



## **MORAY LOCAL REVIEW BODY**

**30 SEPTEMBER 2021**

### **SUMMARY OF INFORMATION FOR CASE No LR262**

**Planning Application 20/00075/APP – Change of use of garden ground to form operators lorry and trailer parking space at Morven View, Clochan, Buckie**

#### **Ward 4 – Fochabers Lhanbryde**

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 22 April 2021 on the grounds that/subject to the following conditions:

The proposal is against the provisions of the Moray Local Development Plan (MLDP) 2020 because:

- i) The proposed change of use of garden ground to HGV Operating Centre (for one HGV and one trailer) in the grounds of this existing modern rural residential property would result in large industrial vehicle(s) being accommodated in the grounds of a domestic property in the countryside, a use which is not ordinarily associated with domestic property or the rural environment. This means that the proposed use is considered to be an inappropriate, non-confirming use which is not in keeping with the existing rural area. On this basis, the proposal fails to comply the requisite requirements of Policies DP5 and DP1.
- ii) This proposal would result in an intensification of use of the single track roads serving the site, by large articulated vehicle and would be likely to result in approaching vehicles having to undertake potentially unsafe reversing manoeuvres out of the path of the oncoming Heavy Goods Vehicle, as well as resulting in damage to the carriageway/verge due to vehicle verge overrunning. Due to the length of the overall route which has limited passing opportunities, it is considered that the proposal cannot be adequately mitigated against, and additionally that any agreed route could not be enforceable even with mitigation works provided. Transportation considers that this proposal, if permitted, would be likely to result in conditions detrimental to the road safety of road users contrary to MLDP policies DP1 (Development Principles) section (ii) Transportation, part a).

On this basis, the proposal is contrary to provisions DP5, DP1 (i) and DP1 (ii) part a) of the MLDP 2020 and the application is therefore refused.

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

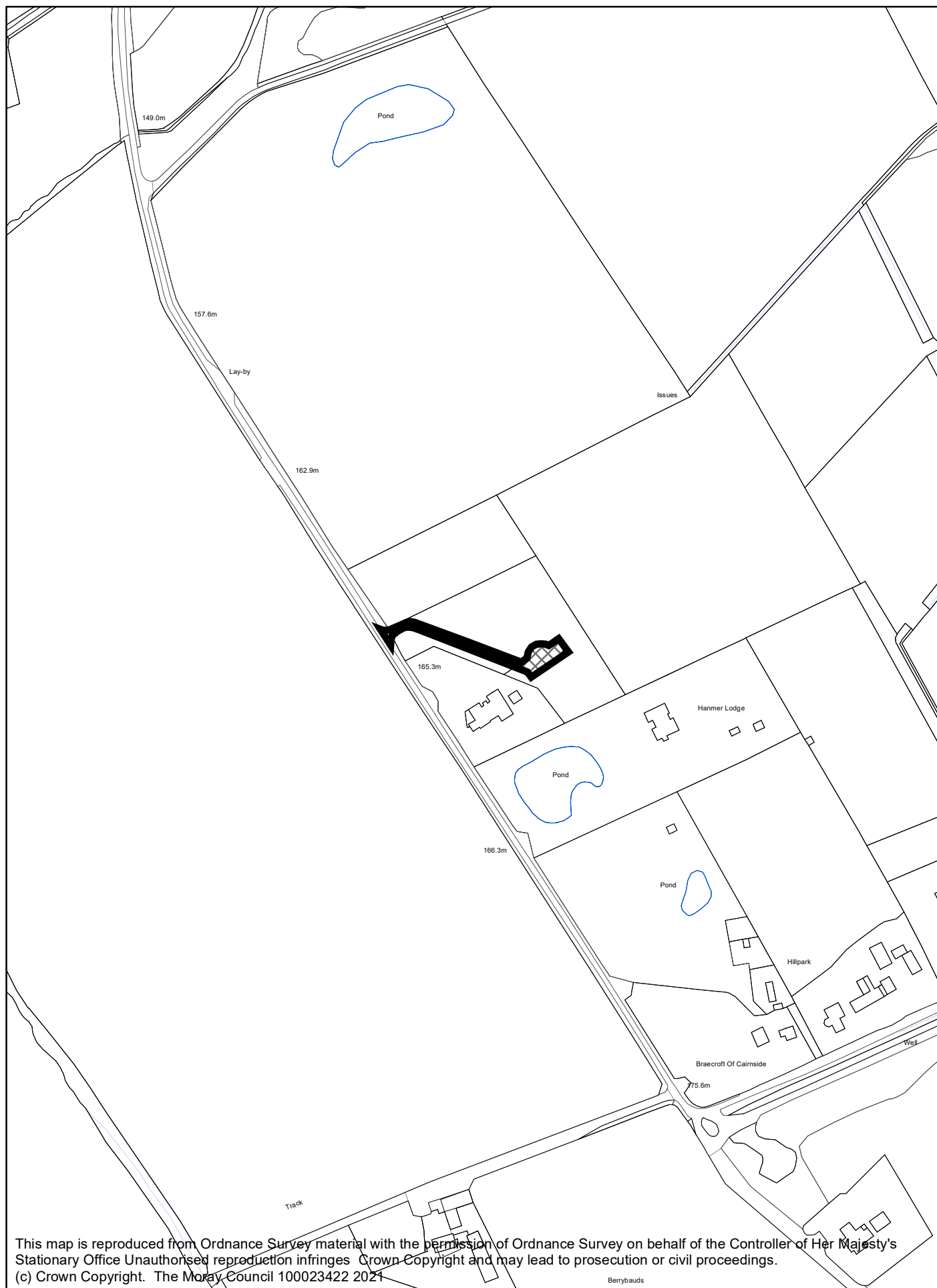
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

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 : 21/00075/APP



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## **APPENDIX 1**

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





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

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

Thank you for completing this application form:

ONLINE REFERENCE      100353827-001

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

## Type of Application

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

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

## Description of Proposal

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

Proposed Change of Use for Operators Lorry and Trailer Parking Area

Is this a temporary permission? \*

☐ Yes ☒ No

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

☐ Yes ☒ No

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

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

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	George Hadden Architectural Agent		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	George	Building Name:	Fremont
Last Name: *	Hadden	Building Number:	
Telephone Number: *	01467 629919	Address 1 (Street): *	Little Newton
Extension Number:		Address 2:	Old Rayne
Mobile Number:	07920097510	Town/City: *	Insch
Fax Number:		Country: *	Scotland
		Postcode: *	AB52 6SE
Email Address: *	george.hadden@btconnect.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Morven View
First Name: *	Mark	Building Number:	
Last Name: *	Stevenson	Address 1 (Street): *	Clochen
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Buckie
Extension Number:		Country: *	Moray
Mobile Number:		Postcode: *	AB56 5HX
Fax Number:			
Email Address: *			



## Site Address Details

Planning Authority:

Moray Council

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

Address 1:

MORVEN VIEW

Address 2:

CLOCHAN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BUCKIE

Post Code:

AB56 5HX

Please identify/describe the location of the site or sites

Northing

860200

Easting

342227

## Pre-Application Discussion

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

☒ Yes ☐ No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

☐ Meeting ☐ Telephone ☐ Letter ☒ Email

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

Email requesting a Change of Use application from Stuart Dale following a drive by site visit

Title:

Mr

Other title:

First Name:

Stuart

Last Name:

Dale

Correspondence Reference  
Number:

Date (dd/mm/yyyy):

08/01/2021

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

## Site Area

Please state the site area:

707.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

## Existing Use

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

Residential

## Access and Parking

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

☐

Yes

☒

No

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

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

☐

Yes

☒

No

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

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

0

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

2

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

## Water Supply and Drainage Arrangements

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

☐

Yes

☒

No

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

☐

Yes

☒

No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☐

Yes

☐

No, using a private water supply

☒

No connection required

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

## Assessment of Flood Risk

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

☐ Yes ☒ No ☐ Don't Know

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

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

☐ Yes ☒ No ☐ Don't Know

## Trees

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

☐ Yes ☒ No

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

## Waste Storage and Collection

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

☐ Yes ☒ No

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

Existing situation

## Residential Units Including Conversion

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

☐ Yes ☒ No

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☒ No ☐ Don't Know

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

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: George Hadden

On behalf of: Mr Mark Stevenson

Date: 20/01/2021

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☒ Site Layout Plan or Block plan.

☐ Elevations.

☐ Floor plans.

☐ Cross sections.

☐ Roof plan.

☐ Master Plan/Framework Plan.

☐ Landscape plan.

☐ Photographs and/or photomontages.

☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. \*

☐ Yes ☒ N/A

A Flood Risk Assessment. \*

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. \*

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. \*

☐ Yes ☒ N/A

Habitat Survey. \*

☐ Yes ☒ N/A

A Processing Agreement. \*

☐ Yes ☒ N/A

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

## **Declare – For Application to Planning Authority**

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

Declaration Name: Mr George Hadden

Declaration Date: 20/01/2021

## **Payment Details**

Online payment: 980200

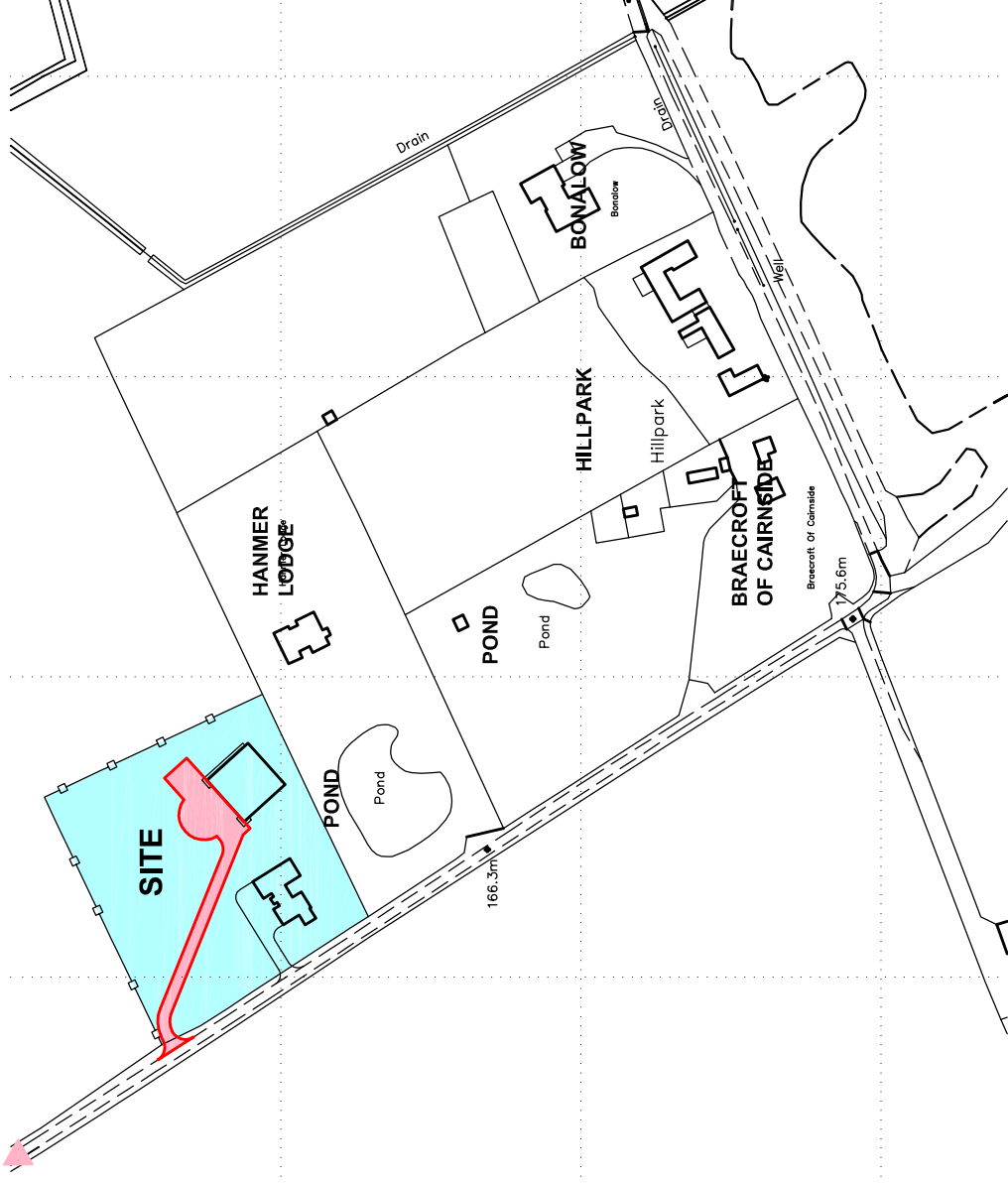
Payment date: 20/01/2021 14:02:00

Created: 20/01/2021 14:02









**LOCATION PLAN** SCALE 1 : 2500  
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Job Ref :- 21594

Date :- 12th March 2021

ECONOMY, ENVIRONMENT AND FINANCE  
Moray Council  
PO Box 6760  
Elgin, Moray IV30 1BX

F.A.O – Shona Strachan - Planner

Dear Sirs,

**PROPOSED CHANGE OF USE TO FORM OPERATORS PARKING AT  
MORVEN VIEW, CLOCHEN. AB56 5HX  
FOR Mr. M. STEVENSON.  
PLANNING REF No. 21/00075/APP**

With regard to the above in support of the application we would submit:

- The applicant has made an application for an Operator's Licence. In response to this The Office of the Traffic Commissioner and Stuart Dale (Planning Enforcement Officer) have asked for a Change of Use application to be brought before Moray Council for determination before any Operators Licence can be considered.
- The proposal involves having designated parking spaces to allow an HGV vehicle and trailer to be parked in front of the storage shed – note the storage shed is not to be used for this purpose. Further we would note the HGV lorry in question is the same wheel base as the Local Authority Bin Lorry which regularly uses the road.
- The hours of operation would be 7am-7pm, however in reality the HGV would leave it's parking space in the morning and return at the end of the working day – essentially 1 movement out of the site and 1 movement in daily
- The movements would be from Monday – Saturday inclusive
- 1 member of staff, the applicant who resides at Morven View
- No clients would visit the site.
- The current road allows access for delivery lorries, tractors and other farm vehicles travelling to and from the surrounding agricultural premises – we would make note that there is 7/8 HGV movements from Buddnich Farm daily.
- The applicant has made the application for a parking space on his land to allow him to park the HGV vehicle and trailer adjacent to his home. This vehicle and trailer (where necessary) will be used to move his works vehicles (Plant) to and from whatever construction site they are working on, rather than the current situation whereby the applicant has to hire vehicles to move his plant
- The applicant stresses that the application is for parking spaces on hardstanding land and while he admits an error on his part at describing the area of ground as a yard when posting pictures to Social Media (3 occasions) he confirms his use of the term 'yard' was meant as the hardstanding area and

not any complainants thoughts it might be a yard for storage of goods and/or materials

- The applicants reasoning for the application is to allow the parking of the vehicle and trailer and the land he owns rather than having to buy/rent ground and put financial pressure on a business that he is currently trying to save money for long term but investing in this vehicle to remove the need to hire transportation for his Plant machinery.
- Finally the applicant would state that there would be no more vehicle movements from the site with or without the HGV on site as he would have to travel to wherever the HGV had to be stored/parked.

Should you have any queries regarding the operations statement do not hesitate to call me at this office.

Yours sincerely

**George Hadden** MCIAT  
**Architectural Agent**

# **Consultee Comments for Planning Application 21/00075/APP**

## **Application Summary**

Application Number: 21/00075/APP

Address: Morven View Clochan Buckie Moray AB56 5HX

Proposal: Change of use of garden ground to operators lorry and trailer parking area

Case Officer: Shona Strachan

## **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



# Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	9th February 2021
<b>Planning Authority Reference</b>	21/00075/APP
<b>Nature of Proposal (Description)</b>	Change of use of garden ground to operators lorry and trailer parking area
<b>Site</b>	Morven View Clochan Buckie Moray AB56 5HX
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133059059
<b>Proposal Location Easting</b>	342227
<b>Proposal Location Northing</b>	860200
<b>Area of application site (M<sup>2</sup>)</b>	707
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QN9VJDBGFS700">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QN9VJDBGFS700</a>
<b>Previous Application</b>	17/01017/APP 10/01005/APP
<b>Date of Consultation</b>	26th January 2021
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Mark Stevenson
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Morven View Clochan Buckie Moray AB56 5HX
<b>Agent Name</b>	George Hadden Architectural Agent
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Fremont Little Newton Old Rayne Insch AB52 6SE
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Shona Strachan
<b>Case Officer Phone number</b>	01343 563303
<b>Case Officer email address</b>	shona.strachan@moray.gov.uk

<b>PA Response To</b>	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](http://www.moray.gov.uk/moray_standard/page_121513.html)

