



MORAY LOCAL REVIEW BODY

26 AUGUST 2021

SUMMARY OF INFORMATION FOR CASE No LR260

Planning Application 21/00272/APP – Change of use and alterations to boat-shed to provide a hut for occasional overnight stays at site adjacent to 212A Findhorn, Moray

Ward 8 – Forres

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 14 May 2021 on the grounds that:

The proposal is contrary to the requirements of policies DP1 (I)(a & e), and DP8 & EP3 of the Moray Local Development Plan 2020 because:

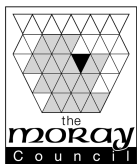
- The site at 84m² is not of a scale that reflects the existing pattern of residential development in the immediate vicinity and is therefore unsuitable for residential development of any kind;
- The relationship between the shed and the neighbouring house is such that use of the site even for non-permanent residential use would adversely impact on the amenity of neighbouring properties;
- There would be an adverse impact on the privacy of neighbouring properties as a result of overlooking from the proposed opening on the western elevation which is in close proximity to the site boundary and
- The proposal fails to reflect the traditional settlement pattern of the immediate vicinity and therefore would erode the traditional settlement character of the Culbin to Burghead Coast Special Landscape Character.

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

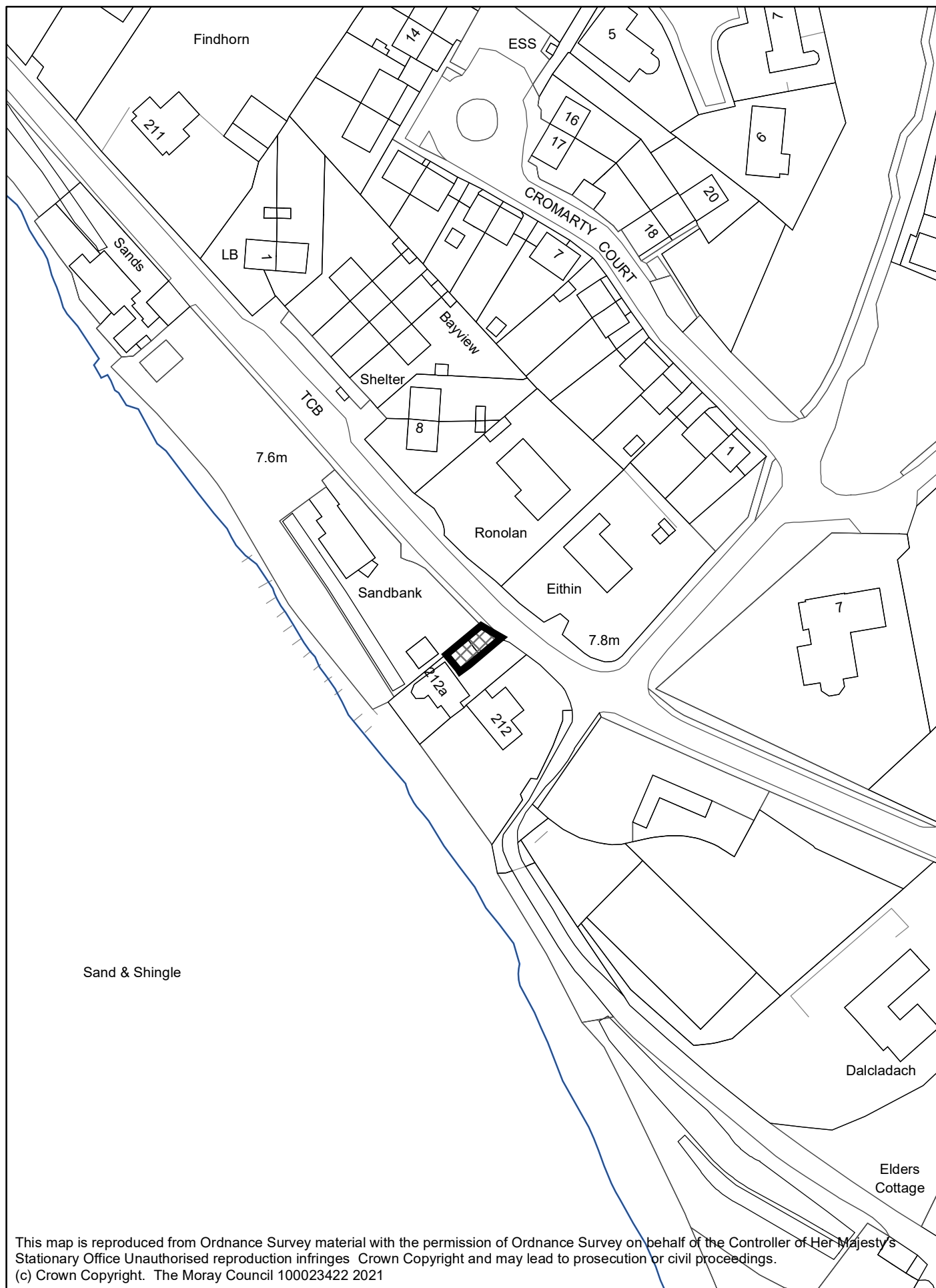
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

A Further Representation received in response to the Notice of Review is attached as **Appendix 3**.

The Applicant's response to this Further Representation is attached as **Appendix 4**



Location plan for Planning Application Reference Number : 21/00272/APP





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

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 100368805-001

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)

As described in attached Planning Statement. Change of use and physical alterations to boatshed to provide within same footprint, boatshed and Hut for occasional overnight stays

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

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="9 Ormelie Terrace"/>
First Name: *	<input type="text" value="Donald"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Canavan"/>	Address 1 (Street): * <input type="text" value="9 Ormelie Terrace"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="Joppa"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: * <input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Lothian"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH15 2EX"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="863810"/>	Easting	<input type="text" value="304440"/>
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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)

Previous application withdrawn before processing on advice from Planning Officer. Agreement reached that revised application referring to a Hut not a dwelling be resubmitted under previous fee. Physical alterations also modified as advised.

Title:

Ms

Other title:

First Name:

Beverly

Last Name:

Smith

Correspondence Reference Number:

Telephone conversation & ..

Date (dd/mm/yyyy):

23/02/2021

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:

84.10

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)

Boatshed for storage and maintenance of boats, with occasional ad-hoc overnight stays.

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?	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">1</div>
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">1</div>
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).	

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * ☒ Yes ☐ No

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

☒ Yes – connecting to public drainage network

☐ No – proposing to make private drainage arrangements

☐ Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * ☒ Yes ☐ No
(e.g. SUDS arrangements) *

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)

Occasional waste disposal from boat maintenance or occasional overnight stay will be removed upon departure as currently.

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

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Not in a Use Class

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

29

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Proposal comprises the repurposing of a Boatshed into a Boatshed and 'Hut' as defined in the SPP - an ad hoc space to be used intermittently for recreational accomodation.

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: Mr Donald Canavan

On behalf of:

Date: 27/02/2021

☒ 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)

Supporting Planning Statement

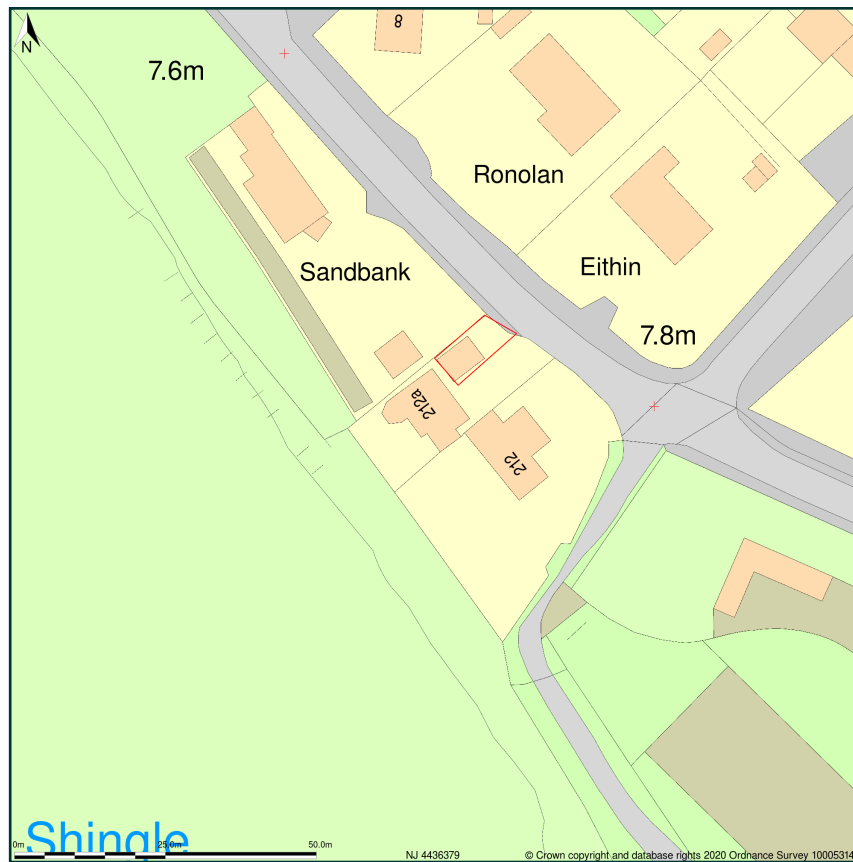
Declare – For Application to Planning Authority

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

Declaration Name: Mr Donald Canavan

Declaration Date: 27/02/2021

Site adj to 212a, B9011 From Findhorn Road In Kinloss To Findhorn, Findhorn, Moray, IV36 3YY



Site Plan shows area bounded by: 304366.66, 863722.99 304508.08, 863864.41 (at a scale of 1:1250), OSGridRef: NJ 4436379. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Specification of Finishes

- Walls: 22mm thick x 125mm batten on board' Scottish Larch timber cladding painted blue breathable coating.
- Specific shade to be agreed with planning officer.
- Windows European redwood tilt & turn by NorDan. Colour white
- Roof Profiled metal sheeting: steel traditional sinusoidal profile
- Colourcoat HPS200 Ultra. Colour Dark Grey,
- Rainwater goods galvanised steel unfinished.
- Exterior finishing joinery in Larch (sprockets in treated redwood), all painted white.
- Doors Joiner built redwood sliding workshop door, painted blue as cladding

Design Intent

- The building has been a timber workshop/ outbuilding since its original construction in 1959. It was reconstructed around 1992 in the same shape and footprint.
- The proposal retains the same footprint and retains the walls structure.
- The eaves is raised by around 850mm and the roof pitch increased from 25 degrees to 32.5 degrees
- This creates space for an upper storage deck
- The building will be overclad externally with larch boarding and roof cladding on existing profile
- The walls and new roof trusses are clad in plywood internally
- The windows are replaced and a WC and wood burning stove are inserted
- Existing clear roof sheeting is replaced by 4 velux rooflights



Neighbouring Proprietors

To North: Sandbank: Professor Sir James Dunbar Naasmith

To East: B9011 Main road from Kinloss to Findhorn, and

Eithin: Capt. David Scott.

To West and South: Raphael Cottage 212A Findhorn:

Mr Frank van Beuren

Location Plan (Building footprint is unchanged)

