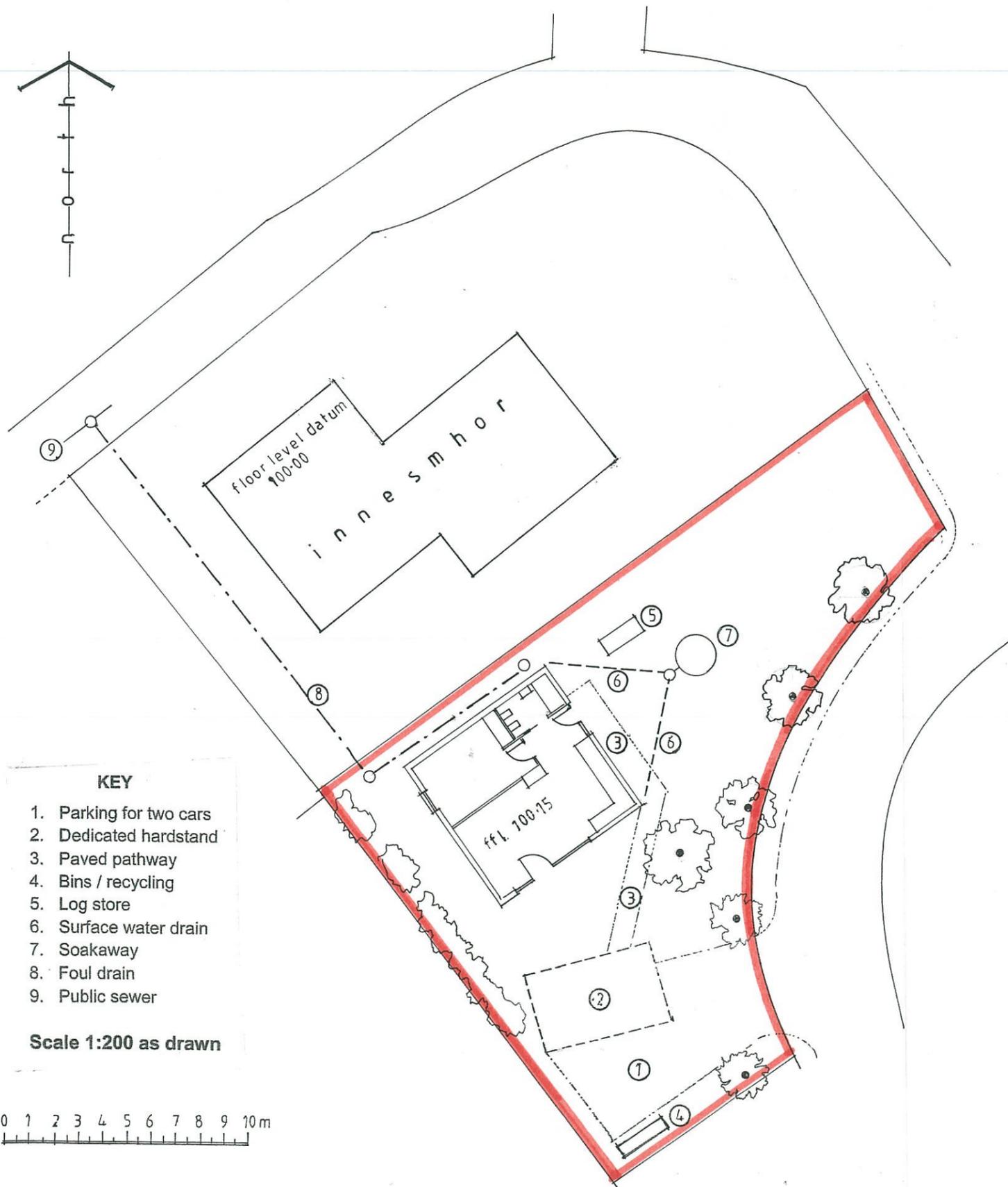
Innesmhor



Rear of Wykon



new house adjacent to Innesmhor
 site plan



location plan
 (for identification only)

0 10 20 30 40 m
 scale 1:1000

KEY

- 1. Parking for two cars
- 2. Dedicated hardstand
- 3. Paved pathway
- 4. Bins / recycling
- 5. Log store
- 6. Surface water drain
- 7. Soakaway
- 8. Foul drain
- 9. Public sewer