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

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

Please respond using the attached form:-



**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Environmental Health Manager

**Planning Application Ref. No: 21/00075/APP**

**Change of use of garden ground to operators lorry and trailer parking area Morven View  
Clochan Buckie Moray for Mr Mark Stevenson**

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

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

**Reason(s) for objection**

**Condition(s)**

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

**Further information required to consider the application**

**Contact:** Lisa Campbell  
**email address:** Lisa.Campbell@moray.gov.uk  
**Consultee:**

**Date...**16/02/21.....  
**Phone No** .....

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

# Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	9th February 2021
<b>Planning Authority Reference</b>	21/00075/APP
<b>Nature of Proposal (Description)</b>	Change of use of garden ground to operators lorry and trailer parking area
<b>Site</b>	Morven View Clochan Buckie Moray AB56 5HX
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133059059
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<b>Area of application site (M<sup>2</sup>)</b>	707
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QN9VJDBGFS700">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QN9VJDBGFS700</a>
<b>Previous Application</b>	17/01017/APP 10/01005/APP
<b>Date of Consultation</b>	26th January 2021
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Mark Stevenson
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Morven View Clochan Buckie Moray AB56 5HX
<b>Agent Name</b>	George Hadden Architectural Agent
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Fremont Little Newton Old Rayne Insch AB52 6SE
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Shona Strachan
<b>Case Officer Phone number</b>	01343 563303
<b>Case Officer email address</b>	shona.strachan@moray.gov.uk

<b>PA Response To</b>	consultation.planning@moray.gov.uk
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**NOTE:**

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

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

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

Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No: 21/00075/APP**

**Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie Moray for Mr Mark Stevenson**

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

**Please**

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

*This proposal is for the change of use of garden ground of a residential property to site a Heavy Goods Vehicle (HGV) and trailer associated with an Operator's licence application.*

*The site is located approximately 3.5km from the nearest 'A' or 'B' classified roads, and can be accessed via a number of routes, each of which are for the most part single track with limited passing opportunities and each subject to a number of changes in the vertical and horizontal planes (with crests and bends). The various routes also pass through existing road junctions which would be likely to be subject to verge overrunning by the manoeuvres associated with larger vehicle such as Articulated Lorries (and with trailers).*

*Formal passing opportunities are required on single track roads to enable vehicles to pass each other safely. Passing places should be inter-visible and ideally no greater than 150m apart. This is to ensure that vehicles do not have to undertake a reversing manoeuvre upon meeting another vehicle coming towards them, and to prevent damage to the verge (and utilities within the verge) caused by vehicles trying to pass other, particularly at a bend or where vehicles meet at a crest.*

*The provision of additional 'formal' passing places, and improvements to the geometry of junctions generally requires land considered to be outwith the public verge and therefore under private ownership, and in reality the longer the route the more likelihood there is that the associated land (which may be identified as locations for new passing opportunities or junction improvements) would not only be under private ownership, but likely to be under the ownership of different parties.*

*Transportation considers that this proposal would result in an intensification of use of the single track roads serving the site, resulting in considerable increased risk of vehicles*

*having to reverse out of the HGV's oncoming path, and due to the vehicle size would be likely to result in an increased likelihood of vehicle verge overrunning. This would be likely to lead to conditions detrimental to the road safety of road users which would not be acceptable.*

*Whilst there may be some scope for the applicant to potentially provide a new passing place or provide limited additional surfacing at a junction, given the length of route between the site and the nearest two lane road(s) it is considered that any agreed carriageway improvement works would not in isolation be sufficient to ensure that the additional risk of a vehicle having to potentially undertake an unsafe reversing manoeuvre could be sufficiently mitigated against. Additionally given the various routes serving the site there would in reality be no way of enforcing a condition which ensured that access was solely via a particular (agreed) route.*

### **Reason(s) for objection**

This proposal would result in an intensification of use of the single track roads serving the site, by large articulated vehicle and would be likely to result in approaching vehicle's having to undertake potentially unsafe reversing manoeuvres out of the path of the oncoming Heavy Goods Vehicle, as well as resulting in damage to the carriageway/verge due to vehicle verge overrunning.

Due to the length of the overall route which has limited passing opportunities it is considered that the proposal cannot be adequately mitigated against, and additionally that any agreed route could not be enforceable even with mitigation works provided.

Transportation considers that his proposal if permitted would be likely to result in conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies DP1 'Development Principles' section (ii)- 'Transportation', part 'a'.

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

**Date: 18 February 2021**

<b>Return response to</b>	<b><u><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></u></b>
---------------------------	--

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.

# Comments for Planning Application 21/00075/APP

## Application Summary

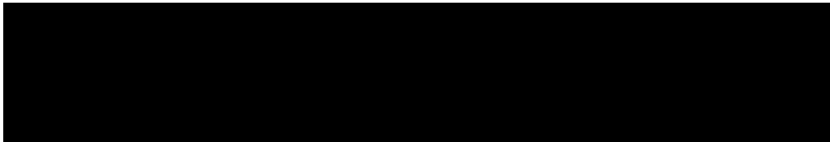
Application Number: 21/00075/APP

Address: Morven View Clochan Buckie Moray AB56 5HX

Proposal: Change of use of garden ground to operators lorry and trailer parking area

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Activity at unsociable hours/behaviour
- Affecting natural environment
- Contrary to Local Plan
- Drainage
- Dust
- Lack of landscaping
- Noise
- Road safety
- Traffic

Comment: I write [REDACTED] to object to the above Change of Use proposals.

The main objection is the proposals causing 'industrialisation by stealth' of an area that is a rural housing group, and the following points are made in support of this objection:

- A dwelling house on a greenfield site at the edge of the existing rural housing group was granted Planning Permission in 2010.
- A 5m high 'domestic shed', with a footprint of 2200sqm and three 3.5m high roller shutter doors, was applied for in 2017. This consent was granted with the specific condition that the 'shed be used solely for domestic purposes'. A Google search of 'domestic sheds' indicates a norm of only 15-30sqm. Whilst it is accepted that the existing shed has been duly scrutinised and given Conditional Planning Approval, it is a concern that the scale of the building (more than 70 times the norm) has industrial capability and is well beyond that required for domestic purposes.
- This shed has its own driveway access from the public road, i.e. is separate from the dwelling; thus making its domestic relationship with the house tenuous.
- Since the shed was consented, the works have resulted in concerns over intolerable non-

domestic activities, such as prolonged rock-crushing, affecting neighbouring amenity and sleep patterns (the shed is only c.30m away from young children's bedrooms).