Raphael Cottage
212A/B Findhorn
2 Dwellings

Outbuilding
to Sandbank

Site boundary
marked in red

North

Site boundary
marked in red

mature silver birch

2 No RWPs run
to backway

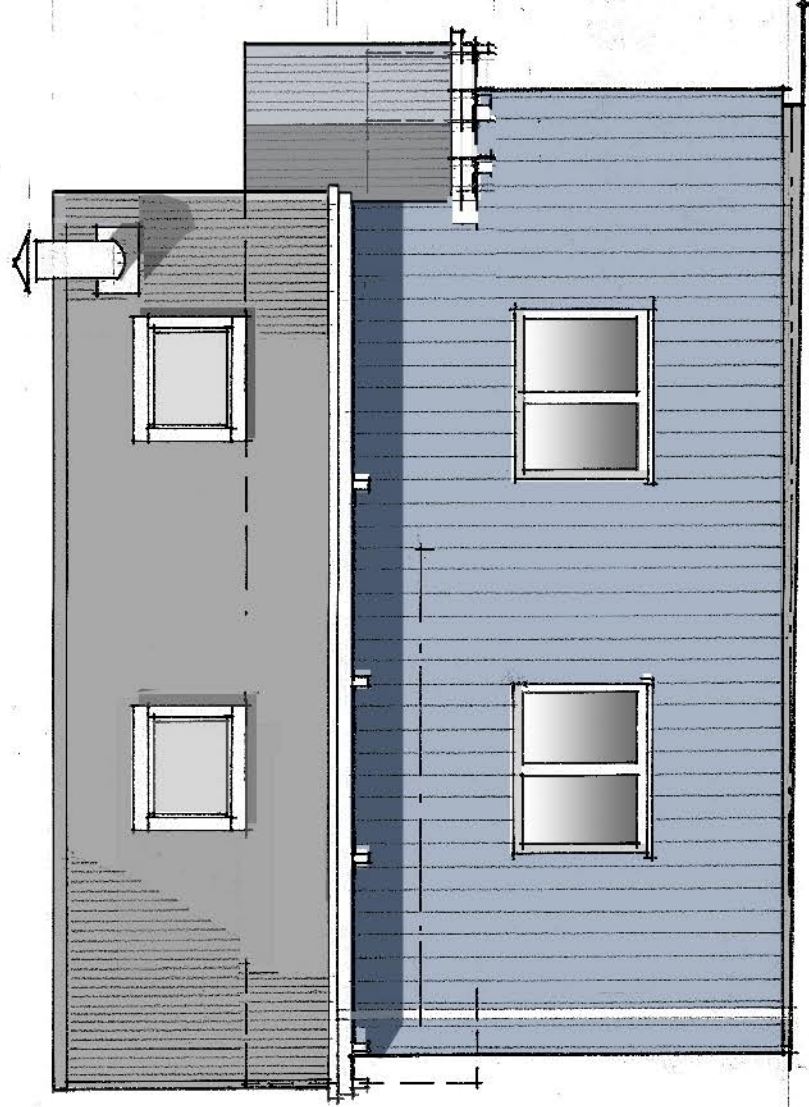
Driveway

B9011

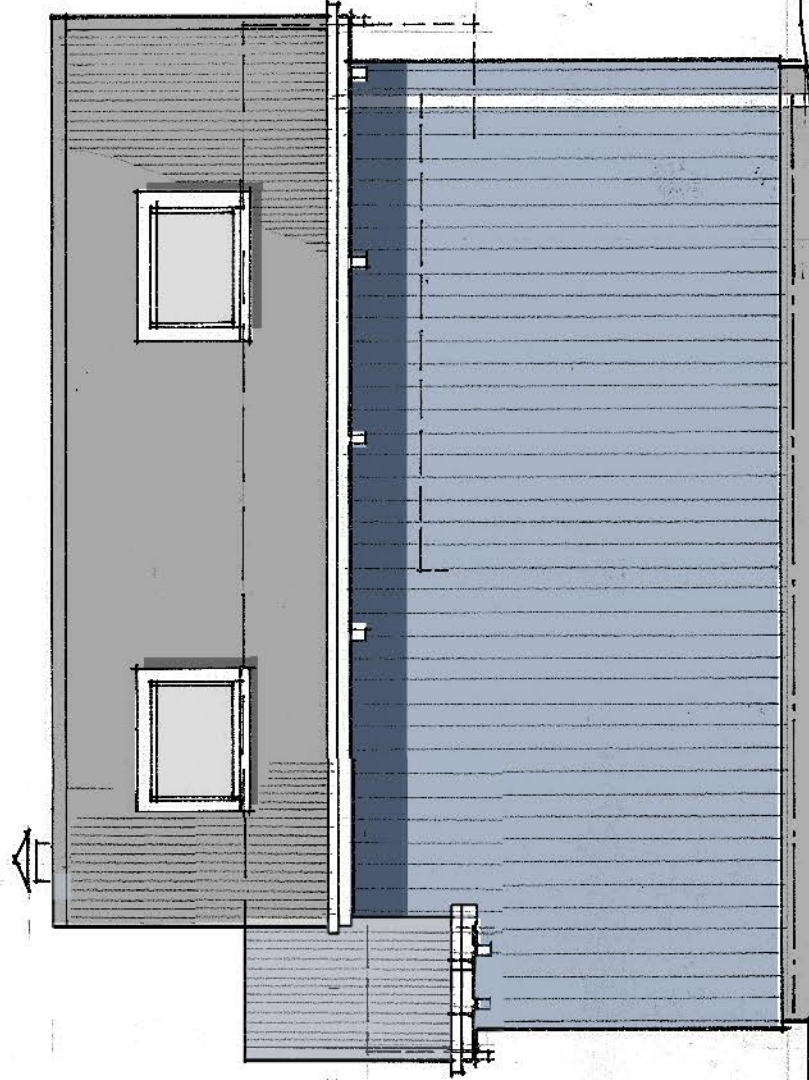
Findhorn

Kinloss

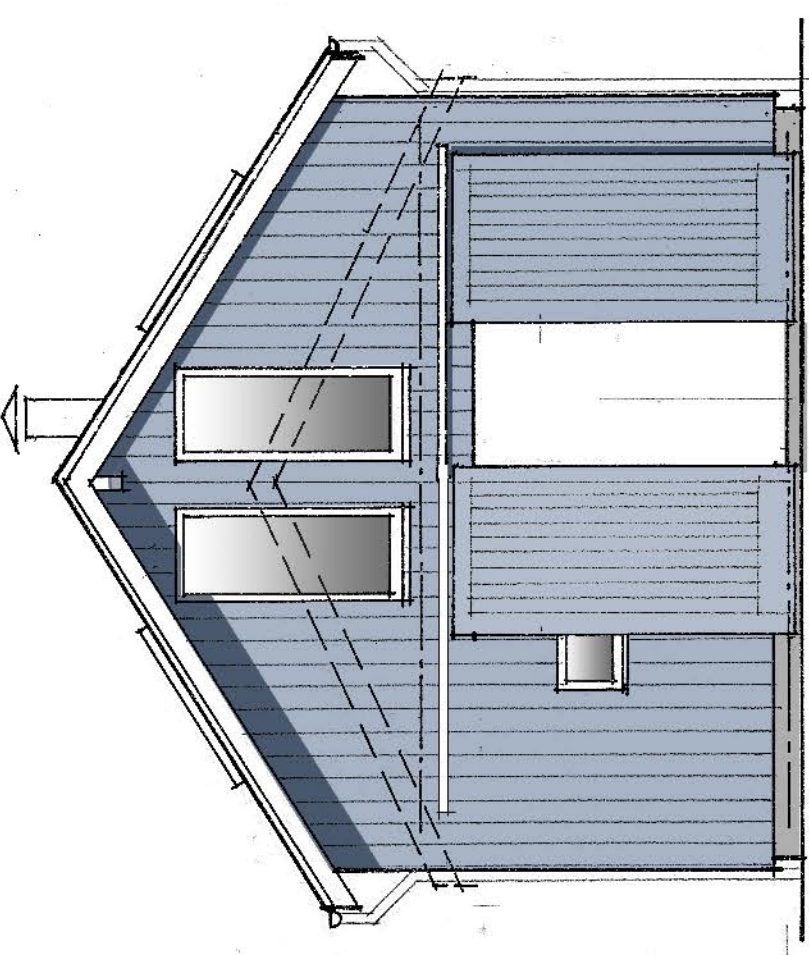
Site Plan 1:100



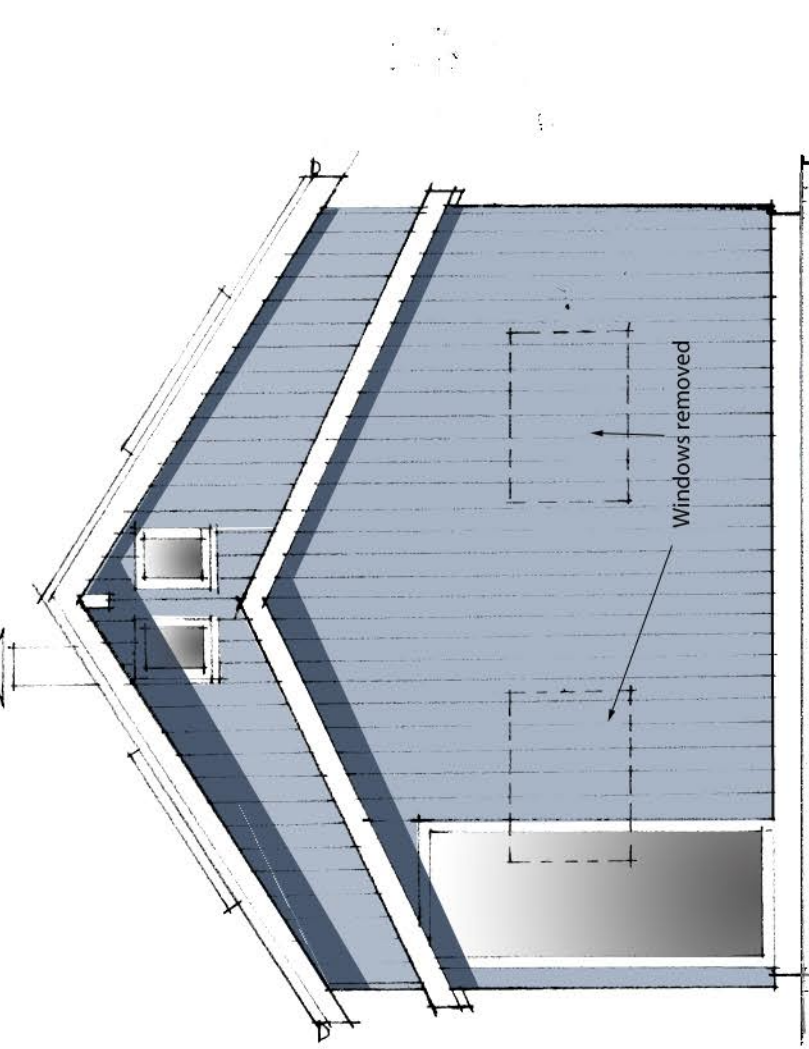
North Elevation 1:50



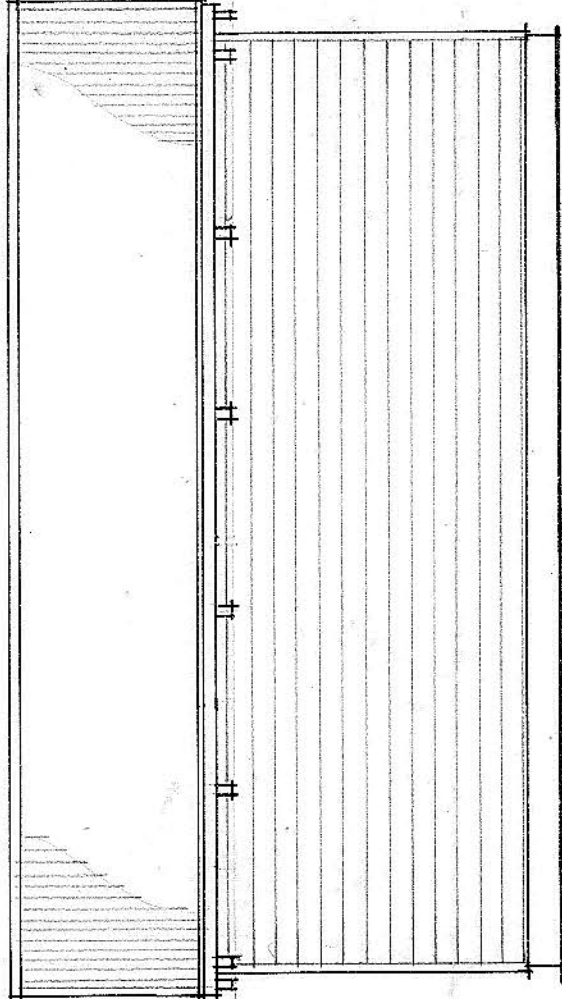
South Elevation 1:50



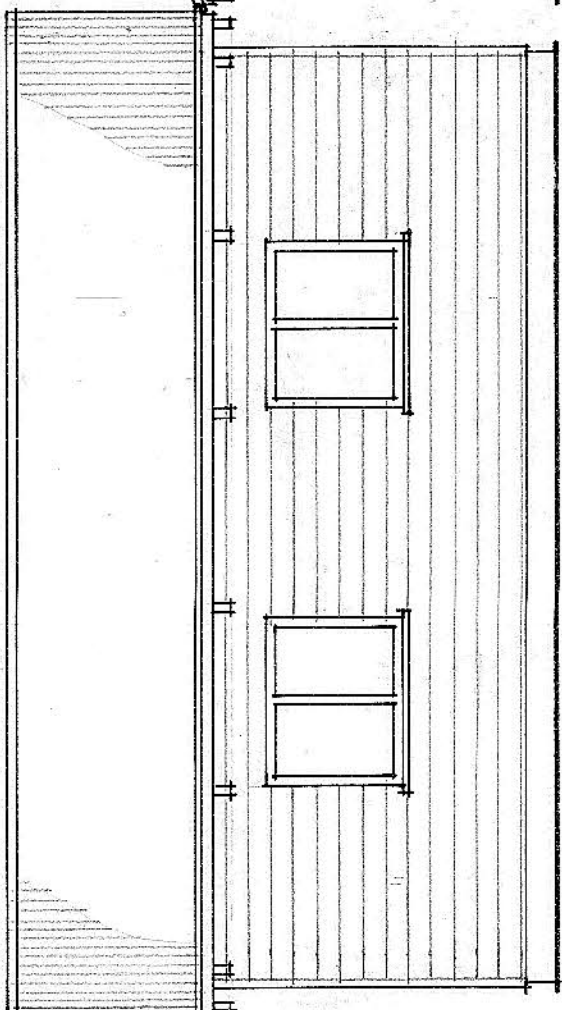
East Elevation to Road 1:50



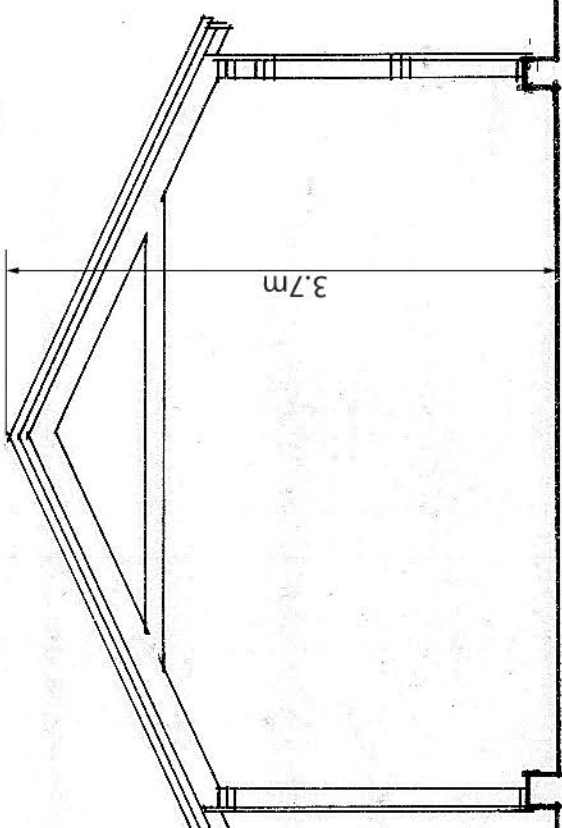
West Elevation to Raphael Cottage 1:50



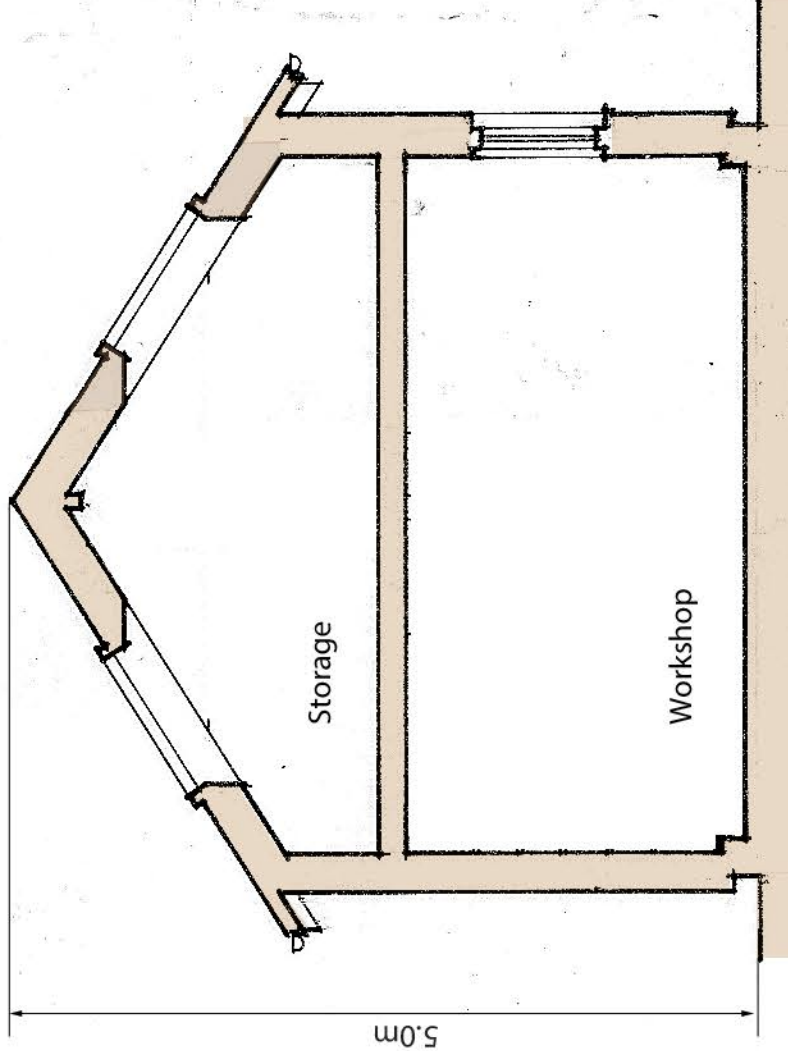
Extg South Elevation 1:50



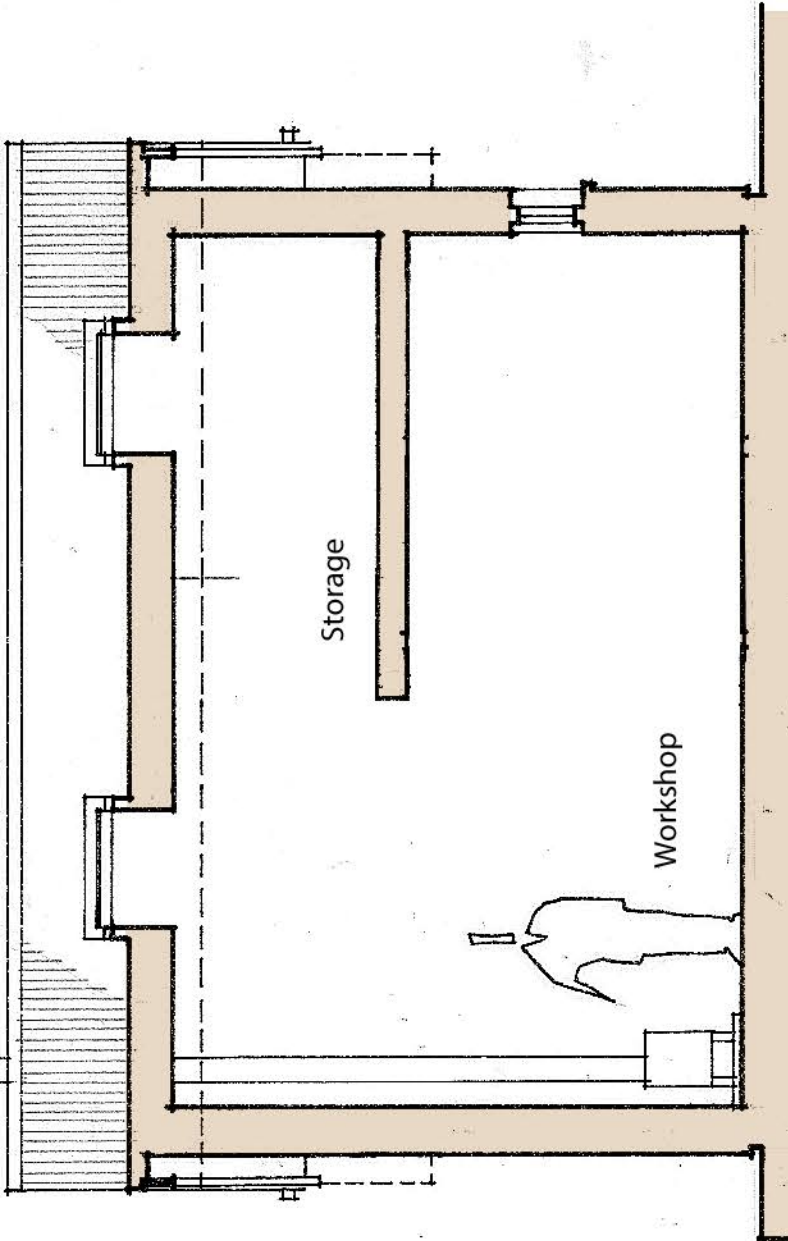
Extg North Elevation 1:50



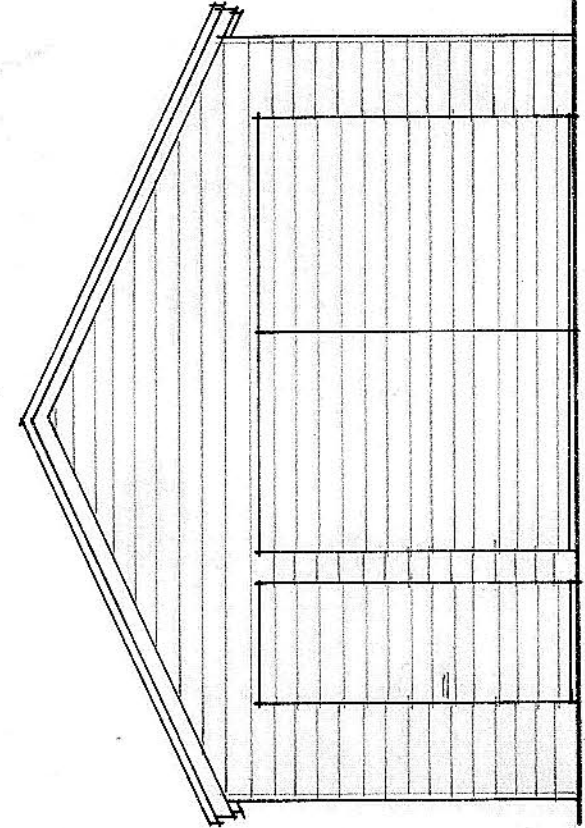
Extg Cross Section 1:50