Scale 1:200 as drawn

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

REFUSED

19.03.2019

Development Management
 Environmental Services
 The Moray Council

23 JAN 2019

1

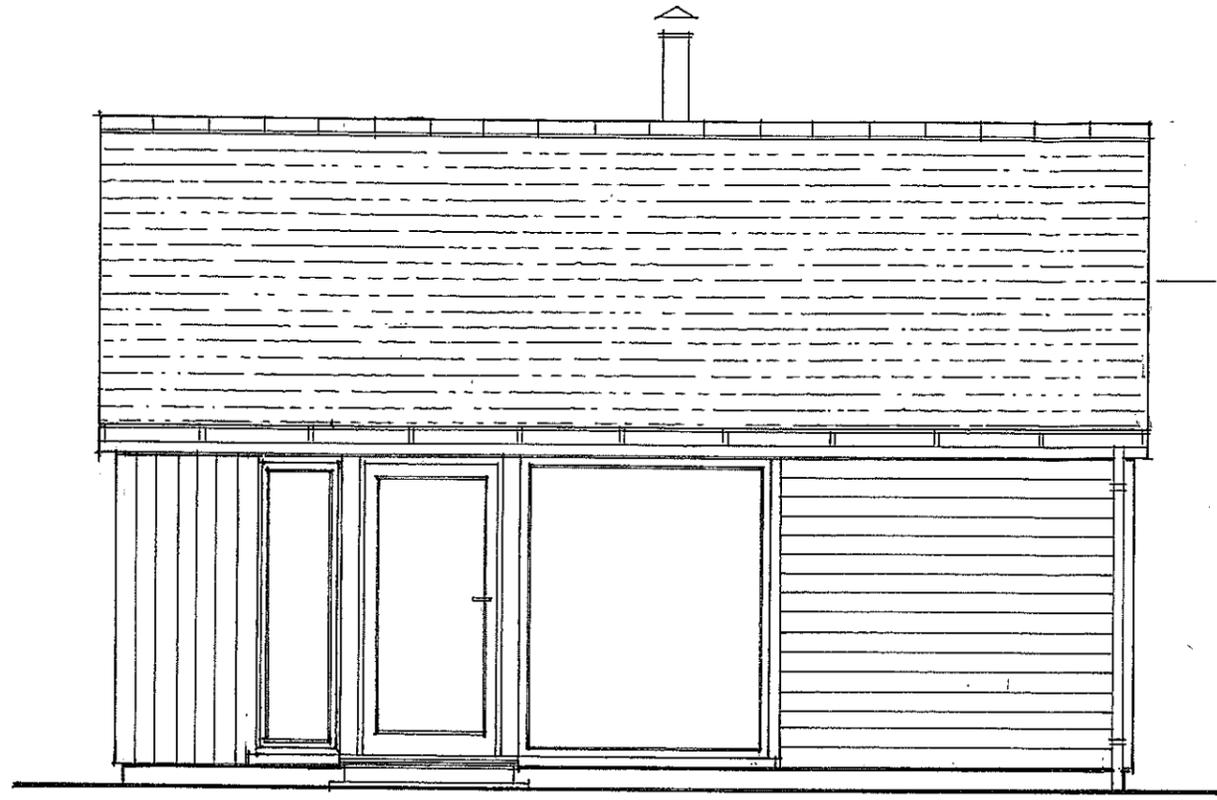
n e w h o u s e a d j a c e n t t o I n n e s m o r