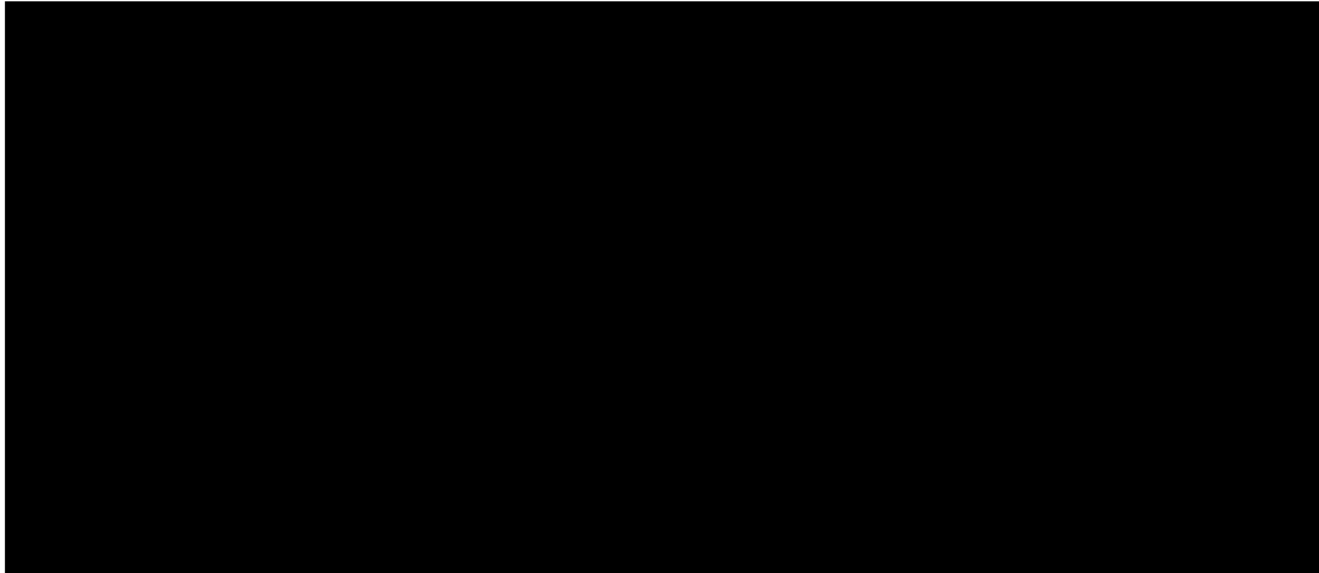
- The site is currently used as a deposit for large spoils of earth and rock, which are not the domestic norm, and have lain there for nearly a year.
- It is reassuring that the agent's statement ensures that 'there is no link between the HGV /trailer parking and turning area', but it is not agreed that the proposal can be genuinely classified as 'residential'.
- It is also reassuring that the number of HGV operations will be limited to 'a single movement out and in daily' and would not involve any operations Sundays, but this has not been the pattern in the past.
- The agent's statement declares that operations will conclude at 7pm but, in recent history, some operations have continued beyond 10pm. The operations are more 'construction' than 'farm' related, which can neither be considered as domestic nor sociable for a rural housing group setting.
- The use of HGVs and other large vehicles can lead to oil and fuel spillages, which can contaminate garden ground.
- HGVs and JCBs have reversing warning lights and audio devices, which are specifically designed to disturb, and are not usual sights and sounds first thing every morning and last thing at night in housing settings.
- It is noted that the proposal cites the turning circle being 'required for emergency vehicles'...which is not a usual requirement for domestic gardens.
- It is hoped that the proposal does not result in the Transportation Unit requiring an increase to the existing entrance turning radii and/or visibility splays for safety reasons, which will negatively affect the domestic character of the rural housing group.
- The existing road is narrow and is potholed with slipped edges, causing Moray Council to protect road users through the use of cones and warning tape.
- It is noted that the Moray Development Plan 2020 'requires proposals to be integrated into the surrounding landscape' (DP1) ; 'must be low impact, integrate sensitively, reflects local character, and be of high design quality' (DP4); 'must not impact negatively on a local community on issues such as noise, shadowing, visual dominance', and 'piecemeal proposals should be avoided' (DP4). As such, the proposals do not conform with a considerable number of Council Planning policies.
- It is also noted that, in relation to EP2, the proposals sterilise a large area of ground without any compensatory habitat creation.
- The proposals do not relate to a Farm Diversification project nor a Mixed Use site and, whilst it is accepted that business and employment should not be discouraged in rural areas of Moray, it is noted that non-conforming uses, such as housing and industry, should be avoided (DP5).

In conclusion, the piecemeal proposals to garden development threaten to create an unacceptable industrialised atmosphere in a rural housing grouping. In doing so, the proposals compromise local amenity, privacy, noise, road safety, biodiversity, ground quality, and, most importantly, the quality of domestic rural life. As a result, the proposals cannot be supported.



Should the proposals, however, be granted consent, it should be conditional of the site (a) not being used for industry; (b) having a compensatory biodiversity scheme to mitigate against the loss of habitat and loss of neighbour amenity, including evergreen screening along the shared boundary; and (c) limiting site operations to between 8am-6pm Mon-Sat.

It is also advocated that the Planning Service and Planning Committee or Ward members pay a site visit in order to fully assess the application.





## **REPORT OF HANDLING**

<b>Ref No:</b>	21/00075/APP	<b>Officer:</b>	Shona Strachan
<b>Proposal Description/ Address</b>	Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie Moray		
<b>Date:</b>	21.04.2021	<b>Typist Initials:</b>	LMC

### **RECOMMENDATION**

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

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Environmental Health Manager	16/02/21	No objection
Contaminated Land	01/02/21	No objection
Transportation Manager	18/02/21	Objection

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
DP1 Development Principles	Y	
DP5 Business and Industry	Y	

### **REPRESENTATIONS**

Representations Received	YES	
Total number of representations received: ONE		
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		
<b>Issue:</b> The main objection is the proposals causing 'industrialisation by stealth' of the rural area, with several comments in relation to the use of a previously consented large domestic shed for purposes which extend beyond the use of the shed for domestic purposes. The contributor believes that the piecemeal development of the garden is creating an industrialised atmosphere in the rural area.		
<b>Comments (PO):</b> The proposed change of use of garden ground to HGV Operating Centre (for one		

HGV and one trailer) in the grounds of this existing modern rural residential property would result in large industrial vehicle(s) being accommodated in the grounds of a domestic property in the countryside, a use which is not ordinarily associated with domestic property or the rural environment. This will form part of the reason for refusal of the proposal.

The use of the existing large domestic shed for purposes other than domestic use is the subject of a separate enforcement enquiry.

**Issue:** The proposal will comprise road condition and could result in increased engineering to the existing site access.

**Comments (PO):** The Council's Transportation Section has provided a detailed objection to the proposal. The objection from Transportation forms part of the Reason for refusal of the application.

**Issue:** Comments that the proposal is generally against the provisions of the local development plan, with reference to some local plan policies.

**Comments (PO):** The comments are noted and the planning assessment has identified the ways in which the proposal is contrary to the provisions of the Local Development Plan.

**Issue:** Comments that the proposal would be detrimental to the rural quality of life due to amenity and environmental considerations.

**Comments (PO):** The inappropriate, incompatible nature of the use at this location is discussed in more detail in the planning assessment.

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### Legislative Framework

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

### Proposal

Planning permission is sought for the change of use of garden ground to operator's lorry and trailer parking area Morven View Clochan Buckie.

This proposal is for the change of use of garden ground of a residential property to a HGV Operating Centre for one HGV and one trailer, to be sited adjacent to but not used in conjunction with an existing large domestic shed. To be operated Monday - Saturday inclusive 7am-7pm with 1 movement out of the site and 1 movement in daily. The only staff member would be the applicant who resides at Morven View. No clients would visit the site. Works have commenced on site therefore the proposal is part retrospective.

This proposal was the subject of enforcement case 20/00354/ENF which arose as a result of the application to the Traffic Commissioner to create a new operating centre at Morven View, Clochan, 1 vehicle and 1 trailer. During the Traffic Commissioner's process, the Planning Enforcement Officer wrote to both the Traffic Commissioner and the applicant to advise of the need for an application seeking permission for a change of use of the land. This application has been submitted to assess the merits of the change of use.

During the course of the application a separate enforcement enquiry has been raised in relation to use of the site and the adjacent domestic shed as a contractor's yard.

### **Site Characteristics**

The site is located within the grounds of a modern rural dwelling. The property is outwith any rural grouping settlement as defined by the MLDP2020. There is an adjacent neighbouring residential property to the south of the sit, with a cluster of rural houses located further to the south. There are agricultural and forestry uses within the surrounding vicinity. The site is accessed via a network of single track rural roads with crests and bends prevalent.

### **Policy Assessment**

#### **Siting Requirements and impact of the development on the surrounding area (DP5 and DP1)**

Policy DP5 part g) is supportive of rural business proposals provided there is a locational need (must be based on more than convenience) for the proposal and subject to satisfactory against all other relevant policy requirements.

Policy DP1 (i) requires development to be of a scale, density and character which is appropriate to the surrounding area contributing to the sense of place.

In this instance, the proposed change of use of garden ground to HGV Operating Centre (for one HGV and one trailer) in the grounds of this existing modern rural residential property would result in large industrial vehicle(s) being accommodated in the grounds of a domestic property in the countryside, a use which is not ordinarily associated with domestic property or the rural environment. This means that the proposed use is considered to be an inappropriate, non-confirming use which is not in keeping with the existing residential use of the site or the character and amenity of the surrounding rural area.

During the course of the application, a locational justification for the proposal was sought, whilst this has not been provided, comments from the updated Operating Statement are relevant and the applicant has sought to explain the need for the proposal on this site on the basis of convenience (land adjacent to home) and cost (the use of land owned by the applicant rather than having to rent land elsewhere). However, it is noted here that convenience or cost do not constitute material planning reasons to justify the use of the site as a HGV Operating Centre, a use which is not ordinarily associated with domestic property or the rural environment. Furthermore it is noted that the site is in relative proximity to Buckie where there is a sufficient supply of suitable designated employment land e.g. business and or industrial sites which are suited to the use proposed and meet the access/serving requirements of the proposal. On this basis, the proposal fails to comply the requisite requirements of Policies DP5 and DP1.

#### **Access Requirements (DP1 ii, part a)**

The Transportation Section have advised:

The site is located approximately 3.5km from the nearest 'A' or 'B' classified roads, and can be accessed via a number of routes, each of which are for the most part single track with limited passing opportunities and each subject to a number of changes in the vertical and horizontal planes (with crests and bends). The various routes also pass through existing road junctions which would be likely to be subject to verge overrunning by the manoeuvres associated with larger vehicle such as Articulated Lorries (and with trailers).