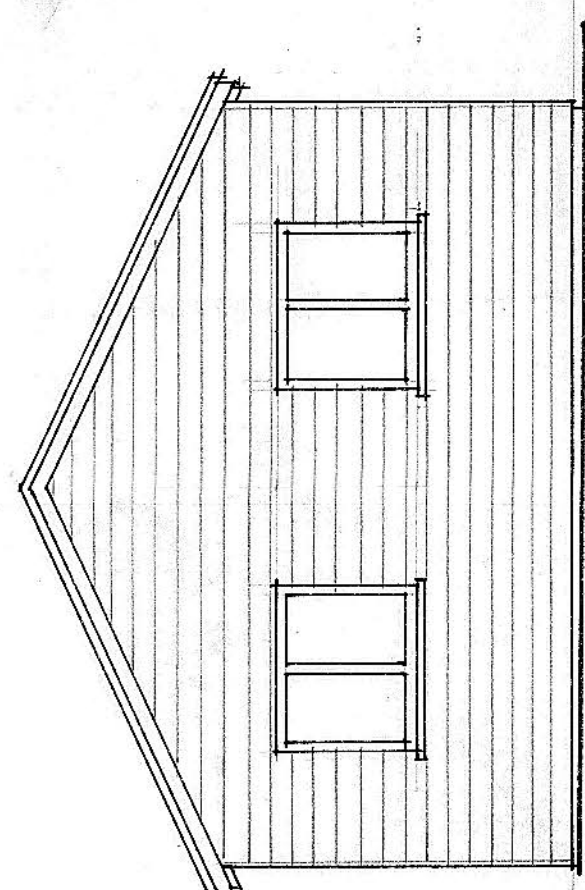
Cross Section 1:50



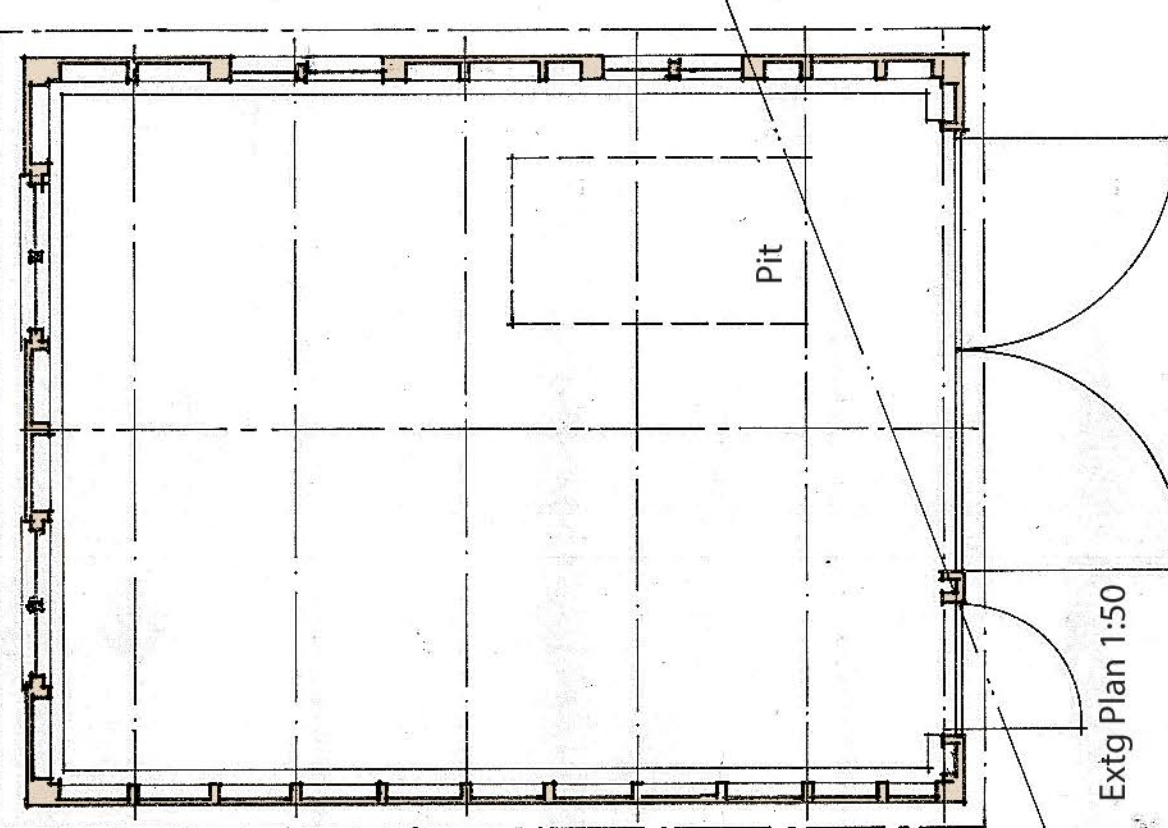
Long Section 1:50



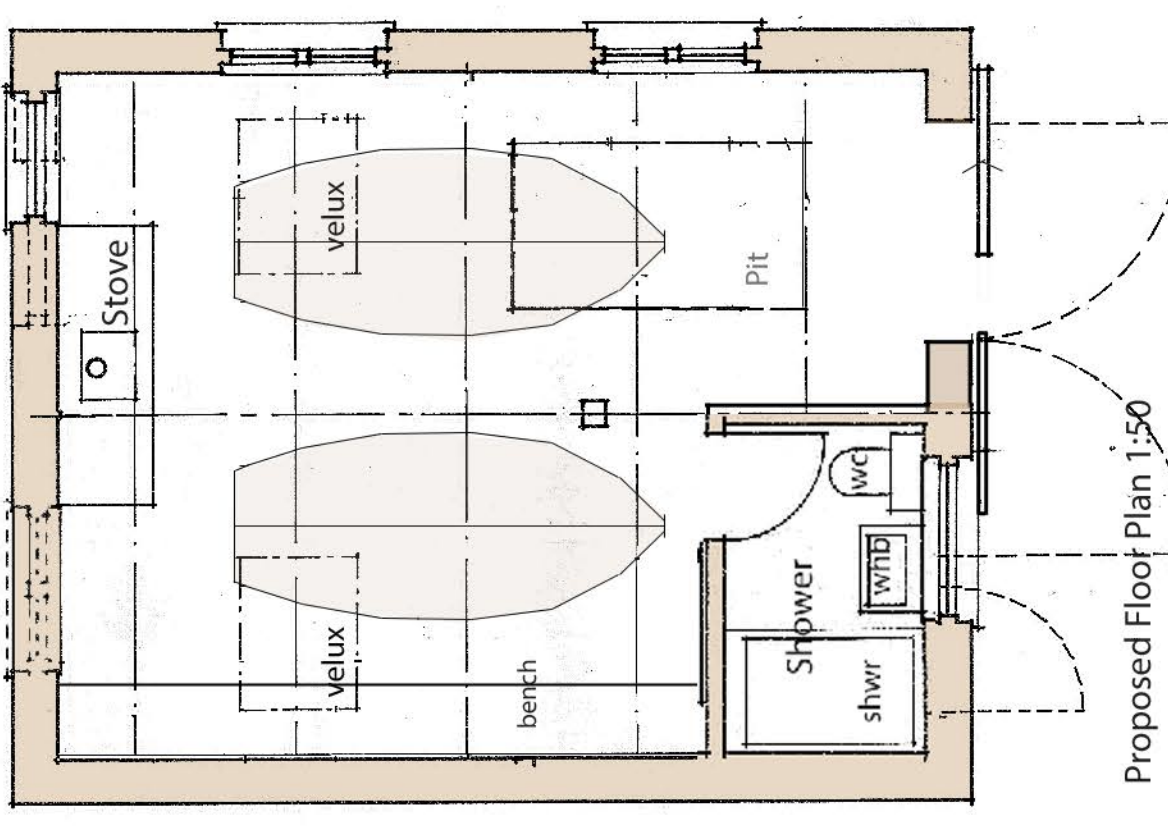
Extg East Elev to Road 1:50



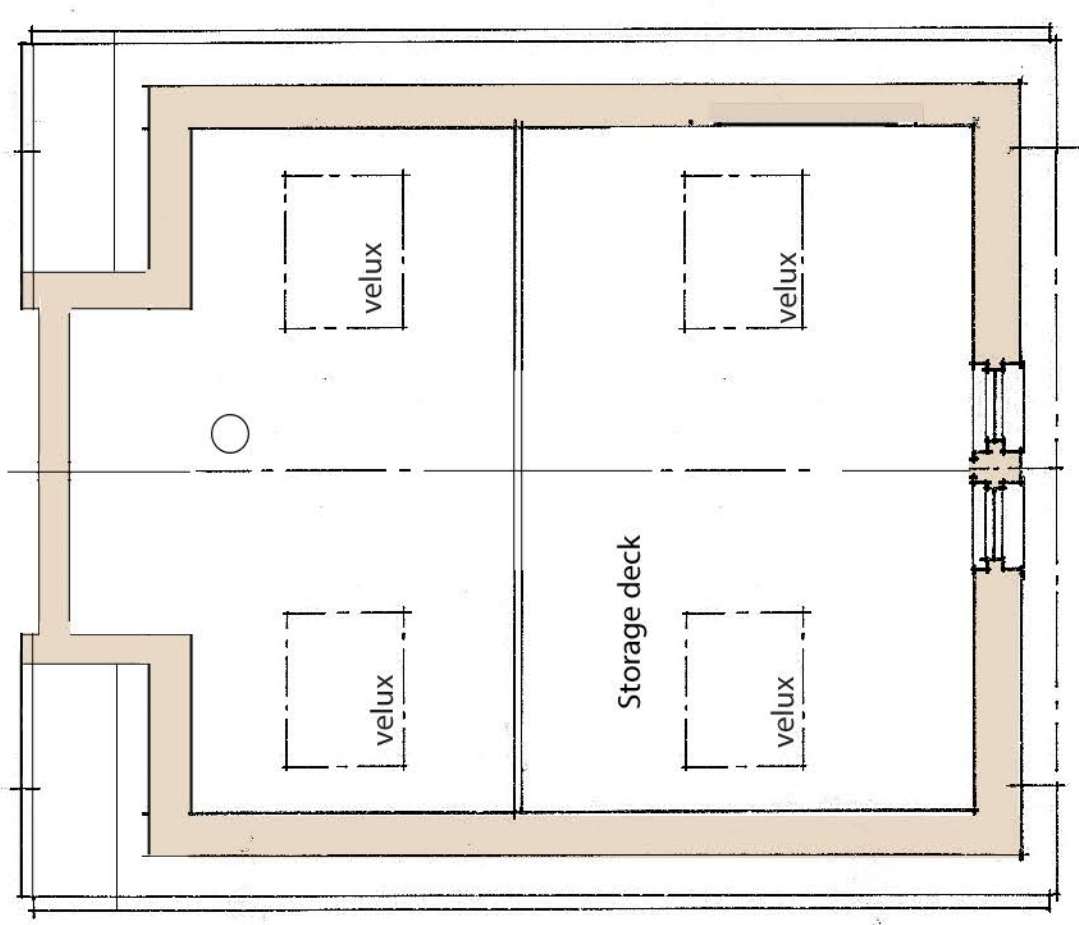
Extg West Elev to Broom Chalet 1:50



Extg Plan 1:50



Proposed Floor Plan 1:50



Storage deck 1:50

Re-roofing & recladding of Outbuilding 212c Findhorn, Forbes Moray Planning Application Drawing 01 Revision C May 2021

SUPPORTING PLANNING STATEMENT

APPLICATION FOR PLANNING PERMISSION

FOR

THE CHANGE OF USE OF BOATSHED TO A HUT
WITH ASSOCIATED EXTERNAL ALTERATIONS TO THE BUILDING

(A HUT BEING UNIT OF ACCOMMODATION TO BE OCCUPIED ON
AN AD HOC BASIS)

AT 212C FINDHORN

MR D CANAVAN

SUZANNE MCINTOSH PLANNING LIMITED

14.1.21

1. LOCATION

The application site comprises the boatshed and its parking area at 212C Findhorn Road, on the B9011.