Town & Country Planning
(Scotland) Act, 1987
as amended

REFUSED

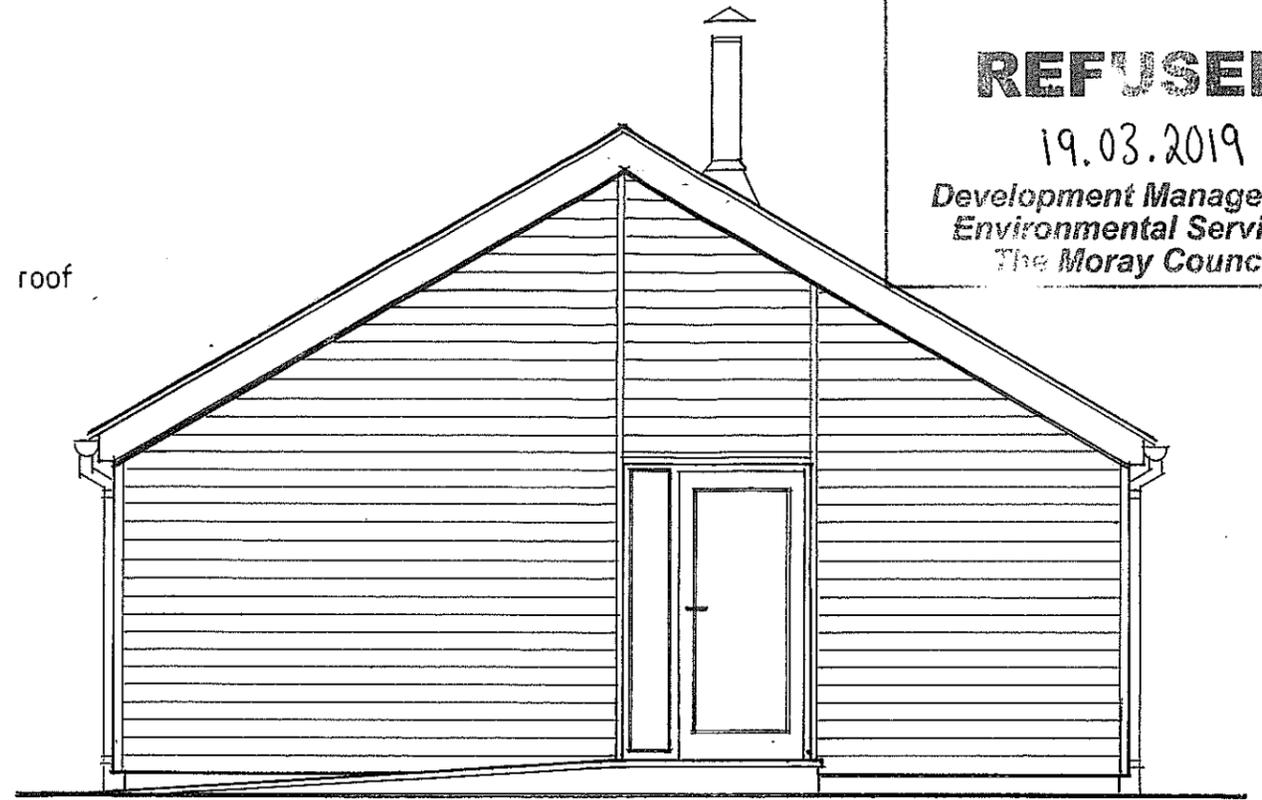
19.03.2019

Development Management
Environmental Services
The Moray Council



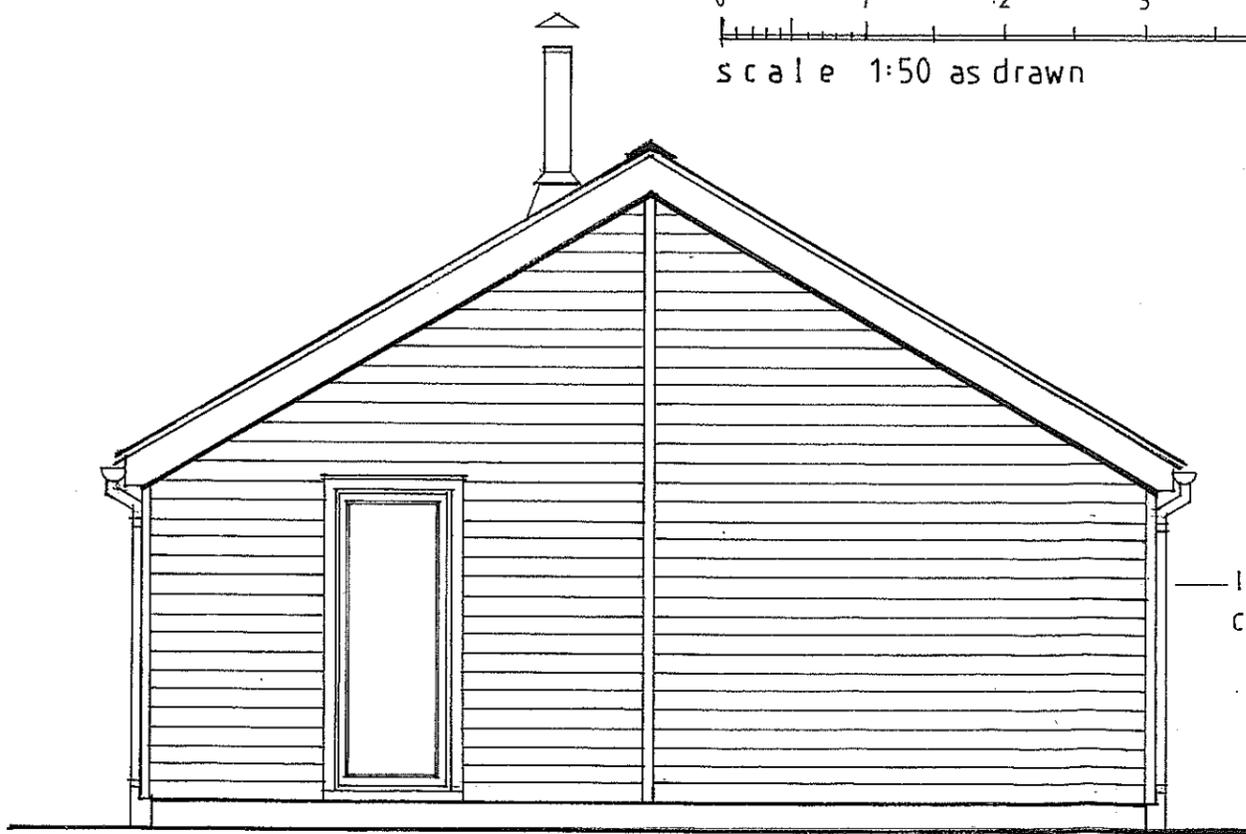
slate roof

south east



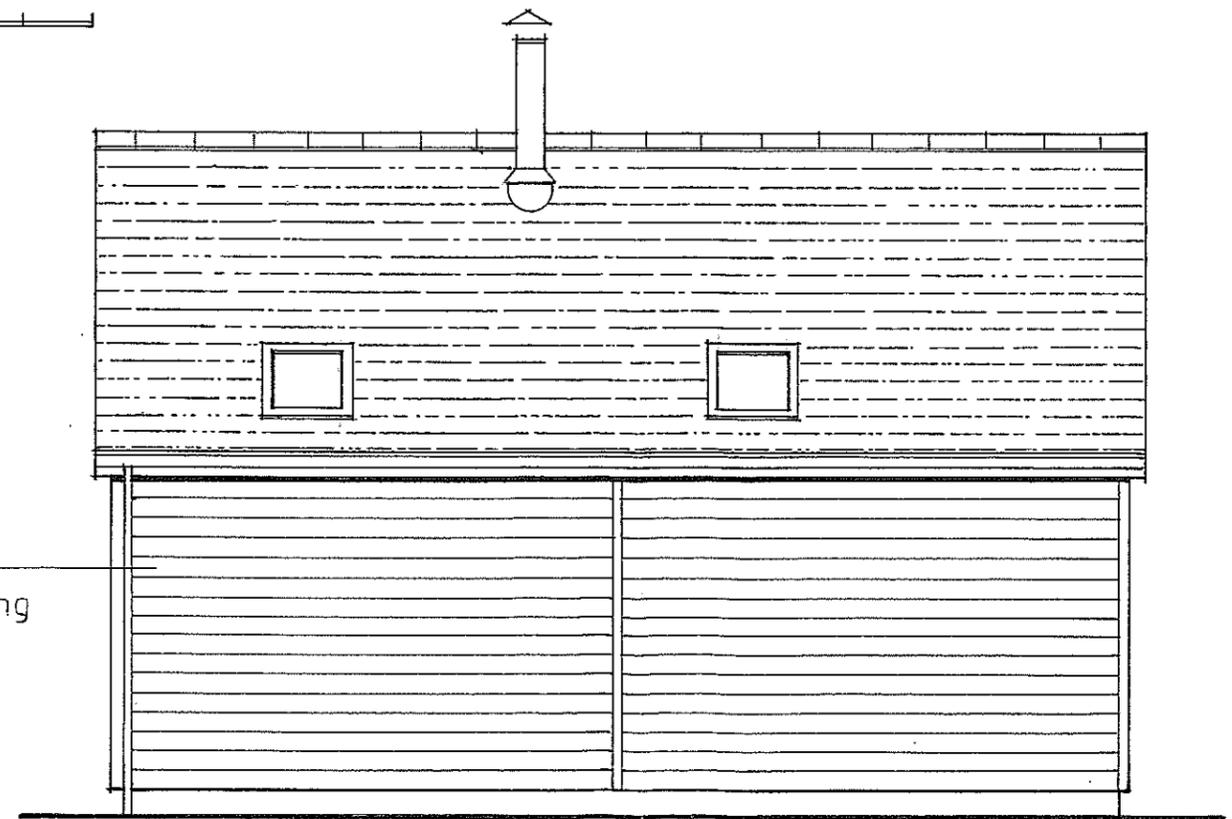
north east

0 1 2 3 4 5
scale 1:50 as drawn



larch
cladding

south west



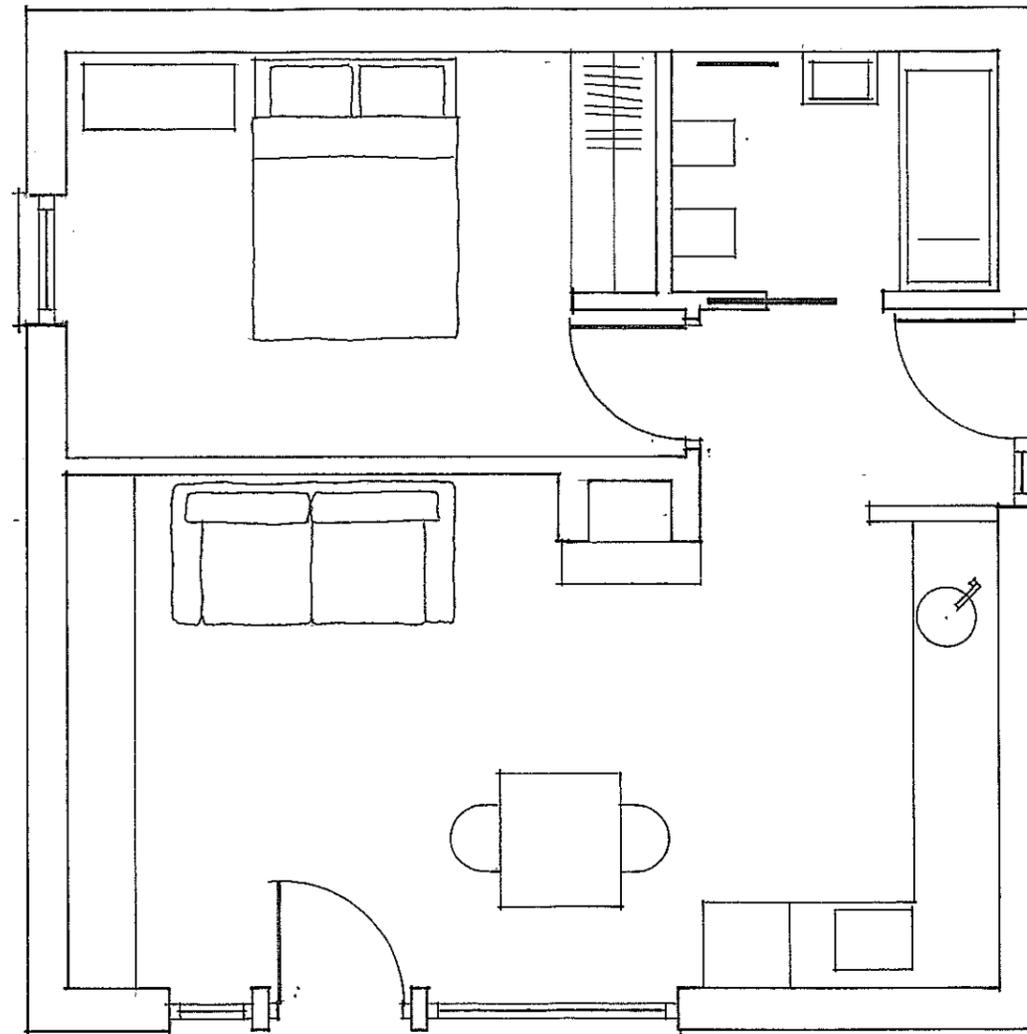
north west

12 DEC 2018
18/01568/APP

2

n e w h o u s e a d j a c e n t t o I n n e s m h a y

f l o o r p l a n



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

REFUSED

19.03.2019

Development Management
Environmental Services
Dumfries & Galloway Council



scale 1:50 as drawn

12 DEC 2018
18/01568/APP

3



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

From: [REDACTED]
Sent: 14 July 2019 14:54
To: Lissa Rowan
Subject: Re NOR LR/LR225 of Planning Application: 18/01568/aPP

Dear Lissa

I have read Ms B A.Court's submissions and wish to raise the following points:

.1 The plot is outside the Findhorn Village conservation area, as far as I am aware there is no designation as "close to the conservation area"

2. Of Ms A'Court's own volition her plot is below the size of that required by the policy H3 in the current Local Plan and in the previous local plan for house plots formed by subdivision, her previous application in 2014 was refused for the same reasons.

3. I understand Ms A'Courts concerns of what she calls investment homes/holiday homes as the village now has over 50% of properties as holiday/rental homes, but her immediate neighbours [REDACTED] [REDACTED] have modern houses outside the Conservation Area both built since 2002 and occupied on a permanent basis.

4. The statement that her property "is more like the original fishing village homes" is utter nonsense, my previous property [REDACTED] [REDACTED] is a traditional "Fishing Village Home". Stone built from Hopeman Sandstone, Dormer Windows, Wooden Split front door, how does this resemble anything Ms A'Court has submitted.