Formal passing opportunities are required on single track roads to enable vehicles to pass each other safely. Passing places should be inter-visible and ideally no greater than 150m apart. This is to ensure that vehicles do not have to undertake a reversing manoeuvre upon meeting another vehicle coming towards them, and to prevent damage to the verge (and utilities within the verge) caused by vehicles trying to pass other, particularly at a bend or where vehicles meet at a crest.

The provision of additional 'formal' passing places, and improvements to the geometry of junctions

generally requires land considered to be outwith the public verge and therefore under private ownership, and in reality the longer the route the more likelihood there is that the associated land (which may be identified as locations for new passing opportunities or junction improvements) would not only be under private ownership, but likely to be under the ownership of different parties.

Transportation considers that this proposal would result in an intensification of use of the single track roads serving the site, resulting in considerable increased risk of vehicles having to reverse out of the HGV's oncoming path, and due to the vehicle size would be likely to result in an increased likelihood of vehicle verge overrunning. This would be likely to lead to conditions detrimental to the road safety of road users which would not be acceptable.

Whilst there may be some scope for the applicant to potentially provide a new passing place or provide limited additional surfacing at a junction, given the length of route between the site and the nearest two lane road(s) it is considered that any agreed carriageway improvement works would not in isolation be sufficient to ensure that the additional risk of a vehicle having to potentially undertake an unsafe reversing manoeuvre could be sufficiently mitigated against. Additionally given the various routes serving the site there would in reality be no way of enforcing a condition which ensured that access was solely via a particular (agreed) route.

On this basis, Transportation conclude: This proposal would result in an intensification of use of the single track roads serving the site, by large articulated vehicle and would be likely to result in approaching vehicle's having to undertake potentially unsafe reversing manoeuvres out of the path of the oncoming Heavy Goods Vehicle, as well as resulting in damage to the carriageway/verge due to vehicle verge overrunning.

Due to the length of the overall route which has limited passing opportunities it is considered that the proposal cannot be adequately mitigated against, and additionally that any agreed route could not be enforceable even with mitigation works provided.

Transportation considers that his proposal if permitted would be likely to result in conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies DP1 'Development Principles' section (ii) 'Transportation', part 'a'.

### **Procedure**

As this development is the subject of an enforcement case, the case will be referred back to the Enforcement Officer following the issue of the Decision Notice.

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

None

### **HISTORY**

Reference No.	Description			
17/01017/APP	Change of use of agricultural land to garden ground and erect domestic storage shed at Morven View Clochan Buckie Moray AB56 5HX			
	Decision	Permitted	Date Of Decision	23/08/17
10/01005/APP	Erect dwellinghouse with integral garage and temporary residential caravan to be removed on completion of dwelling on Site To The North Of Hillpark Clochan Buckie Moray			
	Decision	Permitted	Date Of Decision	02/08/10

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser and Herald	No Premises	22/02/21
PINS	No Premises	22/02/21

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

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

Supporting information submitted with application?	YES	
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Summary of main issues raised in each statement/assessment/report
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Document Name:	Operation Statement (January 2021)
Main Issues:	<ul style="list-style-type: none"> <li>The applicant has made an application for an Operator's Licence. In response to this The Office of the Traffic Commissioner and Stuart Dale (Planning Enforcement Officer) have asked for a Change of Use application to be brought before Moray Council for determination before any Operators Licence can be considered.</li> <li>The proposal involves having designated parking spaces to allow an HGV vehicle and trailer to be parked in front of the storage shed – note the storage shed is not to be used for this purpose.</li> <li>The hours of operation would be 7am-7pm, however in reality the HGV would leave its parking space in the morning and return at the end of the working day – essentially 1 movement out of the site and 1 movement in daily.</li> <li>The movements would be from Monday – Saturday inclusive.</li> <li>1 member of staff, the applicant who resides at Morven View.</li> <li>No clients would visit the site.</li> </ul>

Document Name:	Operation Statement (March 2021)
Main Issues:	<p>Following the Objection from the Council's Transportation Section and public representation received on the proposal the applicant/agent provide further information to the Operating Statement, namely:</p> <ul style="list-style-type: none"> <li>The applicant has made the application for a parking space on his land to allow him to park the HGV vehicle and trailer adjacent to his home. This vehicle and trailer (where necessary) will be used to move his works vehicles (Plant) to and from whatever construction site they are working on, rather than the current situation whereby the applicant has to hire vehicles to move his plant.</li> <li>The applicant stresses that the application is for parking spaces on hardstanding land and while he admits an error on his part at describing the area of ground as a yard when posting pictures to Social Media (3 occasions) he confirms his use of the term 'yard' was meant as the hardstanding area and not any complainants thoughts it might be a yard for storage of goods and/or materials.</li> </ul>

- The applicants reasoning for the application is to allow the parking of the vehicle and trailer and the land he owns rather than having to buy/rent ground and put financial pressure on a business that he is currently trying to save money for long term but investing in this vehicle to remove the need to hire transportation for his Plant machinery.
- Finally the applicant would state that there would be no more vehicle movements from the site with or without the HGV on site as he would have to travel to wherever the HGV had to be stored/parked.

#### **S.75 AGREEMENT**

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

#### **DIRECTION(S) MADE BY SCOTTISH MINISTERS** (under DMR2008 Regs)

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



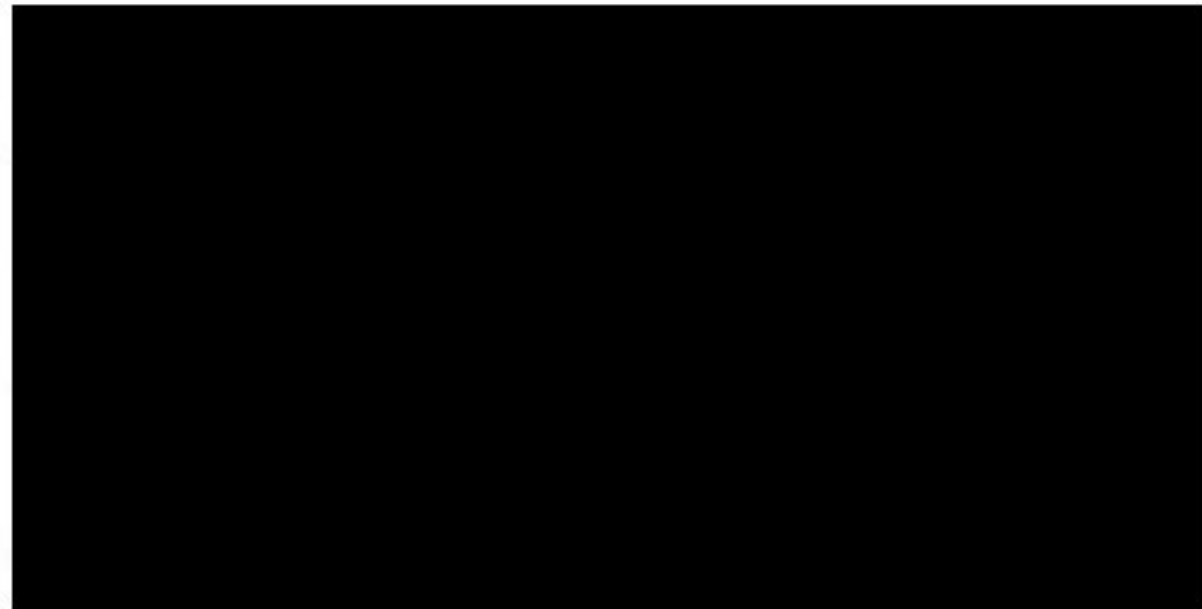


**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Fochabers Lhanbryde]  
Application for Planning Permission**

TO

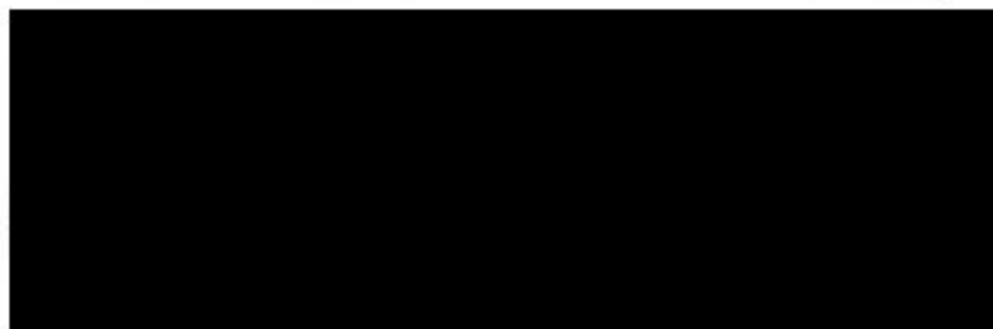


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Change of use of garden ground to operators lorry and trailer parking area  
Morven View Clochan Buckie Moray**