The plot on which the boat shed is sited measures 14.5m in depth and 5.8m in width – 84.1m² in area. The boat shed that has occupied the site for many years measures 5m by 6m therefore 30 m² in area. It is presently a single storey timber building with a rooflight and windows to the side and rear. The boatshed was once part of Broom Cottage 212 Findhorn Road.

Broom Cottage was restored by the applicant in 1990 and sold in 1998 when he moved from the area. He retained the boatshed for his own use and has used it for boat storage since that time. The boatshed is timber with a corrugated roof windows to the side and rear, a large opening door to the front and a clear panel for light from the roof. The use of the boatshed has co-existed happily while Broom Cottage is separately occupied as a residential cottage.

The applicant has visited the boatshed at least four times per year since 1998 and has on occasions stayed in the building overnight when he has visited.

2. PROPOSAL

The applicant proposes to retain the existing site boundaries, the existing building footprint and use the existing walls of the boatshed. The parking and access would also be retained as well as the existing trees around the site. The main alterations would be to the eaves and roof height. The eaves would be raised by 0.8m and the roof pitch increased from 25degrees at present to 32.5 degrees. This has an overall effect of raising the external roof ridge height from 3.75m to 5m. A storage mezzanine could therefore be created within the roof space.

The exterior walls would be reclad in vertically laid Scottish larch board and a painted finish used. The walls and roof are to be insulated with rockwool insulation and the interior lined with plywood for painting. A small traditional wood burning stove and pipe flue will be added. Windows will be replaced with redwood double glazed units.

The entrance will be sliding larch boarded doors, this will help maintain the maritime industrial character. It will generally sit open as a storm door when the applicant is visiting and an interior glazed door allow light to the north end.

The South West corner will have the existing window replaced by a taller, narrower window that will align with the view of the bay between the adjacent outbuilding and dwelling. The roof overhangs are sprocketed in the traditional style.

Power could potentially be supplied from the B9011 given the location, drainage and water supply for working could also be added from the road. The existing mature silver birch (*Betula Pendula*) will be retained.

The proposal is not a dwelling house and will not be occupied as such. The proposal is an ancillary form of modest accommodation that will be used by the applicant on trips to Findhorn. The size of the accommodation within the extended boatshed is not therefore of a size suitable to be occupied permanently, nor should it be considered under those such parameters. The footprint of the building can comfortably accommodate an open plan area on the ground floor and upper storage mezzanine platform where a bed could be accommodated. The proposal is therefore a re-purposing of an existing building to create a Hut.

The applicant could reasonably come to the Planning Authority and seek planning permission for the physical alterations proposed and not seek a change of use. The roof and windows could reasonably be replaced on the boatshed and a stove introduced and flue plus a central staircase and mezzanine platform for storage. The applicant has however clearly stated their future intention to be able to continue to use the boatshed for short stays when in the area but to have a better level of comfort than a camp bed on the boathouse floor.

The overall form and character are intended to be reminiscent of a rural Scottish fishing bothy or outbuilding of the 19th century or early 20th century.

3. BACKGROUND

An application for the alterations to the building and change of use to a dwelling (generated through the limitations of the online planning application process) was submitted last autumn but was withdrawn in December 2020. The proposal is now accompanied by a supporting planning statement that explains the issues and concerns raised by the Planning Officer.

The applicant has consulted with the three adjoining neighbours – two of whom support the proposal and the third who raises no objection.

4. PLANNING POLICY

We have examined the policies and proposals maps within the Moray Council Local Development Plan, adopted on 27th July 2020. We note that the proposal must examine the issues set out in policy DP1 Development Principles relating to design, transport, amenity etc. We also note that the proposals should be considered in the light of ancillary accommodation of the like described in DP8 Tourism and Accommodation.

With regard to DP1's requirements the applicant intends to work with the existing building and improve its appearance and the way it functions. The physical alterations proposal do not conflict with either the design, scale or mass of the existing building nor jar with the adjoining buildings.

With regard to visual impact the boatshed is only partially visible from the road. The existing trees and shrubs provide a dense planting screen. In particular the existing mature silver birch provides a dense screening impact of the building when viewed from the road. These will all be retained and the impact of the screening retained.

The use of the building for non-permanent, ad hoc accommodation for the applicant and not rented out will have no greater impact than its use at present, and does not conflict with the policy.

The proposal does not seek to adversely impact upon the neighbouring occupiers and can adequately provide a safe space to park off the road. The proposal is therefore in line with the requirements of policy DP1.

Policy DP8 deals specifically with the issue of conditions restricting the nature of the occupation of holiday accommodation and that these units should not become permanent residences. It also deals with the issue of hutting. This proposal is typical of a hutting proposal - an existing building being utilised, supported by neighbours as it is for the applicant's occasional use as indeed it is used at present, retention of existing trees, compliance with other policies – the site is not in any of the more restrictive areas of Findhorn eg the conservation area or low density area. The proposal will be a coastal hut and as such is in line with the requirements of DP8.

The Scottish Government's document: Scottish Planning Policy (SPP) is also a material consideration in the determination of this application. The SPP sets out the definition of a Hut as follows: A simple building used intermittently for recreational accommodation, ie not a principal residence; having a floor area be no greater than 30m², constructed from low impact materials, generally not connected to mains water and power etc and built in such a way as it is removable with little or no trace at the end of its life. The proposal falls within this definition and is therefore in line with the requirements of the SPP.

5. CONDITIONS

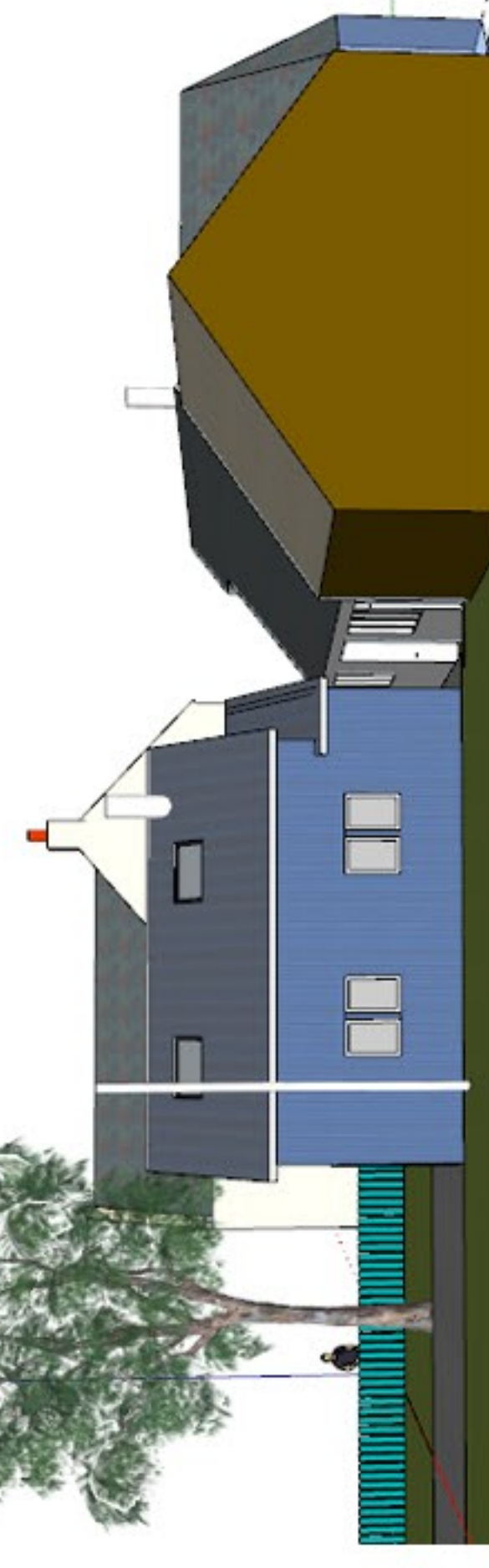
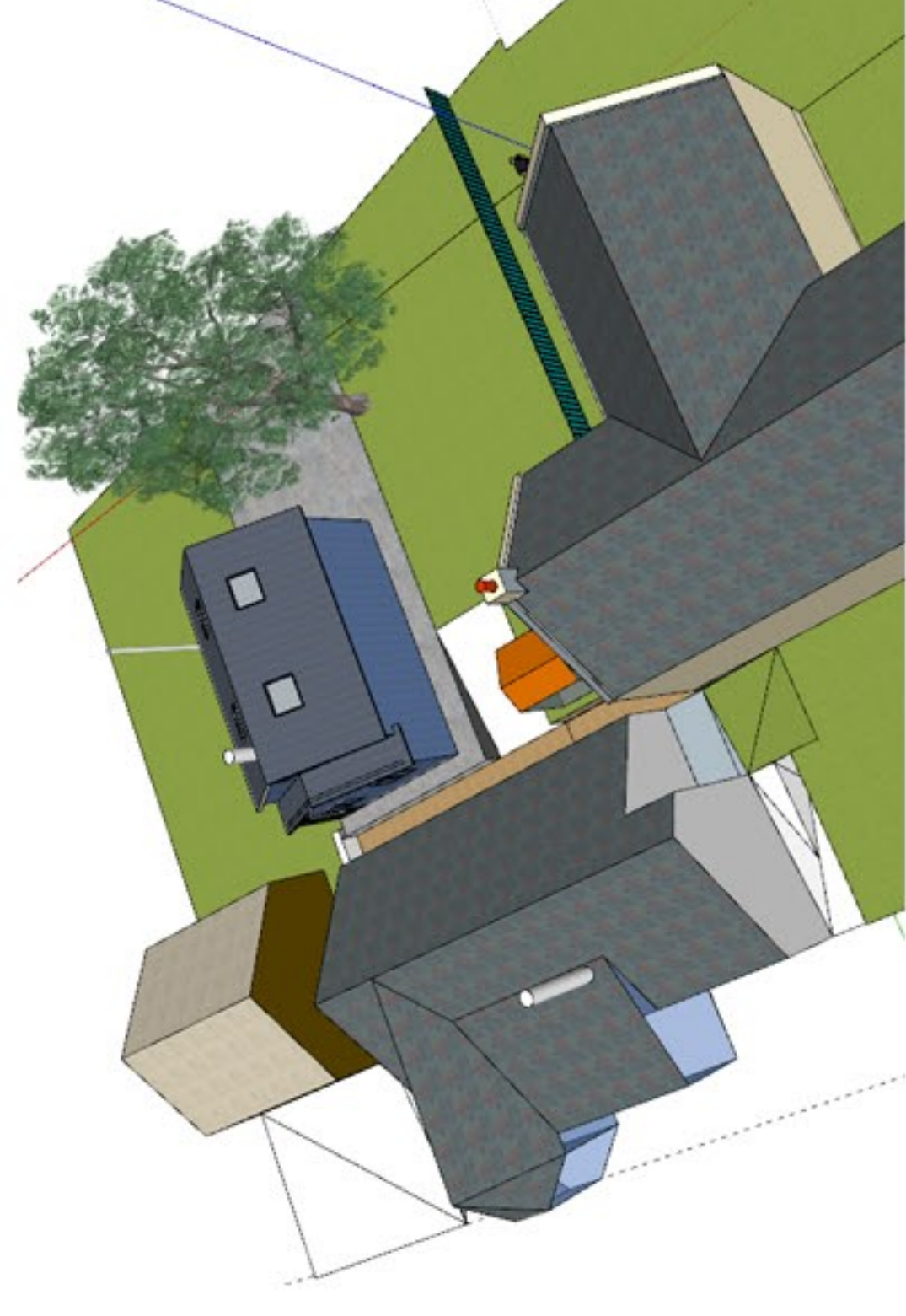
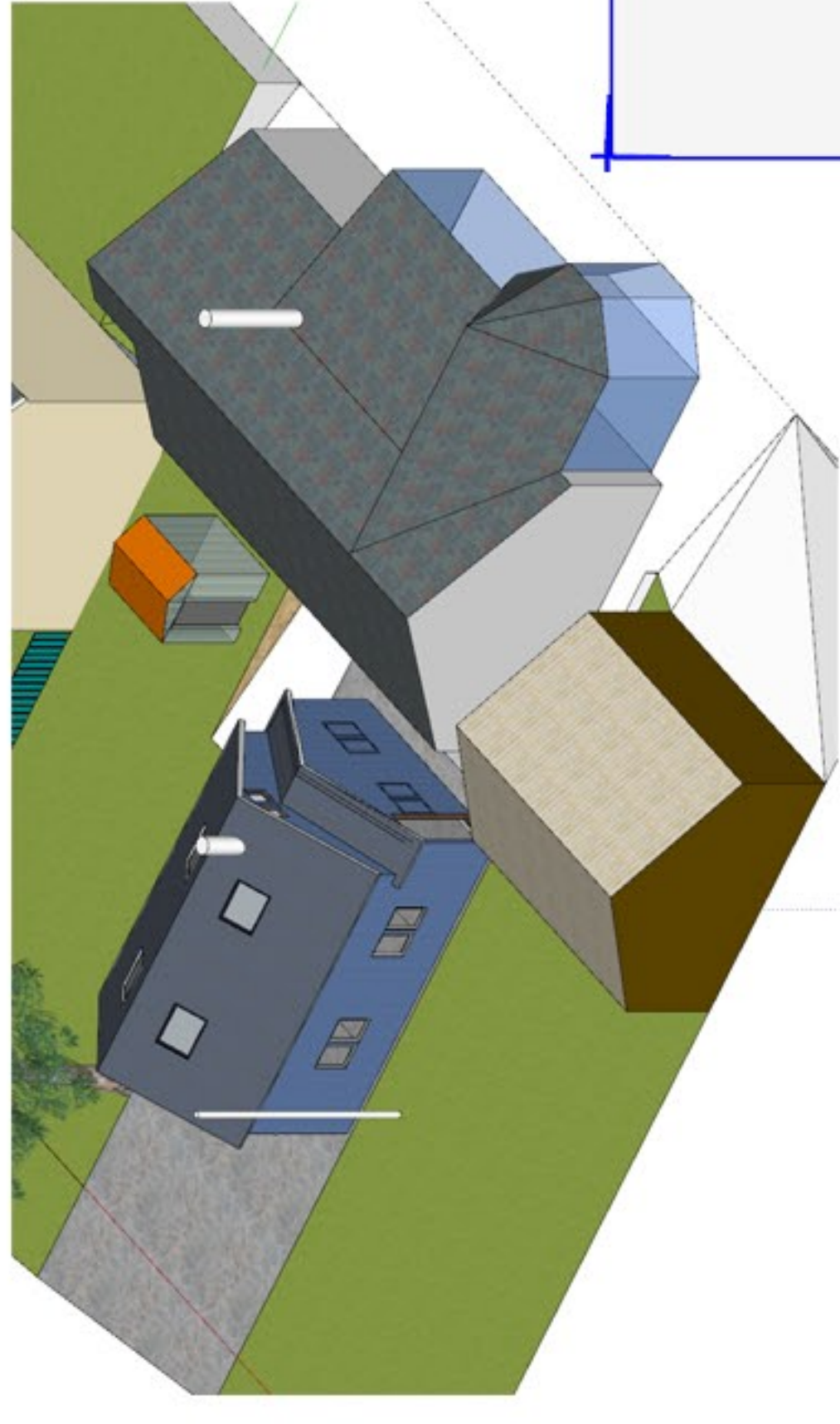
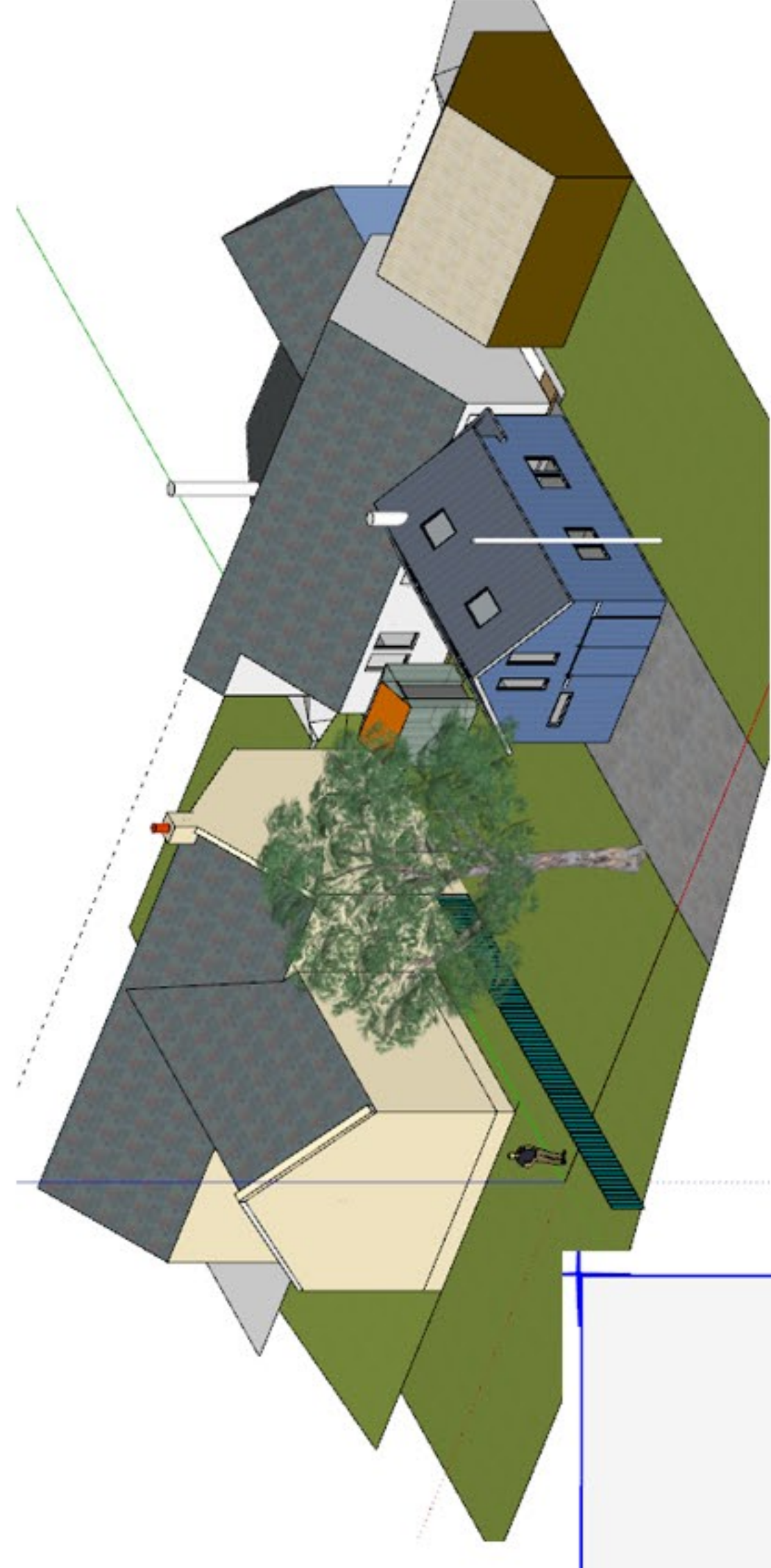
The Planning Authority could reasonably seek to restrict the occupation of the unit through the use of conditions. This would be a normal course of action in such a proposal.