5. The Applicant seems to have a problem with my house [REDACTED] which was built in 2003, I had planning permission granted in 1999 but had to wait for Scottish Water to upgrade the Sewage Treatment Works at Kinloss as it was running at overcapacity. I was finally given the go ahead in May 2003 to build my house, the planners at the time insisted on Slate Roof, Dummy Chimney,s, Windows with a Vertical Emphasis, Gable Window on Second Floor to mimic the Windows on old Fishing Village Homes where nets used to be dried upstairs.

6 She also mentions a Hot Tub and Summer House on [REDACTED] land adjoining her plot, neither of which require planning as far as I am aware and have been in situ since 2006.

7. Parking, the 2011 parking regulations for new builds require 2 Car parking Spaces for houses of three Bed and below. Ms A'Court mentions she will" fence the parking area once built" I have had issues with Ms A'Courts visitors parking on [REDACTED] land adjacent to her plot for the last 22 years. Which brings me to the issue of Emergency Service Vehicles access and Tradesmen Parking on this very cramped site.

7a. There is no access to this site for Fire Service Vehicles, the access lanes are too narrow to allow access. [REDACTED] at 159c Findhorn immediately in front of Ms A'Corts site were made to fit a Sprinkler System as the Fire Service Report said they could not access the property, I trust Ms A'Court will have the same conditions applied , especially with a Wooden House.

7b. [REDACTED] at 159c Findhorn had to provide a Hammerhead Turning Area to allow the turning of their vehicle on their property so as not reversing out onto the lane, No such area shown on Ms A'Courts Plans

8 I trust Ms A'Court being such an Eco Warrior will have the current trees that stand on the footprint of her proposed house as an internal feature, or as I suspect will they be cut down.

Please consider these submissions when looking at the applicants NOR.

Regards

F

Lissa Rowan

From: [REDACTED]
Sent: 10 July 2019 14:27
To: Lissa Rowan
Subject: Fw: LR/LR225

----- Forwarded message -----

From: [REDACTED]
To: lissa.rwan@moray.gov.uk <lissa.rwan@moray.gov.uk>
Sent: Wednesday, 10 July 2019 14:14:24 BST
Subject: LR/LR225

Dear Mrs Rowan

Town and County Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013
[the Regulations]

Notice of Review: Planning Application 18/01568/APP-Plot 1, Innesmhor, Findhorn, Forres, Moray, IV36 3YL.

Thank you for your letter dated the 5 July 2019 regarding planning application for the erection of a building on the
aforementioned site.

I have noted the comments made by the applicant and do query if some of these are factual and accurate.

I query the claim made that 'nearby neighbours' have made no objections to the build we are the only neighbours who
will have a direct view of the property. The other houses in the nearby area are holiday homes and rented properties.

We built our house in 2012 and had several things to overcome but that is all part of the process. At the time of our
build turning room of vehicles had to be included. Although no car is owned by the applicant, visitors do.

Although it has been stated that the build would have no impact on surrounding properties I disagree, trees will have
to be felled to accommodate the building and parking area which will impact on our view from inside the house

From the plans it is unclear what type of fencing will be erected but if it is in keeping with the current fencing the
refuse bins will also be visible from the main rooms of our property.

We agree with the original decision of the Planning Committee that the plot is too small compared with the adjacent
properties and that if planning permission was to be granted that it would set a precedent for others to follow.

Yours faithfully

[REDACTED]



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

FAO Lissa Rowan:

To Whom it may Concern:

Re: NOR LR /LR 225 Planning Application 18/01568 /aPP

Dear Lissa,

I wrote to inform the Planning department twice that I would be away until early August, but a letter arrived during my absence requiring my signature on July 23rd. It states that I have 14 days to reply. I arrived home on 31st July, so in effect I have had 6 days to respond.

It appears that I am being asked to address some of the same issues again, things I thought I had already explained. Here is my attempt to respond to the most recent objections.

Properties impacted by my house plan:

Neighbouring properties to my a plot are not all holiday homes, 2 households closer than 159a & 159c are permanent residences & the closest property & a 3rd at slightly greater distance, are permanently occupied, & supportive of my application.

However, I do, of course, appreciate that only house 159c faces directly across the lane onto my plot & I am willing to take note of the residents' views & concern here in writing & in personal conversation etc (see below)

PLOT SIZE:

As mentioned in my last letter, I was assured in 2014 that the plot size of 397sq.mtres would be considered favourably as sufficiently close to the 400 guideline for a small house development, if the house design was reduced / amended, which it has been.