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

Date of Notice: **22 April 2021**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

Economy, Environment and Finance  
Moray Council  
Council Office  
High Street  
ELGIN  
Moray  
IV30 1BX

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

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

The proposal is against the provisions of the Moray Local Development Plan 2020 because:

- i) The proposed change of use of garden ground to HGV Operating Centre (for one HGV and one trailer) in the grounds of this existing modern rural residential property would result in large industrial vehicle(s) being accommodated in the grounds of a domestic property in the countryside, a use which is not ordinarily associated with domestic property or the rural environment. This means that the proposed use is considered to be an inappropriate, non-confirming use which is not in keeping with the existing residential use of the site or the character and amenity of the surrounding rural area. On this basis, the proposal fails to comply the requisite requirements of Policies DP5 and DP1.
- ii) This proposal would result in an intensification of use of the single track roads serving the site, by large articulated vehicle and would be likely to result in approaching vehicle's having to undertake potentially unsafe reversing manoeuvres out of the path of the oncoming Heavy Goods Vehicle, as well as resulting in damage to the carriageway/verge due to vehicle verge overrunning. Due to the length of the overall route which has limited passing opportunities it is considered that the proposal cannot be adequately mitigated against, and additionally that any agreed route could not be enforceable even with mitigation works provided. Transportation considers that his proposal if permitted would be likely to result in conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies DP1 'Development Principles' section (ii) 'Transportation', part 'a'.

On this basis the proposal is contrary to provisions DP5, DP1 (i) and DP1 (ii) part a) of the MLDP 2020 and the application is therefore refused.

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

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

Reference	Version	Title
21594/01		Site and location plan
		Location 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](http://www.eplanning.scotland.gov.uk)

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





## **APPENDIX 2**

# **NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS**





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

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

Thank you for completing this application form:

ONLINE REFERENCE 100353827-004

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

## Applicant or Agent Details

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

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	George Hadden Architectural Agent		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	George	Building Name:	Fremont
Last Name: *	Hadden	Building Number:	
Telephone Number: *	01467 629919	Address 1 (Street): *	Little Newton
Extension Number:		Address 2:	Old Rayne
Mobile Number:	07920097510	Town/City: *	Insch
Fax Number:		Country: *	Scotland
		Postcode: *	AB52 6SE
Email Address: *	george.hadden@btconnect.com		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Morven View"/>
First Name: *	<input type="text" value="Mark"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Stevenson"/>	Address 1 (Street): * <input type="text" value="Clochan"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Buckie"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Moray"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="Ab56 5HX"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

## Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="MORVEN VIEW"/>
Address 2:	<input type="text" value="CLOCHAN"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BUCKIE"/>
Post Code:	<input type="text" value="AB56 5HX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="860200"/>	Easting	<input type="text" value="342227"/>
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## Description of Proposal

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

Change of Use of Garden Ground to Form Operators Lorry and Trailer Parking Space

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

The matters we think should be taken into account is the refusal based on not being appropriate in a domestic setting (reason: the proposal would appear in proportion to the previously passed garage) and the single track road having intensified road use by a large vehicle (reason: vehicles already using the road with the widening and passing places currently on the route)

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

☐ Yes ☒ No

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

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

All documents already uploaded with original application

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/00075/APP

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

21/01/2021

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

22/04/2021

## Review Procedure

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

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

## Checklist – Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

## **Declare – Notice of Review**

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

Declaration Name: Mr George Hadden

Declaration Date: 08/07/2021



Job Ref :- 21594

Date :- 12th March 2021

ECONOMY, ENVIRONMENT AND FINANCE  
Moray Council  
PO Box 6760  
Elgin, Moray IV30 1BX

F.A.O – Shona Strachan - Planner

Dear Sirs,

**PROPOSED CHANGE OF USE TO FORM OPERATORS PARKING AT  
MORVEN VIEW, CLOCHEN. AB56 5HX  
FOR Mr. M. STEVENSON.  
PLANNING REF No. 21/00075/APP**

With regard to the above in support of the application we would submit:

- The applicant has made an application for an Operator's Licence. In response to this The Office of the Traffic Commissioner and Stuart Dale (Planning Enforcement Officer) have asked for a Change of Use application to be brought before Moray Council for determination before any Operators Licence can be considered.
- The proposal involves having designated parking spaces to allow an HGV vehicle and trailer to be parked in front of the storage shed – note the storage shed is not to be used for this purpose. Further we would note the HGV lorry in question is the same wheel base as the Local Authority Bin Lorry which regularly uses the road.
- The hours of operation would be 7am-7pm, however in reality the HGV would leave it's parking space in the morning and return at the end of the working day – essentially 1 movement out of the site and 1 movement in daily
- The movements would be from Monday – Saturday inclusive
- 1 member of staff, the applicant who resides at Morven View
- No clients would visit the site.
- The current road allows access for delivery lorries, tractors and other farm vehicles travelling to and from the surrounding agricultural premises – we would make note that there is 7/8 HGV movements from Buddnich Farm daily.
- The applicant has made the application for a parking space on his land to allow him to park the HGV vehicle and trailer adjacent to his home. This vehicle and trailer (where necessary) will be used to move his works vehicles (Plant) to and from whatever construction site they are working on, rather than the current situation whereby the applicant has to hire vehicles to move his plant
- The applicant stresses that the application is for parking spaces on hardstanding land and while he admits an error on his part at describing the area of ground as a yard when posting pictures to Social Media (3 occasions) he confirms his use of the term 'yard' was meant as the hardstanding area and

not any complainants thoughts it might be a yard for storage of goods and/or materials

- The applicants reasoning for the application is to allow the parking of the vehicle and trailer and the land he owns rather than having to buy/rent ground and put financial pressure on a business that he is currently trying to save money for long term but investing in this vehicle to remove the need to hire transportation for his Plant machinery.
- Finally the applicant would state that there would be no more vehicle movements from the site with or without the HGV on site as he would have to travel to wherever the HGV had to be stored/parked.

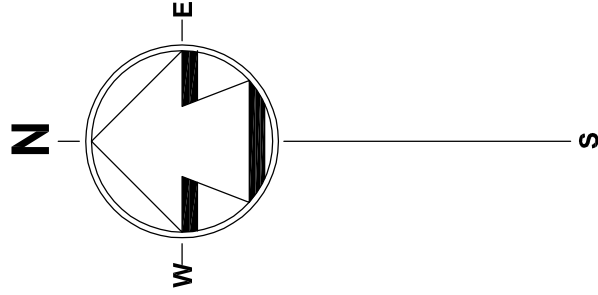
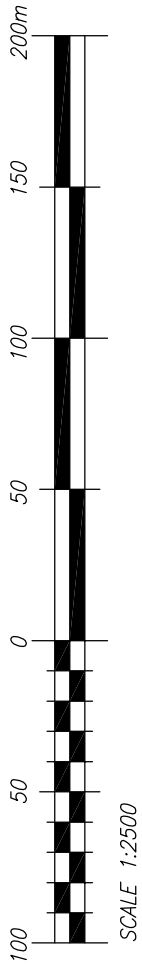
Should you have any queries regarding the operations statement do not hesitate to call me at this office.

Yours sincerely

**George Hadden** MCIAT  
**Architectural Agent**



ROAD LEADING TO  
A98 CULLEN /  
FOCHABERS ROAD



**LOCATION PLAN** SCALE 1 : 2500  
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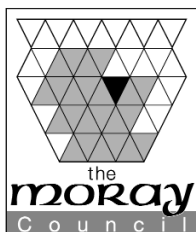




## **APPENDIX 3**

# **FURTHER REPRESENTATIONS FROM INTERESTED PARTIES**





## **ENVIRONMENTAL SERVICES**

**Diane Anderson**

**Senior Engineer**

PO Box 6760  
Elgin, Moray IV30 9BX

Telephone: 01343 563782

Fax: 01343 563990

email: [diane.anderson@moray.gov.uk](mailto:diane.anderson@moray.gov.uk)

Website: [www.moray.gov.uk](http://www.moray.gov.uk)

Our reference: LR/LRB262

Your reference: LR262

Chief Legal Officer  
Per Ms L Rowan  
Committee Services  
The Moray Council  
High Street  
ELGIN  
IV30 1BX

21 July 2021

Dear Madam

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL  
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**REQUEST FOR REVIEW: PLANNING APPLICATION 20/00075/APP CHANGE OF USE OF GARDEN  
GROUND TO OPERATORS LORRY AND TRAILER PARKING AREA MORVEN VIEW CLOCHAN BUCKIE**

I refer to your letter dated 14<sup>th</sup> July 2021.