Developer contributions or planning obligations are not envisaged in such a proposal given that it will not be permanently occupied and therefore not generate need for essential local services or infrastructure.

6. CONCLUSION

The proposal should be supported given it complies with the Moray Local Development Plan policies, results in overall improvements to the appearance and maintenance of the building, better proportions in the elevations, an enhancement of the setting rather than detracting from it; it respects the privacy and amenity of neighbours and would be a benefit to the locality. The applicant and/or myself will be happy to discuss further with the Planning Officer.

Suzanne C McIntosh MRTPI HonFRIAS



Alterations to Boatshed, 212 Findhorn
Mr D Canavan RIBA ARIAS MCIARB
Site Sections and Perspective views



View of space between buildings - Note that the house 212A was built out in 1986 to sit close to the pre-existing Boatshed. Planting was inserted by owner of house 212A.



View from Road currently. Dashed white lines indicate roof profile proposed. Change in massing is minimal and proportions of boatshed building are in keeping with traditional domestic scale buildings. Note the degree to which boatshed and curtilage are dominated and obscured by neighbour's birch tree.



View from Road showing current assembly of buildings. Note that light to ground floor “bedroom” is obscured by owner’s own garden shed, not by boatshed (relevant window and garden shed arrowed). If the rooflight is referred to as a ‘bedroom window’ this is puzzling because the 1986 Planning approval for the reroofing of the building was for a single storey dwelling. It did not include roof accommodation, and I have not been notified of a planning application to extend the accommodation into the roof.

Note also extent of tree canopy across site and corresponding light reduction.

Development Comparison One: Property conversion in Findhorn Village – 177 FINDHORN

Property Converted from a Single Garage into a stone dwelling for Mr Roy Mathieson in 1984. Less than a mile from 212 Findhorn. Property has no 'amenity space'. It has no drive, only a public lane and is built to the boundary line. It received Planning Approval from Moray Council in 1984 and represents a very successful conversion from a garage to a dwelling within the village.





Space against west gable at 177 Findhorn is considerably smaller than the drive space at the Boat shed. The close proximity of the lane shows that this approved proposal had considerably less amenity space than the Boat shed at 212 Findhorn.



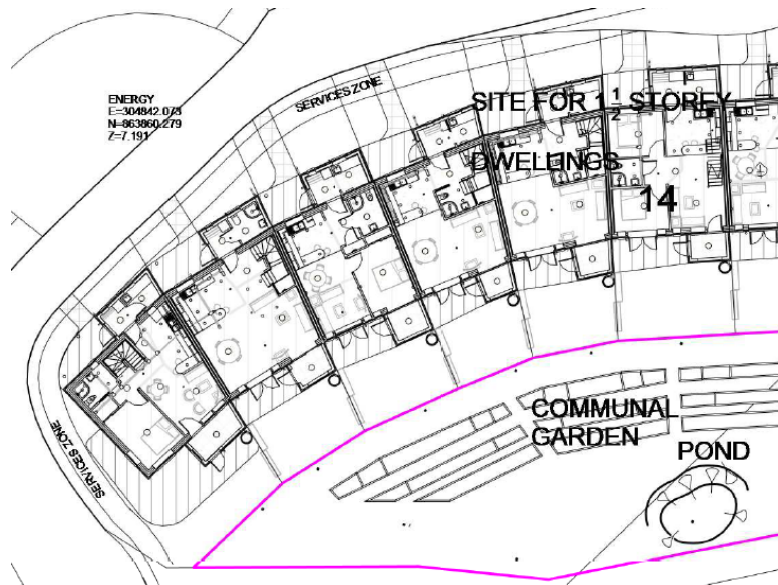
Development Comparison 2: North Whins, Findhorn

Less than a mile from the Boatshed at 212 Findhorn is the second phase of small terraced 1 ½ storey dwellings being developed by Greenleaf design and build on sand dunes adjacent to the Park at Findhorn Foundation. These have recently (2019) received Planning Approval from Moray Council.

The dwellings have a ground floor area of around 48 to 50m², and a reduced first floor area. As the location plan shows they have minimal individual amenity space, instead similarly to the above development, they are sited within communal space.

It is important to reinforce here that the boatshed is not a permanent dwelling, and that its site area is 84m².

It is therefore apparent that the Boatshed site and plot area are capable of carrying a dwelling and the necessary amenity space, when in immediate juxtaposition with public and community access space.



Location Plan - 14.8

1 : 500



14.8. - South Elevation

1 : 50

‘North Whins’ small 1 ½ storey dwellings terrace in Findhorn, with ground floor areas from 48m², recently approved by Moray Council.

Consultee Comments for Planning Application 21/00272/APP

Application Summary

Application Number: 21/00272/APP

Address: Site Adjacent To 212A Findhorn Moray

Proposal: Change of use and alterations to boatshed to provide a hut for occasional overnight stays at

Case Officer: Lisa Macdonald

Consultee Details

Name: Mr CL Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: Not Available

On Behalf Of: Contaminated Land

Comments

Approved unconditionally

From:DeveloperObligations
Sent:09 Mar 2021 08:48:49
To:lisa.macdonald@moray.gov.uk,
Subject:21/00272/APP Change of use and alterations to boatshed to provide a hut for occasional overnight stays at Site Adjacent To 212A, Findhorn
Attachments:

Hi,
Developer obligations are not being sought for the above planning application as given the nature and scale of the proposed development; it will not have a detrimental impact on local infrastructure that requires mitigation through developer obligations.
Thanks
Rebecca

Rebecca Morrison | Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development
Rebecca.morrison@moray.gov.uk | [website](#) | [facebook](#) | [moray council planning facebook](#) | [twitter](#) | [newsdesk](#)

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	16th March 2021
Planning Authority Reference	21/00272/APP
Nature of Proposal (Description)	Change of use and alterations to boatshed to provide a hut for occasional overnight stays at
Site	Site Adjacent To 212A Findhorn Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133073393
Proposal Location Easting	304441
Proposal Location Northing	863806
Area of application site (M²)	84
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QPA3IYBGL5900
Previous Application	20/01393/APP
Date of Consultation	2nd March 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Donald Canavan
Applicant Organisation Name	
Applicant Address	9 Ormelie Terrace Joppa Edinburgh Lothian EH15 2EX
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479
Case Officer email address	lisa.macdonald@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Environmental Health Manager

Planning Application Ref. No: 21/00272/APP

Change of use and alterations to boatshed to provide a hut for occasional overnight stays at Site Adjacent To 212A Findhorn Moray for Mr Donald Canavan

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

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

Reason(s) for objection

Condition(s)

Informative note

The operation of the wood burning stove shall not give rise to a statutory nuisance in terms of the Environmental Protection Act 1990.

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Lisa Campbell
email address:
Consultee:

Date.....8/3/21**.....**
Phone No

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://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.

Wednesday, 03 March 2021

Local Planner
Development Services
Moray Council
Elgin
IV30 1BX



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

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

Dear Sir/Madam

SITE: Site Adjacent To 212A, Findhorn, IV36 3YY
PLANNING REF: 21/00272/APP
OUR REF: DSCAS-0034239-49B
PROPOSAL: Change of use and alterations to boatshed to provide a hut for occasional overnight stays

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Forres Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.



SW Public
General

To find out more about connecting your property to the water and waste water supply visit:



Please Note

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

Asset Impact Assessment

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

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the



developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.



- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Planning Application Team
Development Operations Analyst
developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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



SW Public
General

To find out more about connecting your property to the water and waste water supply visit:



Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	16th March 2021
Planning Authority Reference	21/00272/APP
Nature of Proposal (Description)	Change of use and alterations to boatshed to provide a hut for occasional overnight stays at
Site	Site Adjacent To 212A Findhorn Moray
Site Postcode	N/A
Site Gazetteer UPRN	000133073393
Proposal Location Easting	304441
Proposal Location Northing	863806
Area of application site (M²)	84
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QPA3IYBGL5900
Previous Application	20/01393/APP
Date of Consultation	2nd March 2021
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Donald Canavan
Applicant Organisation Name	
Applicant Address	9 Ormelie Terrace Joppa Edinburgh Lothian EH15 2EX
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Lisa Macdonald
Case Officer Phone number	01343 563479
Case Officer email address	lisa.macdonald@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

The statutory period allowed for a consultation response is 14 days. Due to scheduling

pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 21/00272/APP

Change of use and alterations to boatshed to provide a hut for occasional overnight stays at Site Adjacent To 212A Findhorn Moray for Mr Donald Canavan

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

Please

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

The planning officer has confirmed that restrictions relating to the occupation of the unit would apply to any subsequent consent. Although there is space for parking of one vehicle to the front of the building the driveway is currently unsurfaced (loose gravel/grass). The following conditions would apply:

Condition(s)

1. Notwithstanding the submitted details prior to the first occupation, a minimum of the first 1.0m of the access track, measured from the edge of the public carriageway, shall be constructed to the Moray Council specification and surfaced with bituminous macadam. The width of the vehicular access shall be minimum 4.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway.

Reason: To ensure acceptable infrastructure at the development access

2. One car parking space shall be provided within the site prior to the first occupation. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for visitors/others in the interests of an acceptable development and road safety.