The change, of which neither I nor my architect were notified of during the whole pre-application conversation with planners & design application process, requiring the parking area to be *in addition to* this 400sq.mtre guideline, seems to be unfairly imposed, not applied to every house build – my questions about this have not been responded to.

In general, if extended, this will only significantly negatively impact residents like myself on limited means, with growing or dividing families who wish to stay geographically connected & will unfairly privilege wealthy & retired residents / 2nd home investment owners planning to build 4 bedroom houses on large plots.

Findhorn & the whole of rural Moray has a large & growing proportion of these, forcing out the young & lower earners.

I would like to ask for some creative, forward-looking consideration of this in relation to my application, & for the original rule I was taking as a guideline to be considered as more realistic & environmentally appropriate here - for a design & garden which I believe could enhance this area of Findhorn when sensitively completed. The crucial *proportion of the house to plot size* is not excessive for this area, this small house fits

this plot size more harmoniously & spaciously than many of the large houses crammed onto small plots now being built in the village & all over the peninsular. The over-development criterion applied to my small house away from the village centre, seems indefensible to me in the face of the recent developments, no. 110 & current proposals from Dunelands.

Re: PARKING:

There are some factual errors & misleading inferences in the complaints:

1. The area used for parking 1 family car from 1999 - 2012, then from late 2014 - Nov. 2018, & included in the parking area of the application, lies several metres WITHIN the border of the land purchased from ██████████ in 1999, as evidenced in the deeds & lies within the area of my plot now called Plot 1 @ Innesmhor.

To clarify, it is not an additional area *adjacent* to the plot – as implied by the wording of the complaint, (& the appearance of the partial deer-fenced area) which gives a misleading impression, implying some transgression into land belonging to 159a. It *is* in my plot. The complainant had never mentioned to us any ‘issues’ with our use of our land until my planning application was submitted.

The Fir tree also lies *within* this boundary too, on my land.

The old, unsightly shed also on this land at the edge of my plot is to be removed.

2. I have already clearly stated & emphasise again, I am a member of Moray Carshare & for the past 5+ years have not needed any regular, all day /overnight parking space since I use the many allocated village & Park areas where the Carshare cars are kept. I have barely used this parking space in recent years.

No one other than myself, & very **occasionally** (less than 1 x per fortnight) my mother or brother use my parking space *briefly* to drop off/ pick up. Only very rarely is a car parked there for longer while providing, for example, lawn mowing or, as recently, plumbing services. Other guests tend to arrive on foot, by bicycle, park on the main road & walk down, or, since ██████████ since 2018, now park elsewhere in the village to avoid encountering harassment, even though this is my land with legal access onto the lane.

Re Hammerhead style parking area:

The issue about no reversing in the lane is practically speaking, nonsense, as every resident must be aware, almost every household along the lane built pre-2003, has to reverse at some point, to some small degree, to enter/exit their property. The 2 joining lanes are extremely quiet, largely operate in a 1way fashion by convention, are very safe, & traffic is easily visible. There are no accidents & no sudden rise in traffic likely. For a small 1 person studio-style house to require an equivalent area dedicated to 2-car turning area is absurd in practice. Cars already easily reverse at an angle from my property, & need encroach on the lane by a couple of yards at most, with no impact on adjoining properties, no need to intrude on anyone else’s land or inflict grass damage.

The new parking area in my plan will improve & increase the parking area without an additional hammerhead turning area. However this might be possible if enforced.

My statement about the parking area being used as a patio/garden was to simply to convey that it could be hidden behind an attractive wooden gate & also function as a

small patio area, as it will mostly have no vehicle there, so there should be nothing unsightly for neighbours.

My plot is also immediately adjacent to a large passing bay, so in an emergency a vehicle could easily pull in to access the house & park temporarily. Also Innesmhor has a large parking & turning area to the north of the house & another to the North West. The lane is well served for places to safely pull in, reverse & turn as any observer could vouch for.

TREE FELLING:

I planted almost all of the trees on the plot which one neighbour seems most concerned about & I was going to trim some of them in height this year anyway. It is my intention to maintain my own visual privacy & the secluded, aesthetic character of the plot by continuing to plant smaller ornamental trees & flowering shrubs on the periphery & to preserve as many existing trees as possible.

I hope this reassures the neighbour somewhat.

My planned house is carefully positioned to necessitate only the removal / trimming of all or part of 1 willow tree which I planted as a single branch & possibly 3 smaller immature trees, with minimum impact beyond my garden & not visible from my neighbours' houses/gardens.