I respond on behalf of the Transportation Manager with respect to our observations on the applicant's grounds for seeking a review of the planning authority's decision to refuse the above planning application.

Transportation has reviewed the appellant's grounds for review and the associated documents, and submits the attached representation with associated documents in response.

Yours faithfully

**Diane Anderson**  
**Senior Engineer**

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## Local Review

LRB Ref 262

**Planning Application Reference 21/00075/APP Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie**

### **Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted by Mr Mark Stevenson and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 20/00075/APP for a change of use of garden ground to lorry and trailer parking area associated with an Operators Licence at Morven View Clochan Buckie .
3. Transportation received the consultation for planning application 20/00075/APP on 26<sup>th</sup> January 2021. A copy of Transportations consultation response dated 18<sup>th</sup> February 2021 is attached (TMC 01).
4. Site photos are attached (TMC 02)
5. The location of the site in relation to the primary road network is shown on the attached map (TMC 03)
6. The applicant has stated that their reasoning for the application *“is to allow the parking of the vehicle and trailer and the land he owns rather than having to buy/rent ground and put financial pressure on a business that he is currently trying to save money for long term but investing in this vehicle to remove the need to hire transportation for his Plant machinery.”*
7. The applicants home is located approximately 3.5km from the nearest ‘A’ or ‘B’ (two lane) classified roads, and can only be accessed via a number of ‘minor’ roads, each of which are extensively single track with limited passing opportunities.
8. In common with many rural roads within Moray these ‘minor’ roads are subject to a number vertical and horizontal alignment changes (bends and crests) and also pass through existing road junctions which, due to the narrow width of the roads themselves, can be of limited manoeuvring/turning space.
9. Again the rural nature of the site location means that it is commonplace for larger farm related vehicles to be using the nearby roads. However, legitimate agricultural activity when operating within the bounds of an agricultural holding is considered to be ‘permitted development’ and as such does not require planning permission. This proposal however is for a change of use which does trigger the requirement for planning permission.
10. It is also accepted that refuse/ waste collection services are undertaken within these ‘minor’ roads; However Councils have a statutory duty to make arrangements to provide a waste collection service to properties throughout the Public Road network.

---

## **Local Review**

**LRB Ref 262**

### **Planning Application Reference 21/00075/APP Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie**

11. Whilst it is accepted that this proposal may have only a minimal number of daily trips associated (as described); a limit on the number of trips could not in fact be enforceable, and therefore no such restrictions could be applied as conditions to any associated Planning permission.
12. Similarly the route/ direction of travel could not in fact be enforceable and again no such restrictions could be applied as conditions to any associated Planning permission.
13. Formal passing opportunities are required on single track 'minor' roads to enable vehicles to pass each other safely. Passing places should be inter-visible and ideally no greater than 150m apart. This is to ensure that vehicles do not have to undertake a reversing manoeuvre upon meeting another vehicle coming towards them, and to prevent damage to the verge (and utilities within the verge) caused by vehicles trying to pass other, particularly at a bend or where vehicles meet at a crest.
14. Larger vehicles (particularly with a trailer attached) should be able to safely turn in one continuous manoeuvre at junctions without having to reverse, and without any part of the vehicle or trailer 'overrunning' and potentially damaging the verge.
15. It is considered that the mitigation works which would be required by the applicant within the 'minor' roads serving the site (such as the provision of additional passing opportunities or improvements to junctions) would not be a feasible option, primarily due to the associated costs but also due to land ownership constraints.
16. Additionally no mechanism could be reasonably put in place to attribute responsibility for any damage to the carriageway or verge to a particular vehicle or party, and therefore the cost of any repairs associated with vehicle overrunning at junctions or by vehicles trying to pass each other is a cost that would be borne by the Council.
17. Transportation considers that this proposal would result in an intensification of use of the single track roads serving the site, resulting in an increased risk of vehicles having to reverse out of the HGV's oncoming path, and due to the vehicle size would be likely to result in an increased likelihood of vehicle verge overrunning, and would give rise to conditions which would be to the detriment of road user safety.
18. Due to the length of the overall route with limited passing opportunities it is considered that the proposal cannot be adequately mitigated against (via road improvements), or be subject to any enforceable conditions which would restrict the movements of the vehicle to any particular route or limit the number of trips even if mitigation works could be provided.

---

## Local Review

LRB Ref 262

**Planning Application Reference 21/00075/APP Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie**

19. On this basis Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that policy DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit) is not satisfied.

Transportation

21 July 2021

## Documents

TMC01 Transportation Consultation Response dated 18<sup>th</sup> February 2021

TMC02 Site photographs

TMC03 Location Map

# Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	9th February 2021
<b>Planning Authority Reference</b>	21/00075/APP
<b>Nature of Proposal (Description)</b>	Change of use of garden ground to operators lorry and trailer parking area
<b>Site</b>	Morven View Clochan Buckie Moray AB56 5HX
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133059059
<b>Proposal Location Easting</b>	342227
<b>Proposal Location Northing</b>	860200
<b>Area of application site (M<sup>2</sup>)</b>	707
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QN9VJDBGFS700">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QN9VJDBGFS700</a>
<b>Previous Application</b>	17/01017/APP 10/01005/APP
<b>Date of Consultation</b>	26th January 2021
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mr Mark Stevenson
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	Morven View Clochan Buckie Moray AB56 5HX
<b>Agent Name</b>	George Hadden Architectural Agent
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	Fremont Little Newton Old Rayne Insch AB52 6SE
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Shona Strachan
<b>Case Officer Phone number</b>	01343 563303
<b>Case Officer email address</b>	shona.strachan@moray.gov.uk

<b>PA Response To</b>	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](http://www.moray.gov.uk/moray_standard/page_121513.html)

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

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

Please respond using the attached form:-



## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No: 21/00075/APP**

**Change of use of garden ground to operators lorry and trailer parking area Morven View Clochan Buckie Moray for Mr Mark Stevenson**

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

**Please**

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

*This proposal is for the change of use of garden ground of a residential property to site a Heavy Goods Vehicle (HGV) and trailer associated with an Operator's licence application.*

*The site is located approximately 3.5km from the nearest 'A' or 'B' classified roads, and can be accessed via a number of routes, each of which are for the most part single track with limited passing opportunities and each subject to a number of changes in the vertical and horizontal planes (with crests and bends). The various routes also pass through existing road junctions which would be likely to be subject to verge overrunning by the manoeuvres associated with larger vehicle such as Articulated Lorries (and with trailers).*

*Formal passing opportunities are required on single track roads to enable vehicles to pass each other safely. Passing places should be inter-visible and ideally no greater than 150m apart. This is to ensure that vehicles do not have to undertake a reversing manoeuvre upon meeting another vehicle coming towards them, and to prevent damage to the verge (and utilities within the verge) caused by vehicles trying to pass other, particularly at a bend or where vehicles meet at a crest.*

*The provision of additional 'formal' passing places, and improvements to the geometry of junctions generally requires land considered to be outwith the public verge and therefore under private ownership, and in reality the longer the route the more likelihood there is that the associated land (which may be identified as locations for new passing opportunities or junction improvements) would not only be under private ownership, but likely to be under the ownership of different parties.*

*Transportation considers that this proposal would result in an intensification of use of the single track roads serving the site, resulting in considerable increased risk of vehicles*

*having to reverse out of the HGV's oncoming path, and due to the vehicle size would be likely to result in an increased likelihood of vehicle verge overrunning. This would be likely to lead to conditions detrimental to the road safety of road users which would not be acceptable.*

*Whilst there may be some scope for the applicant to potentially provide a new passing place or provide limited additional surfacing at a junction, given the length of route between the site and the nearest two lane road(s) it is considered that any agreed carriageway improvement works would not in isolation be sufficient to ensure that the additional risk of a vehicle having to potentially undertake an unsafe reversing manoeuvre could be sufficiently mitigated against. Additionally given the various routes serving the site there would in reality be no way of enforcing a condition which ensured that access was solely via a particular (agreed) route.*

### **Reason(s) for objection**

This proposal would result in an intensification of use of the single track roads serving the site, by large articulated vehicle and would be likely to result in approaching vehicle's having to undertake potentially unsafe reversing manoeuvres out of the path of the oncoming Heavy Goods Vehicle, as well as resulting in damage to the carriageway/verge due to vehicle verge overrunning.