3. No boundary fences, hedges, walls or any other obstruction whatsoever over 1.0m in height (measured from the level of the road) and fronting onto the public road shall be within 2.4m of the edge of the public carriageway.

Reason: To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

4. No water shall be permitted to drain or loose material be carried onto the public carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the access.

Further comment(s) to be passed to applicant

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

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing roadspermits@moray.gov.uk

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into their property.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

Contact: AG
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 23 March 2021

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://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.

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 21/00272/APP

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

- | | Please
x |
|---|-------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | <input type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | <input checked="" 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"/> |

Reason(s) for objection

Conditions(s)

Further comments(s) to be passed to applicant

Further information required to consider the application

Contact: Will Burnish Date 5/3/21

email address: Will.burnish@moray.gov.uk Phone No

Consultee: The Moray Council, Flood Risk Management

Comments for Planning Application 21/00272/APP

Application Summary

Application Number: 21/00272/APP

Address: Site Adjacent To 212A Findhorn Moray

Proposal: Change of use and alterations to boatshed to provide a hut for occasional overnight stays at

Case Officer: Lisa Macdonald

Customer Details

Name: [REDACTED]
[REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Litter
- Reduction of natural light
- View affected

Comment: The view from my bedroom is already partially blocked by the apex of the existing building, so if that is increased by 1.3m my view will be substantially affected, blocking even more of my natural light.

There is a problem with litter already - holiday makers who visit Findhorn often empty their waste and recycling in our bins (212A and 212B), to the point where in Summer especially after a weekend our bins are completely filled up by visitors! This application says no provision will be made for waste - so where will it get put?

No definition of "occasional overnight stays" is given - is this every weekend, once a month, every school holiday, all summer? These have implications for drainage - we already have times when sewage smell is apparent, suggesting the system is overloaded at times, presumably in busier times like holiday periods.

Comments for Planning Application 21/00272/APP

Application Summary

Application Number: 21/00272/APP

Address: Site Adjacent To 212A Findhorn Moray

Proposal: Change of use and alterations to boatshed to provide a hut for occasional overnight stays at

Case Officer: Lisa Macdonald

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Precedent

Comment: Neighbour Notification, Planning Application 21/00272/APP

I took a neutral stance on Mr Canavan's initial application for this site (20/01393/APP), subsequently withdrawn.

And, as a neighbour, remain neutral on this new application, neither supporting nor objecting to it. His proposal, as it's described, to repurpose the boatshed as a hut for occasional overnight stays, would seem not to impact unduly on my property and the way it works/how I live in it.

However, I feel obliged to make some comments as a Findhorn resident and Moray loon.

My professional background (economist, specialising in leisure & tourism, including its role in rural sustainable development) means that I am broadly aware of the new hutting movement in Scotland; and, while I understand the appeal, it brings with it some potential downsides.

Hence my opinion that this is not a simple, straightforward application, but an issue that is relatively new and untested in planning terms, and so deserving of particular care and attention by Moray council. The decision could have important implications for both village and wider area in years to come.

Further complexity arises from the application being, I guess, untypical, also arguably not entirely in line with hutting culture. Mr Canavan already owns both land and building; and although the (car?) journey from home to hut is lengthy, it's understandable.

I'm sure planners are on top of all the issues, but from my own brief research around the topic:

- It's recognised that suitable locations for hut development require careful selection, and that some areas may not be suitable.
- The widely accepted definition of a hut includes "generally not connected to mains water, electricity or sewerage". (2014SPP).

I don't understand why this has been truncated to "mains water, power, etc. " in the Supporting Planning Statement. (4. Planning Policy, final paragraph)

- The sense I get is that a hut is intentionally set apart from holiday accommodation.

"This is part of what distinguishes huts from bothies, fishing huts and similar structures with a purpose primarily to do with sleeping and eating accommodation to help support specific activities." (RS:Nhd-gpg, Planning Considerations, page 15, 7, Use patterns of huts, extract)

Sources:

2014 Scottish Planning Policy; Reforesting Scotland: New hutting developments - good practice guidance; MC Local Development Plan 2020, DP8; Stirling Council, Supplementary Guidance, May 2019, Chalets & Huts

Incidentally, neither Mr Canavan nor Ms McIntosh has discussed with me this, or the previous, application. I'd be pleased to have an informal chat with either, or indeed a planner, if considered useful and appropriate, because I do find myself somewhat conflicted.

■, 07 March 2021

Comments for Planning Application 21/00272/APP

Application Summary

Application Number: 21/00272/APP

Address: Site Adjacent To 212A Findhorn Moray

Proposal: Change of use and alterations to boatshed to provide a hut for occasional overnight stays at

Case Officer: Lisa Macdonald

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Community Council

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Community Council/Association Consult
- Legal issues
- Permitted Development
- Procedures not followed correctly

Comment: I apologise for this late comment but, as you are probably aware, our Community Council meets monthly on the last Thursday evening of the month.

The Community Council discussed this application and came to the conclusion that it falls between 2 stools. In our opinion it does not appear to be covered within the Scottish Government Hut Policy with the installation of electric power, water and drainage and does not meet planning regulations for a dwelling as far as disabled access to the sleeping platform is concerned.

We have used the extract below as a reference to our understanding of what a hut is.

However, we do not consider ourselves to be sufficiently au fait with the guidance pertaining to this application, we would therefore ask that these factors be considered and if the application does comply with planning and building regulations the Community Council would not object. Please note that we also found it difficult to ascertain the size of the building as, although the drawings are scaled at 1:50, there is no way to actually measure this on a digital drawing.

Extract from FOI/19/01020 dated 7 May 2019

The definition of a recreational hut in Scotland

Scottish Planning Policy (SPP) which is Scottish Government policy on how nationally important land use planning matters should be addressed across the country, sets out a definition of a 'hut' in its glossary as follows;

Hut - A simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30m²; constructed from low impact

materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life

REPORT OF HANDLING

Ref No:	21/00272/APP	Officer:	Lisa Macdonald
Proposal Description/ Address	Change of use and alterations to boatshed to provide a hut for occasional overnight stays at Site Adjacent To 212A Findhorn Moray		
Date:	13.05.2021	Typist Initials:	LMC

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Environmental Health Manager	08/03/21	No objection. It is noted that the operation of the wood burning stove must not give rise to a statutory nuisance.
Contaminated Land	09/03/21	No objection.
Transportation Manager	23/03/21	No objection subject to conditions to secure the retention of the parking space and hard surfacing of the access and to control future boundary treatments.
Scottish Water	03/03/21	No objection.
Planning And Development Obligations	09/03/21	No contributions sought as the building is not a permanent residence.
Moray Flood Risk Management	05/03/21	No objection.
Kinloss and Findhorn Community Council	29/03/21	Neither object nor support the proposal. Note that the proposal does not appear to meet the definition of a hut in Scottish Planning Policy. The upper floor sleeping accommodation would not allow for disabled access.
PO response		The proposal does not meet the definition of a hut set out in the Moray LDP or Scottish Planning Policy. The development would require Building Warrant.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking		
PP2 Sustainable Economic Growth		
PP3 Infrastructure and Services		
DP1 Development Principles	Y	See below
EP2 Biodiversity		
EP12 Management and Enhancement Water		
EP3 Special Landscape Areas		
EP14 Pollution Contamination Hazards		
DP8 Tourism Facilities and Accommodation	Y	See below
EP1 Natural Heritage Designation		

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: THREE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
<p>Issue: The proposal is not entirely in line with hutting culture or the definition of hutting contained in local or national policy.</p> <p>Comments (PO): This is acknowledged. The applicant has now clarified that the intention is to use the development is for part time of occasional residential use.</p>		
<p>Issue: Increasing the height of the building will result in a loss of light.</p> <p>Comments (PO): The concerns are noted. In response the applicant altered the roof arrangement so that the higher roof is stepped back. This will reduce the impact in terms of loss of light of raising the ridge height on the neighbouring property.</p>		
<p>Issue: Litter and provision of bins.</p> <p>Comments (PO): It is the responsibility of the developer to ensure that litter and waste from the site is effectively managed. The site is next to the road which would allow bin collection.</p>		
<p>Issue: Occasional overnight stays is not defined.</p> <p>Comments (PO): This is acknowledged and forms part of the reasons for refusal.</p>		
<p>Issue: The ability of the sewage system to accommodate additional development.</p> <p>Comments (PO): Scottish Water have been consulted and have no objection.</p>		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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.

The Proposal

This application seeks planning permission to alter an existing boat shed by raising part of the roof by 1.3m, introducing new doors and openings, velux roof lights and a flue for a stove. A mezzanine floor is proposed to provide a storage area. The building will be over-clad in timber which the applicant has indicated will be painted blue and a new profiled metal sheeting roof will be provided. New windows and doors will be installed. The building will be used as a boat shed and as a 'hut' for 'part time occasional residential use' which is in effect a holiday home.

The Site

The site is an existing boat shed. It is timber clad with a metal roof. The building sits immediately to the east of an existing semi-detached house. The shed was at one time associated with the neighbouring house but does not now form part of the curtilage of either neighbouring house and is in separate ownership. The shed is 1.7m from the house at its closest point and sits at a higher level.

The public road is to the east of the site and there is direct access to the site. There are mature trees along the roadside which partially screen the shed from view.

The site is within the Culbin to Burghead Coast Special Landscape Area (SLA) as identified in the MLDP 2020.

There are overhead lines running across the site. Restrictions relating to working in proximity of overhead lines are a matter for the developer. The applicant has been made aware of this constraint.

Siting and Principle of Use (DP1 & DP8)

The existing building is a boat shed. The applicant has indicated that from time to time people do sleep in it on an ad hoc basis but the building has no facilities for this. The current proposal seeks to enhance the facilities and regularise the use so that the shed can be used both for storing boats and for non-permanent residential use on an occasional basis. A shower room and stove are proposed. The applicant has suggested that the development could be viewed as a 'hutting' development. It is noted that both the community council and a contributor have expressed the view that the proposed does not meet the definition of a hut as a set out in local and national policy. Both Scottish Planning Policy (SPP) and MLDP policy DP8 are supportive of hutting proposals provided that they are low impact and meet the other requirements of the policy. SPP defines a hut as 'a simple building used intermittently as recreational accommodation (ie. not a principal residence); having an internal floor area of no more than 30m²; constructed from low impact materials; generally not connected to mains water, electricity or sewerage; and built in such a way that it is removable with little or no trace at the end of its life'. This building is within an established settlement and will be connected to public utilities. Furthermore, while there is no intention to use it as a permanent residence, the facilities provided would allow for it to be used on a regular basis throughout the year. It is therefore clear that the proposal does not reflect the letter or the spirit of the hutting policy contained in the SPP or MLDP policy DP8. The applicant has subsequently acknowledged that the development does not meet the definition of a hut set out in policy but it is recognised that the intention is to regularise the residential use of the boat shed. It is therefore considered against policy DP8 in the same way as any other proposal for holiday accommodation. The policy requires the development to meet all relevant policies of the local plan including DP1 and EP3 and highlights that conditions will be used to prevent permanent occupation of the units approved under this policy. Policy DP1(i)(a) requires developments to be of a scale, density and character that is appropriate to the surrounding area.

Policy EP3 (Special Landscape Areas) requires development to comply with all other policies including DP1 and to reflect the traditional settlement character in terms of siting and design. In this case the application site is 84m² and the building is 1.7m from the neighbouring house which is in separate ownership. There is no form of separation between the shed and the neighbouring houses and the layout of the buildings means that a standard boundary treatment is unlikely to be feasible in this location. There is one parking space but no other amenity space. This site is an area of Findhorn where the settlement pattern is characterised by large plots. While it is recognised that the boat shed already forms a separate planning unit it is not in residential use and limited scale of the site is out of keeping with the density of development in the immediate vicinity. The proximity to the neighbouring house means that a change of use would result in increased noise and general disturbance for the adjoining occupiers. Conditions could be attached to restrict the use but this would prevent permanent residential occupation only. The model condition used by the Council for this type of development would prohibit permanent residential occupation and would prevent the shed from being occupied by any one person, family or group for more than 3 months in any calendar year. A condition of this nature would not prevent the building being used by different people or groups on a continuous basis throughout the year with the associated impacts on neighbours. The size of the site, the proximity of and relationship to the neighbouring houses are such that the shed is not considered suitable for holiday occupation despite the fact that this would be on an occasional basis and would not include the shed being used as a permanent residence. The density and character of development proposed here would adversely impact on the amenity of neighbouring properties and is not appropriate to the surrounding area or the traditional character of the SLA. The proposal is therefore contrary to policies DP1 (i) (a), DP8 and EP3.

In supporting information the applicant has identified two other developments in Findhorn that in his view establish a precedent for this type of development. It should be noted that every application is considered on its own merits. The first example cited is a converted garage at 177 Findhorn. This is in the heart of Findhorn where high density development and smaller plot sizes are a feature of the well-established pattern of development. Furthermore this building has a much more effective relationship with surrounding buildings. The second example is an approved but as yet unbuilt terrace at the North Whins development within the park at Findhorn which was approved (20/01222/AMC) at committee in 2019 and is currently awaiting the conclusion of a s.75 modification. The applicant notes that these are relatively small units and have limited private amenity space. Again, this is a quite different context from the application site and have been designed to facilitate a specific communal living lifestyle. The application for these units included a large shared garden area as part of the scheme. The units were designed to sit together and do not undermine the amenity of each other. These examples are both materially different from the current application and do not alter the assessment of the proposal.

Design, Materials, Privacy and Overlooking (DP1 & EP3)

The building has a simple rectangular foot print which would be retained. It is timber clad at present but the proposal is to over-clad it in larch. The drawings indicate that this would be painted blue but this is a matter could be controlled by condition. These works are in keeping with the character and style of the building and are acceptable. A new roof would be formed over the existing building and finished in profiled metal sheeting to match the existing. The development includes raising the ridge height by 1.3m to 5m over all and higher than the ridge of the neighbouring house. The eaves would also be raised and the roof pitched made steeper. In response to concerns regarding the impact of increasing the height of the shed on the neighbouring property the plans were altered to show the existing ridge height retained across the part of the shed closest to the house. The proposal is assessed on the basis of the amended proposal. Policy DP1 requires development to be of a scale and character that is appropriate to the surrounding area while EP3 requires development within urban parts of the SLA to reflect traditional character in terms of siting and design. The steeper roof pitch gives the building a more traditional appearance than the current shallow pitch. The creation of stepped down roof is unusual for a simple storage building such as this which are typically characterised by a simplicity of form. However, it is accepted that the alteration reduces the impact on the neighbouring house in terms of light and overshadowing to an acceptable level. The shed is

largely screened by trees which will soften the impact of the development when viewed from the road. The works to the roof can be incorporated into the building and absorbed into the landscape without any undue impact on the surrounding area. In terms of design the scheme is considered to accord with policies DP1 (i) (a) and EP3.