I believe none of this should dramatically inconvenience or impact my neighbours' views.

(However, I am surprised, as I have written before – that the wholesale removal of native flowers & herbs for paving & lawns & the installation of cruel gull spikes & other means to deter protected native birds from nesting, is ignored & unrestrained by planning law, yet the details of which trees I may or may not remove of those I planted on tree-less rough ground, is receiving so much attention & is something my neighbours are permitted to influence/dictate)

Is it the case that I cannot build if the space to do so might spoil my neighbour's view?

I was told that obstructed 'view' & access to daylight is not considered a valid ground for objection in this village, even in cases of severe illness where lack of vitamin D is a factor. And just a few yards up the adjoining lane a rich owner has blocked all ground-floor west light & view out from a small family cottage for almost 2 years with no restraint, exacerbating one resident's health problems.

There seems bias & discrimination in this whole process.

FENCING:

I am of course aware that deer-proof fence is not the most attractive form of fencing for a village property but it was arrived at as essential for creating a vegetable plot, as I have also written to explain before - & I continue to plant flowering greenery along it to cover the wire mesh.

I am undecided re fencing my plot, my preference is for 1 metre or higher traditional wooden picket fencing or plain wooden slats / screen with a simple, well-crafted wooden gate. I would welcome polite, co-operative suggestions and recommendations from neighbours.

VIEW OF BINS:

I would like neighbours to be assured that of course I do not wish for a bin-view either! & am perfectly capable of, & would, as a gardener & artist, be creating a discreet screen / location for all such necessities. I am also open for friendly conversations & design recommendations about what works well & looks good/bad from facing properties.

DESIGN STYLE/DETAILS

My original 2014 design had a more harmonious & attractive steeply-pitched roof & more closely resembled several other restored net stores and outhouses/ cottages by Coast to Coast architects throughout Findhorn Village - but I was told by the then planning officer that I must make my design *'look more like a shed'* in several extraordinary ways;

I was told to lower the roof pitch to match the gable angles of Innesmhor & The Whins, alter the outer windows etc all of which has been done for this application. So if now 'it looks like a shed' as my neighbour has complained to me, this was a design decision imposed on me, not at all my preference.

I do not have a personal issue about my neighbours' homes, & although frustrated by the objections, was not wishing to offend or create bad relations.

It is rather that I am seemingly being penalised by an unfair, biased policy.

I wish to clarify that the issue I have with 159a & 159c is simply that the decision as to what is appropriate for this area & what is not, seems somewhat ad hoc & dominated by these 2 most recently-built houses, neither of which fit very harmoniously in style or materials with what was in this area before or the rest of the nearby village. It is therefore relevant to also mention, given their owners' objections, that some conditions of the permission were overstepped by 159a, in height etc. None of us in this immediate area have made a prolonged issue of this, but it is galling to see what these neighbours are now objecting to regarding my application.

Both neighbours have expressed their understandable frustration & resentment re expensive, unnecessary design features forced on them, to align with the particular design type they had chosen, eg: dummy chimneys, & yet it is ludicrous to force, as they seem to suggest, similar criteria to apply to my design for a far smaller, humbler style of building of another era.

Re: Caravan

In my recent absence for work a complaint was lodged concerning the small touring caravan parked on my plot.

I completely understand fellow residents' anxieties about unsightly, static vehicles & temporary structures left to decay in a picturesque residential area, This is not what is happening here, so to clarify my previous letter about this:

No one is living on the plot at Innesmhor

The small office caravan was temporary, on-off, spill-over room space for our family during periods of work in the house & further clearing for estimates for upgrading insulation /heating system & other repairs & during April – May more for my late / night-early morning online working & sometimes subsequent sleep-overs since my

work includes mentoring & supervising overseas clinical practitioners & students in widely different time zones.

It was always intended to be removed as soon as planning decision was made.

The caravan has not been used at all since mid-late June & not since my arrival back. I do not believe from other residents that I need planning permission to park a small touring caravan temporarily on my plot. It is not a beautiful vehicle but I hope neighbours will be reassured it will be removed in the near future.

Re: Fire: Sprinkler system:

My house design is the minimum footprint allowed I believe &, except for Innesmhor, is located at more distance from other houses than 159c. I understand from my architect that the design adequately meets all building standards requirements in this respect.

I am of course willing to check this as soon as he is available, but as you have allowed me less than the usual formal 14 days to respond, please allow more time for this. Installation of a sprinkler system would be possible, though totally disproportionate, & should not jeopardise the plan.

I would appreciate acknowledgement of your receipt of this letter.

Thank you,

Beverley A'Court