Due to the length of the overall route which has limited passing opportunities it is considered that the proposal cannot be adequately mitigated against, and additionally that any agreed route could not be enforceable even with mitigation works provided.

Transportation considers that his proposal if permitted would be likely to result in conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policies DP1 'Development Principles' section (ii)- 'Transportation', part 'a'.

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

**Date: 18 February 2021**

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

**Notice of Review: Planning Application 21/00075/APP**  
**– Change of use of garden ground to form operators lorry and trailer parking space**  
**at Morven View, Clochan, Buckie**

I write on behalf [REDACTED], [REDACTED] to sustain an objection to the above Change of Use proposals (ref original objection). Whilst supportive of the applicant's business aims, there is no clear locational need for a contractor's yard in this predominantly domestic setting, and the objection is sustained on the following grounds:

APPLICANT'S STATEMENT	OBJECTION COMMENT	REFERENCE
<i>"The matters we think should be taken into account is the refusal based on not being appropriate in a domestic setting (reason: the proposal would appear in proportion to the previously passed garage)"</i>	The 'previously passed garage' was approved for domestic use only. This new application is more relevant for commercial use. The land was originally agricultural land, which had to be approved to be changed to garden ground for the build of the domestic shed. Proposal still fails to comply with DP5 and DP1 policies	Notice of review appeal form.  Refusal of planning permission decision notice.
<i>"The single track road having intensified road use by a large vehicle (reason: vehicles already using the road with the widening and passing places currently on the route). "</i>	The large vehicles that come up the road are either essential to all the houses (bin lorry) or seasonal (lorries going to the local farm)	Notice of review appeal form
<i>Road conditions acceptable</i>	Road conditions are not getting better, they are getting worse. There is a landslip at a passing place at a corner and pot holes.	
<i>"There is 7/8 HGV movements from Buddnich Farm daily"</i>	This statement is incorrect; when there is HGV movements this is only seasonal and 7/8 lorries is over estimated.	Supporting document LRB - Operations statement
<i>"The HGV would leave its parking space in the morning and return at the end of the working day - essentially 1 movement out of the site and 1 movement in daily."</i>	Since the shed has been built, there are multiple movements of diggers in and out of the property on a daily basis.	Supporting document LRB - Operations statement
<i>"1 member of staff, the applicant who resides at Morven View"</i>	The applicant's father is on site operating machinery daily.	Supporting document LRB - Operations statement

It is noted that the applicant and his agent has sought an appeal via the Moray Local Review Body (MLRB) and that the reasons for appeal are largely based on the belief that 'two wrongs make a right', i.e. that (a) the proposals relate to the large scale of the shed and (b) heavy vehicles already use the existing road (Ref Applicant's Notice of Review Appeal Form).

It is also noted, from the Planning Application Decision Notice and Report of Handling, that the proposals do not accord with the Council's Planning and/or Transportation Policies, with additional concerns regarding the minor road network. It is further noted that the site is subject of an Enforcement investigation.

The proposals put before the MLRB, along with applicant's reasons provided above, reveal the intent of industrialisation by stealth. In effect through his own argument, the applicant is admitting that the 'proportion of the previously passed garage' is not domestic in scale and more in keeping with a contractor's yard. This reality has been further evidenced recently with two diggers and other plant and machinery being used daily and stored on site, plus the amount of construction rubble stored on site has also increased, which gets crushed on site into hardcore (ref Applicant's Facebook page).

In conclusion, it is reiterated to the MLRB that the proposals are inappropriate and incompatible within a rural housing group. The points made on the Refusal Decision Notice remain entirely valid.

Sent by Dr Nick Brown

*BSc(Hons), Dip Arch, Pg Dip, PhD, RIAS, RIBA, RTPI, IHBC, FSAScot, MInstLM*

*Chartered Town Planner and RIAS Accredited in Conservation and RIAS Accredited in Sustainable Design*

**NB Planning and Architecture**, 33 Ellieside, Lintmill, Cullen, Banffshire, AB56 4XQ

01542 842847 M 07900 352 879

Email [nbplanning@aol.com](mailto:nbplanning@aol.com)

Website [www.nb-planning-and-architecture.co.uk](http://www.nb-planning-and-architecture.co.uk)

Facebook and Twitter

RIAS Practice No 3263 and RIAS Policy on GDPR









Stevenson Contractor LTD

Send Message

Like

Edits

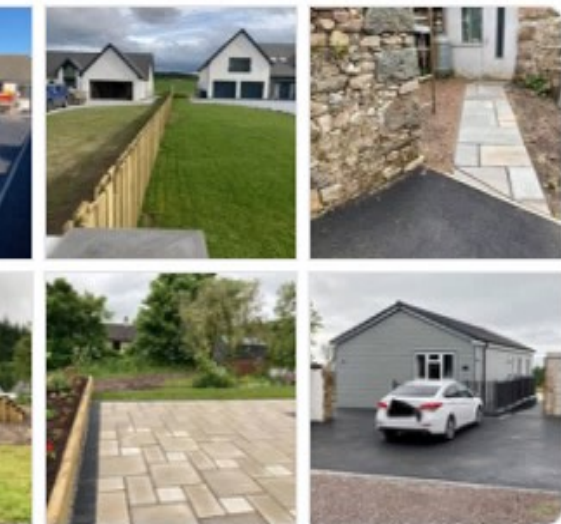
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Mark Stevenson Contractor LTD

March 1 · 🌐

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## **APPENDIX 4**

# **APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS**



Dear Sirs,

**Planning Application 21/00075/APP**  
**– Change of use of garden ground to form operators lorry and trailer parking space**  
**at Morven View,**  
**Clochan,**  
**Buckie**

In reference to the above planning application and appeal to the Moray Local Review Body (MLRB), I was delighted to read the objectors are supportive of my business aims however we were concerned about a number of assertions (in blue below) within their representation, namely:

- *that this is a contractors yard* – it is most certainly not a Contractors Yard - this is our family home and our application is for a parking space within the previously passed hardcore parking area to the front of the storage shed (permission - 17/01017/APP)
- *Since the shed has been built, there are multiple movements of diggers in and out of the property on a daily basis.* – the shed is not completed yet and is under construction hence the movements around the site
- *The applicant's father is on site operating machinery daily* – My father is on site regularly, certainly not daily, he is semi retired and for want of a better expression 'potters around' helping with the construction of the storage shed and associated drive
- *two diggers and other plant and machinery being used daily and stored on site* – within the original (17/01017/APP) permission it can be read under the Handing Report the following was confirmed by myself as to what would be stored within the storage shed .....*"to accommodate some work vehicles used by the owner at sites other than Morven View (other than on site approved landscaping), including 2 JCB vehicles and attachments, 1 Jeep, 1 Van, 1 trailer, a caravan and other domestic storage"*..... the diggers are entitled to be on site to both construct the shed and in the future be stored inside the shed.

Photographs have also been attached to the objection, one through the hedge onto my land and also a screen grab from a social media site – while I couldn't possibly comment on the motives of these two photos the inference again appears to be rubble from sites are being taken from sites and 'dumped' at my property. I can confirm this rubble is coming to my site to be crushed and used in the new access drive and parking area all as passed under the original (17/01017/APP) permission and certainly not being dumped in a contractor's yard as the objector seems to be alluding to.

As the above shows there appears to be difficulty separating what we already have permission for, what we are currently doing on site (construction of shed and associated drive/parking area) and what the new application seeks.

Regarding the Roads Departments comments, my only reply would be the granting or refusal of permission would make no difference to the future movements on the road. The permitted JCB's stored at the shed can be hauled by hired transport - it is just a question of whether I have to hire a haulage vehicle or use one I own.

In summary and to provide clarity to both the objector and the MLRB we would state:

I currently have permission to store 2 JCB vehicles and attachments relating to my work at my storage shed (when complete). These will be transported to and from sites as necessary, as costs to hire HGV transport rise due to a lorry/driver shortage I am now looking at gaining an Operators Licence to allow me to transport these JCB's rather than hiring a haulage vehicle. To gain an operator's licence I require a parking space within my land to park an HGV vehicle to transport the JCB vehicles to sites.

As you will read whether the permission is granted or not, the transporting can take place it is just a question of whether I am driving the HGV or hiring it.

I trust this clarifies my position however do not hesitate to call / email my agent with any further queries.

Regards,

Mark Stevenson  
Morven View,  
Clochan,  
Buckie