The proposal also includes new windows and doors and a number of new openings. Four new roof lights are proposed divided evenly between the two roof slopes. These replace clear panels on the existing roof and given the high level nature of these will not give rise to overlooking. On the eastern (roadside) elevation a new larger sliding door is proposed along with a new bathroom window on the ground floor and two full length windows on the upper floor which will serve the storage area. These openings will look onto the parking space and the public road and as such will not give rise to any loss of privacy or overlooking. On the western elevation which is 1.7m from the neighbouring house the amended drawings shows two existing windows are to be removed and a new full height opening is proposed in the north eastern corner on the ground floor and two small upper floor windows are proposed. It is noted that the proposed mezzanine does not extend to the western wall of the shed therefore there would no scope for overlooking from the two small upper floor windows. Unless the floor area of the building was controlled by condition the future extension of the mezzanine would not typically be considered development therefore in future the upper floor could be extended without permission thus creating significant overlooking of the neighbouring property. It is recognised that the removal of the two existing windows on the western elevation represents an improvement in terms of privacy and overlooking for the neighbours however, at present the building is used as a boat shed and as such the amenity impacts are much lower than would be associated with residential use albeit on a non-permanent and occasional basis. The proposed new opening on the northern corner of this elevation extends to eaves height and has the form of a door but a fixed pane of glass is proposed. The applicant notes that the positioning of this opening is slightly off-set from the neighbouring house and avoids any direct conflict with openings on the neighbouring property. This is true to a certain extent but given the proximity of the two buildings (1.7m) and the fact that the shed is elevated above the height of the house for the development will give rise to significant loss of privacy and overlooking and as such the proposal is contrary to policy DP1 (i) (e) which requires that proposals must not adversely impact on neighbouring properties in terms of privacy or overbearing loss of amenity. It should be noted that this assessment is based on the potential use of the building for non-permanent residential uses.

Access and Parking (DP1)

The site has direct access from the road and there is space in front of the building for parking for one car. No changes to these arrangements are proposed as part of this application. The Transportation Manager has no objection on the basis that the occupancy of the building is restricted by condition so that it would not be used as a permanent residency. They also recommend conditions requiring the access to be finished to a hard surface, requiring the parking space to be retained and preventing any boundary treatments over 1m in height within 2.4m of the road. Subject to the recommended conditions the access and parking arrangements would comply with policy DP1 (ii)(a & e).

Water Supply and Drainage (DP1, EP12 & EP13)

The development will be connected to the public water supply and sewer. No changes are proposed to the building that would require any change to the surface water drainage arrangements. Moray Flood Risk Management have been consulted and do not object. The proposal accords with policies DP1 (iii) (a) and policies EP12 and EP13.

Impact on Bats (EP1)

A bat survey has been carried out and found no evidence of bats. The development will not affect bats and this element of the scheme complies with policy EP1 (d).

Developer Obligations

Developer obligations have confirmed that no obligations are required in this case on the basis that the unit would not be used as a permanent residence. If the application was approved this matter

would be controlled by condition otherwise the proposal would have to be reassessed for developer obligations.

Recommendation

The proposed site is cramped and not of sufficient size to reflect the established pattern of residential development in the immediate vicinity. The relationship with the neighbouring dwelling means that residential use (albeit on an occasional/holiday basis) would adversely impact on the neighbouring property and the opening on the western elevation would give rise to loss of privacy and overlooking. The proposal is contrary to policies DP1 (i) (a & e), DP8 and EP3 and it is therefore recommended that planning permission is refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
20/01393/APP	Alterations and change of use of existing building to dwellinghouse at 212C Findhorn Forres Moray			
	Decision	Withdrawn	Date Of Decision	30/10/20

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Forres Gazette	Departure from development plan	30/03/21	
PINS	Departure from development plan	30/03/21	

DEVELOPER CONTRIBUTIONS (PGU)

Status	NONE SOUGHT
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DOCUMENTS, ASSESSMENTS etc. *

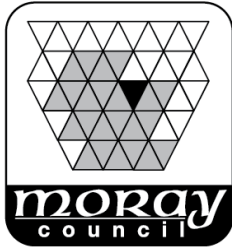
** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Bat Survey	
Main Issues:	No evidence of bats found and no impact anticipated During building works, roofing materials should be removed by hand. If the presence of bats are identified, contact should be made with a licensed bat surveyor for further advice.	
Document Name:	Supporting Statement	
Main Issues:	<ul style="list-style-type: none">History of development and surrounding buildingsBackground to the applicationAssessment of development against policy including hutting criteria	

Document Name:	3D images and annotated photographs
Main Issues:	<ul style="list-style-type: none"> Views of development with annotations of development Examples of other developments in Findhorn

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

**[Forres]
Application for Planning Permission**

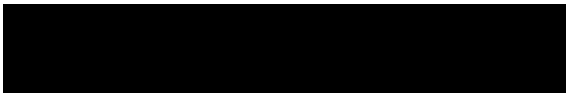
TO Mr Donald Canavan
9 Ormelie Terrace
Joppa
Edinburgh
Lothian
EH15 2EX

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 and alterations to boatshed to provide a hut for occasional overnight stays at Site Adjacent To 212A Findhorn Moray

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

Date of Notice: **14 May 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 contrary to the requirements of policies DP1 (l)(a & e), and DP8 & EP3 of the Moray Local Development Plan 2020 because:

- The site at 84m2 is not of a scale that reflects the existing pattern of residential development in the immediate vicinity and is therefore unsuitable for residential development of any kind;
- The relationship between the shed and the neighbouring house is such that use of the site even for non-permanent residential use would adversely impact on the amenity of neighbouring properties;
- There would be an adverse impact on the privacy of neighbouring properties as a result of overlooking from the proposed opening on the western elevation which is in close proximity to the site boundary and
- The proposal fails to reflect the traditional settlement pattern of the immediate vicinity and therefore would erode the traditional settlement character of the Culbin to Burghead Coast Special Landscape Character.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Location plan
D		Elevations floor and site plan

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

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

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



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100425274-001

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

Applicant or Agent Details

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

☒ Applicant ☐ Agent

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="9 Ormelie Terrace"/>
First Name: *	<input type="text" value="Donald"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Canavan"/>	Address 1 (Street): *	<input type="text" value="9 Ormelie Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Joppa"/>
Telephone Number: *	<input type="text" value="07967 329396"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Lothian"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH15 2EX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="donalddcanavan@hurdrolland.co.uk"/>		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Site and Boatshed adjacent to 212 Findhorn Forres Moray IV36 3YY

Northing

863810

Easting

304440

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 and alterations to boatshed to provide a hut for occasional overnight stays at site adjacent to 212A Findhorn Moray

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.

Grounds for review are contained within the 'supporting documents' section, titled 'Grounds for Review' along with relevant documents titled Appendices 1 to 5.

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)

'Grounds for Review' document Appendix 1 Planning Drawing Rev D May 2021 Appendix 2 Images of 3D Computer model showing relationship and massing of respective buildings (3D model is available for review if required) Appendix 3 Supplementary Images - Views from road, and comparable local developments Appendix 4 Location Plan Appendix 5 Feu Plan of site.

Application Details

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

21/00272/APP

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

24/02/2021

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

14/05/2021

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

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

Please select a further procedure *

Further written submissions on specific matters

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Information and documentation provided to the Planning Officer which was material to the process of assessment and determination was not taken into account in the application process. The relevant information is attached again herewith. The documents are listed in the preceeding pages.

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 Donald Canavan

Declaration Date: 06/06/2021

GROUNDNS FOR REVIEW

AGAINST THE REFUSAL OF PLANNING PERMISSION 21/00272/APP

FOR THE

CHANGE OF USE AND ALTERATIONS TO BOATSHED TO PROVIDE A
HUT FOR OCCASIONAL OVERNIGHT STAYS

AT

SITE ADJACENT TO 212A FINDHORN MORAY

MR DONALD CANAVAN FRIAS RIBA MCIARB

4TH JUNE 2021

SUMMARY OF THE GROUNDS FOR REVIEW

- The appellant seeks to improve upon, restore and make good an existing boatshed building that has been on this land and in his family for 60 years.
- The use as a boatshed will continue as the primary use of the building – its where the appellant keeps his boat and has done all his life. The physical changes will improve the appearance of the shed, maintain its character and ensure its survival for the future.
- Allowing the internal area to be improved upon to provide a mezzanine level internally could be done and the mezzanine used for storage of tools, equipment etc. A toilet/ shower will be provided and sink/ power etc all of which it is reasonable to find in a workshop. The applicant is asking that he may use this area occasionally to stay overnight in the boatshed. In hindsight if he hadn't asked would the issue even be raised by Planning?
- The proposal is most definitely not a 'residential or tourism' related proposal. The reasons for refusal refer to residential development incorrectly and the reference to policy DP8 Tourism is irrelevant to this proposal.
- The applicant will not be seeking to make money from the boatshed by renting it out. It is not a tourism facility; it is his for his own boat storage and maintenance.
- The impacts upon an existing neighbour are exaggerated in the report of handling. The Boatshed and the neighbouring house have always co-existed without issue. They were once one planning unit, in the same ownership, but haven't been for decades. There have always been two windows on the back wall of the boatshed facing this house. The house was sold and purchased by the current occupier in the full knowledge of these windows on the boatshed.
- The irony in this scenario is that the primary objector who occupies the upper flat in the house to the rear of the boatshed, lives in a separate part of that house that does not itself benefit from planning permission.
- Every step of the way the appellant has sought to engage positively with the Planning Officer and provide quick responses to questions, extra drawings, a bat survey and information. He has been entirely upfront and honest in his approach to this.
- The LRB must note that there is no objection to the proposal from the occupier of the house the Planner is so concerned about.
- There are also no objections from any of the consultees on the application.
- The crux of the issues comes down to whether the building forms part of the character of the settlement – it must do, it's been there for over half a century. In addition, so many points in the report of handling are agreed that on balance this should be approved.
- The LRB are respectfully requested to approve the planning permission for the works to the building.

1. INTRODUCTION

- 1.1 The Planning Officer, under delegated powers, determined to refuse an application by Mr Canavan at the site adjacent to 212A Findhorn for the change of use of an existing boatshed building and a number of alterations to the boatshed so that Mr Canavan could use it for occasional overnight stays. The LRB are asked to note that property is not permanently changing to a house, it will still essentially be a boatshed. The reasons for refusal on the decision notice are as follows:

"The proposal is contrary to the requirements of policies DP1 (l)(a & e), and DP8 & EP3 of the Moray Local Development Plan 2020 because:

- The site at 84m2 is not of a scale that reflects the existing pattern of residential development in the immediate vicinity and is therefore unsuitable for residential development of any kind;*
- The relationship between the shed and the neighbouring house is such that use of the site even for non-permanent residential use would adversely impact on the amenity of neighbouring properties;*
- There would be an adverse impact on the privacy of neighbouring properties as a result of overlooking from the proposed opening on the western elevation which is in close proximity to the site boundary and*
- The proposal fails to reflect the traditional settlement pattern of the immediate vicinity and therefore would erode the traditional settlement character of the Culbin to Burghead Coast Special Landscape Character."*

2. THE SITE AND THE PROPOSAL

- 2.1 The planning pack submitted with the application and again with this review to the Local Review Body of Moray Council contains all the supporting information required to determine this review. A full list of the documents provided is contained in the appendix to this document.
- 2.2 The site is an existing boatshed that once formed part of a larger site with Broom Cottage. The boatshed building is timber clad with a metal roof and sits to the east of a semi-detached house 212A Findhorn. The shed is at the closest point to this nearest house 1.7m away. Direct access from the road along the site frontage leads to a parking area at the front of the boathouse. The site is semi-screened from view by the existing large mature birch tree on the frontage/ roadside.
- 2.3 The applicant has always kept his boat at the boatshed and spends time in Findhorn, where he grew up, tending his boat, taking it out on the water,

maintaining his connections with the place and occasionally staying overnight in the boatshed.

- 2.4 The proposed alterations to the physical structure of the boatshed will not alter the footprint but marginally increase the volume slightly by providing some storage at mezzanine level over the front part of the building. The main difference will be that the applicant will have facilities such as toilet with shower and a stove/ heating facility that aren't there at present, plus he could potentially sleep there overnight in comfort when he is up there if he chose to. His idea is that the character of the boatshed remains very much as it is now, but with improvements to the building/ structure to allow it to remain for the future. It will remain a fully functioning boat maintenance shed. Furthermore, the removal of the windows on the rear of the boatshed will create a gain in terms of amenity for the occupiers of 212A, the house to the rear of the boatshed. In discussing the proposal the applicant had mooted the notion of the boatshed being like a 'hut' in terms of occasional overnight stays but had no notion of it being open to other people to use. To compare it to holiday accommodation in the report of handling isn't correct.
- 2.5 The design of the boatshed's proposed alterations complement the existing simple character of the building in form, materials and detailing. Alterations have been made to the original proposal by the applicant in order to reduce any perceived impact on the house to the rear. The report of handling agrees that the proposal accords with the requirements in DP1 (i) (a) and EP3.
- 2.6 The nature of the roof and position of rooflights and windows is acknowledged in the report of handling as not resulting in overlooking for neighbours and even results in an improvement in terms of privacy.

3. RELEVANT PLANNING POLICIES

- 3.1 The relevant planning policies are set out in the Moray Development Plan 2020. A number of policies are referred to in the decision notice/reasons for refusal.
- 3.2 Policy DP1 Development Principles states that the policy applies to all development. The reason for refusal states that two criteria of this policy are not met – (a) relating to design and (e) relating to impact on neighbours. The requirement in relation to (a) is that *"The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood."*
- 3.3 IN regard to 9 e) the policy states that *"Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity."*
- 3.4 Policy DP8 Tourism Facilities and Accommodation is also stated in the decision. This policy states that *"Proposals which contribute to Moray's tourism industry will be supported where they comply with relevant policies. All proposals must*

demonstrate a locational need for a specific site."....." Proposals for hutting will be supported where it is low impact, does not adversely affect trees or woodland interests, or the habitats and species that rely upon them, the design and ancillary development (e.g. car parking and trails) reflects the wooded environment and the proposal complies with other relevant policies. Proposals must comply with 'New Hutting Developments – Good Practice Guidance on the Planning, Development and Management of Huts and Hut Sites' published by Reforesting Scotland."

- 3.5 Policy EP3 relates to Special Landscape Areas and requires that: *"Development proposals within SLA's will only be permitted where they do not prejudice the special qualities of the designated area set out in the Moray Local Landscape Designation Review, adopt the highest standards of design in accordance with Policy DP1 and other relevant policies, minimises adverse impacts on the landscape and visual qualities the area is important for, and are for one of the listed uses. In relation to Landscape Character it also states that "New developments must be designed to reflect the landscape characteristics identified in the Landscape Character Assessment of the area in which they are proposed."*

4. MATERIAL PLANNING CONSIDERATIONS

- 4.1 In support of the Grounds for Review to the Local Review Body we would draw to the LRB's attention the following which has a bearing on the LRB considering the proposal de novo.
- 4.2 The report of handling concludes that the Planning Officer is of the opinion that: *'the site is cramped and not of a sufficient size to reflect the established pattern of residential development in the immediate vicinity.'* However, the LRB are asked to consider that this is an existing building, it has been on this site, in this small curtilage for in excess of 60 years. It is very much part of the established character of this part of Findhorn. To say it is not part of the established pattern of residential character is clearly incorrect. If this were a new building on an open site then perhaps that could be true but the fact remains that the proposal is for physical alterations to an existing boatshed.
- 4.3 The conclusion goes on to say that the relationship of the building with the neighbouring house means that residential use would adversely impact on the neighbouring property and the opening in the western elevation would give rise to loss of privacy and overlooking. However, the proposal is not for residential use – it is for physical alterations to the boatshed. The applicant has stayed in the building overnight now and again, very occasionally as he'll stay with friends in Forres when he visits but he would like the option of being able to stay overnight in his own building now and again.
- 4.4 In the decision notice only 2 documents were referred to namely Location Plan and Elevations Floor and Site Plan revision D. Other relevant documents

containing important information were requested by the Planning Officer and were provided but were not referred to in the decision notice. These included a drawing containing 3D computer-modelled images of the juxtaposition of the various buildings, and sections through the critical relationship between the boatshed and the adjacent dwelling, and a statement illustrating similar developments locally and views from the adjacent main road showing the existing and proposed roof heights in context. The documents submitted also included a detailed statement demonstrating compliance with planning policy prepared by Suzanne McIntosh Planning Limited. These documents together contained important and relevant information pertinent to the decision. The appellant would therefore request that the LRB takes into account all of the relevant information submitted with the application with the request for review.

- 4.5 The decision notice states that the proposal is contrary to the requirements of policies DP1(l)(a&e), DP8 and EP3 however this statement at the start of the schedule of reasons contradicts what is stated in the officer's report of handling. She states that the proposal is acceptable in terms of DP1(a).
- 4.6 In relation to the reason for refusal and bullet point 1 Site Area: The site area is similar to other sites which are approved for residential use locally as referred to in the submission documents. A site area of 84m² does not represent ground for refusal because domestic developments of similar area have been approved locally. (Reference 177 Findhorn developed by LDN Architects in 1986, and North Whins Development by Greenleaf Developments - approved 2019). Other examples are available. However, the fundamental point is that the proposal is not for a residential development it is for alterations to an existing building.
- 4.7 The immediate local area contains a variety of plot sizes and dwelling sizes, developed over many years since the original dwelling, now Broom Cottage was developed as a cholera hospital in 1864. The immediate vicinity includes 1950s council terraces, stand-alone cottages and bungalows from the 1930's to the 2010's. The random and unrestricted texture of development in the area is demonstrated by the Ordnance Survey map of the area. Matching the 'existing pattern of residential development in the immediate vicinity' as interpreted by the officer is neither a requirement, nor necessarily desirable aesthetically.
- 4.8 Notwithstanding this, the Boatshed has existed in its present footprint for 60 years, and no change to that footprint is proposed, thus the proposal does not alter the texture of the local development. **The only change to the existing building is a proposed raising of the roof by 85cm, to provide space for a minimal sleeping platform and the permission for occasional overnight stays in the building.** This does not constitute a residential use and could happen on an ad hoc basis at present at the boatshed without ever bringing it to the Planners.

- 4.9 The proposal includes recladding of the building to improve its appearance, which would be of significant aesthetic benefit to the amenity of the local area and the specific cluster of buildings within which it sits. The 3D images provided and site photographs show the buildings in situ and should be referred to.
- 4.10 With regard to the second bullet point, the relationship between the shed and the dwelling: The relationship between the Boatshed and the neighbouring house is a relationship created by the extension of that neighbouring house in 1986, in closer proximity to the appellant's Boatshed. Nothing the appellant has done has affected that relationship – it was the choice of the neighbouring proprietor to extend their building in close proximity to the Boatshed. It is unreasonable in the appellant's view that he should be restricted by this or prevented from improving his building as a result of this.
- 4.11 Notwithstanding the above, the neighbouring proprietor Mr Van Beuren has confirmed to the applicant verbally and in writing that he did not and does not object to what is proposed in the planning application.
- 4.12 Since the submission of the application it has apparently emerged that the neighbouring property has been further developed and subdivided to create an entirely new dwelling within the roof-space and that this development appears to have occurred without Planning Consent. We understand this is now being investigated by the Enforcement Officer.
- 4.13 The LRB is asked to consider the following, we understand that the occupant of the subdivided dwelling, that importantly does not benefit from planning permission, has objected to some impact on their amenity by the reroofing of the Boatshed. However, not only is this questionable in principle but the actual substance of their objection is factually incorrect because the bedroom windows they complain will be affected in light and view (devoid of planning consent as they are) sit on the opposite (west) side of the roof looking out over Findhorn Bay. Therefore the impacts they allege are impossible to achieve.
- 4.14 This was explained, at length in emails, to the Planning Officer. However, the applicant was told that 'anyone' could complain about a development and even if his bedroom windows had been able to see the garage, (which they cannot being on the opposite side of the building) the fact that these windows should not exist, was not relevant. This appears to be a very odd interpretation of the purpose of neighbour notification.
- 4.15 Regarding the third bullet point in the reason for refusal – the alleged adverse impact on neighbouring properties, the LRB is asked to note that there were no objections from registered proprietors of neighbouring properties. The appellant met with all three immediate conterminous proprietors last summer and advised them of his intentions. Only support and no objections were received. He then sent the original proposal drawing to all three neighbouring proprietors. He received letters of support from Professor Sir James Dunbar

Nasmith in Sandbank to the North side, and from Captain David Scott in Eithin across the road from the development.

- 4.16 A non-permanent, ad hoc, occasional overnight stay in the boatshed is not the same in terms of impacts as a full time, permanent residential use. The ad hoc use as proposed would render the boatshed a mixed use and would clearly not impact upon the amenity of the neighbouring properties. Access and egress to the building are from the front (roadside) elevation of the boatshed via the front yard area which again has no impact on conterminous properties.
- 4.17 The reason stating that *'there would be an adverse impact on the privacy of neighbouring properties as a result of overlooking from the proposed opening on the western elevation'* is not borne out by the facts, evidence and all the information available to the Local Review Body.
- 4.18 There are currently two double windows in the gable of the boatshed which have been there since it was built in 1960. The adjacent dwelling was extended up to the boatshed's gable by the then owner in 1986, and in hindsight the applicant probably should have objected at that time but the approach he took was that if the juxtaposition of the respective windows did not trouble them as the proposer, it should not trouble him either.
- 4.19 Mr Van Beuren, the neighbour in the house to the rear, very recently bought this dwelling presumably in full knowledge of this juxtaposition. When works were proposed to the Boatshed, the applicant even went so far as to propose removing these two gable windows to create greater privacy for the neighbour. This has not been recognised or acknowledged by the Planning Officer. The proposed new window opening is sited specifically and deliberately out beyond the gable wall line of Mr Van Beuren's adjacent dwelling, so that the boatshed will have approximately the same amount of light to allow the applicant to work on his boat in the Boatshed but without any of the alleged overlooking concerns. Again, we reiterate that the adjacent owner who the Planning Officer believes may be potentially affected by this opening has confirmed that he did not object, and does not object to the proposals.
- 4.20 With regard to the fourth bullet point in the reason for refusal *'the property fails to reflect the traditional settlement pattern of the immediate vicinity'* we strongly contest this for two main reasons; the historic development of the area is not regular- it is characterised by sporadic ribbon development beginning with the construction of Broom Cottage as an isolated Cholera Hospital in 1864, followed by gradual ad-hoc infilling of sites along the roadside over the following 160 years. In respect of land use and buildings in the landscape, the immediate area contains stand-alone moderately sized dwellings, close clusters of terraced dwellings, close clusters of dwellings from various periods, and traditional outbuildings.

- 4.21 It is self-evident that the Boatshed has long formed an integral part of this mix, and it is not being changed in plan. Because the Boatshed building footprint has remained unchanged for 60 years it is therefore inarguably a more well-established and more integrated part of the traditional settlement pattern than the more recently extended house adjacent.
- 4.22 There is no proposal to change the established and integrated traditional settlement pattern of which the Boatshed forms part. If it is found that there is anything untraditional about the settlement pattern, which we dispute, this was self-evidently caused by the most recent 1986 extension of the house adjacent, too close to the applicant's traditional boatshed which pre-existed the house by 25 years.
- 4.23 The recladding of the Boatshed building is proposed in very traditional larch cladding boards and the same sinusoidal profiled roofing texture as existing, which will improve its traditional character and contribute positively to the amenity of its environs significantly.
- 4.24 The allegation that such vernacular and character-respectful improvements to a well-established traditional building would '*erode the traditional settlement character of the 'Culbin to Burghead Coast Special Landscape Character'*' we certainly do not agree with, for a number of reasons:
- The building in its present form significantly predated the establishment of the policy and would thus be deemed to be integral to the character which the policy seeks to protect.
 - The proposed alterations do not affect the building plan size or shape, thus the settlement character in planning texture terms is entirely unaffected.
 - The only massing change proposed is a minimal 85cm heightening of the eaves.
 - The treatment of the exterior elevations will make the appearance of the building more, not less, in keeping with the traditional vernacular character of the Moray Coast, and more not less in keeping with similar developments in the Findhorn area all of which have been approved by Moray Council over the past twenty years.
- 4.25 The Boatshed has been in its present site and in its current form for 60 years and it is our view that it does by nature of its pedigree and age reflect the 'traditional settlement character' in terms of siting and design.
- 4.26 The development proposals do not affect the existing siting. In our view they will improve the design of the building and safeguard its condition for many years to come, and by its use of traditional proportioning and high-quality traditional finishes typical of the coastal plain fishing village of Findhorn, the development will reflect the special qualities of the designation.

- 4.27 The content of the relevant Moray Local Development Plan policies is referred to in detail in the preceding section.
- 4.28 Local Plan proposals Map shows the Boatshed site area as within the existing settlement, not in an area of open countryside. The settlement pattern identified in the plan proposals map does not show anything anomalous about the development location or the footprints of the existing buildings. In fact, the policy plan does not show the correct building footprint, however no change to the actual footprint of any buildings is proposed. The only change in form proposed is to raise the roof of the existing boatshed by a minimal 85cm.

5. CONCLUSION

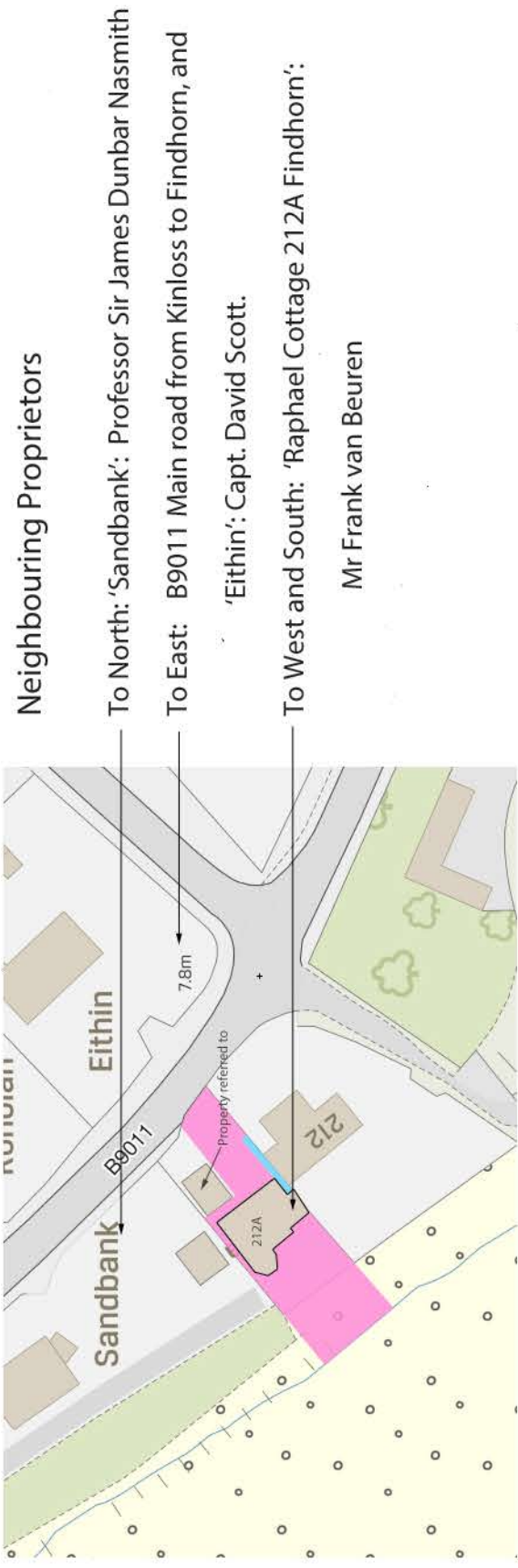
- 5.1 For the above reasons the LRB is asked to approve the physical alterations to the building as set out in this request for review.
- 5.2 The description of the proposal also states a 'change of use' although the proposal will largely retain the boatshed use and amend it to allow infrequent overnight stays. Whether that constitutes a change of use is a matter of fact and degree, and there is a strong argument that until overnight stays were regular then they could happen as a de-minimis element of the boatshed use at present and after the alterations being undertaken.
- 5.3 The LRB can therefore approve the physical alterations in the safe knowledge that these are acceptable in terms of the policies and can, if necessary, state that the formal 'change of use' that the Planners included in the description is not approved if that assists the LRB in arriving at their decision.
- 5.4 Lastly, the owner Donald Canavan was brought up in the adjacent property Broom Cottage since birth in 1962. He inherited the property and the boatshed upon the death of his parents and restored both in 1990, where he lived for 8 years, raising a family. Sadly, his wife's illness forced him to sell Broom Cottage to move to Edinburgh where she could be treated, however he retained the boatshed to keep his boat in, and to maintain his lifelong link with the place.
- 5.5 Fundamentally the application is not commercial in nature nor impacting upon planning policy. It was devised for minimal impact and submitted in the hope of avoiding the risk of losing this lifelong connection with Findhorn, a connection which is very important to Mr Canavan.

Specification of Finishes

- Walls: 22mm thick x 125mm 'batten on board' Scottish Larch timber cladding painted blue breathable coating.
- Specific shade to be agreed with planning officer.
- Windows European redwood tilt & turn by NorDan. Colour white
- Roof Profiled metal sheeting: steel traditional sinusoidal profile
- Colourcoat HPS200 Ultra. Colour Dark Grey.
- Rainwater goods galvanised steel unfinished.
- Exterior finishing joinery in Larch (sprockets in treated redwood), all painted white.
- Doors Joiner built redwood sliding workshop door, painted blue as cladding

Design Intent

- The building has been a timber workshop/ outbuilding since its original construction in 1959. It was reconstructed around 1992 in the same shape and footprint.
- The proposal retains the same footprint and retains the walls structure.
- The eaves is raised by around 850mm and the roof pitch increased from 25 degrees to 32.5 degrees
- This creates space for an upper storage deck
- The building will be overclad externally with larch boarding and roof cladding on existing profile
- The walls and new roof trusses are clad in plywood internally
- Windows are replaced and a WC and wood burning stove are inserted
- Existing clear roof sheeting is replaced by 4 velux rooflights



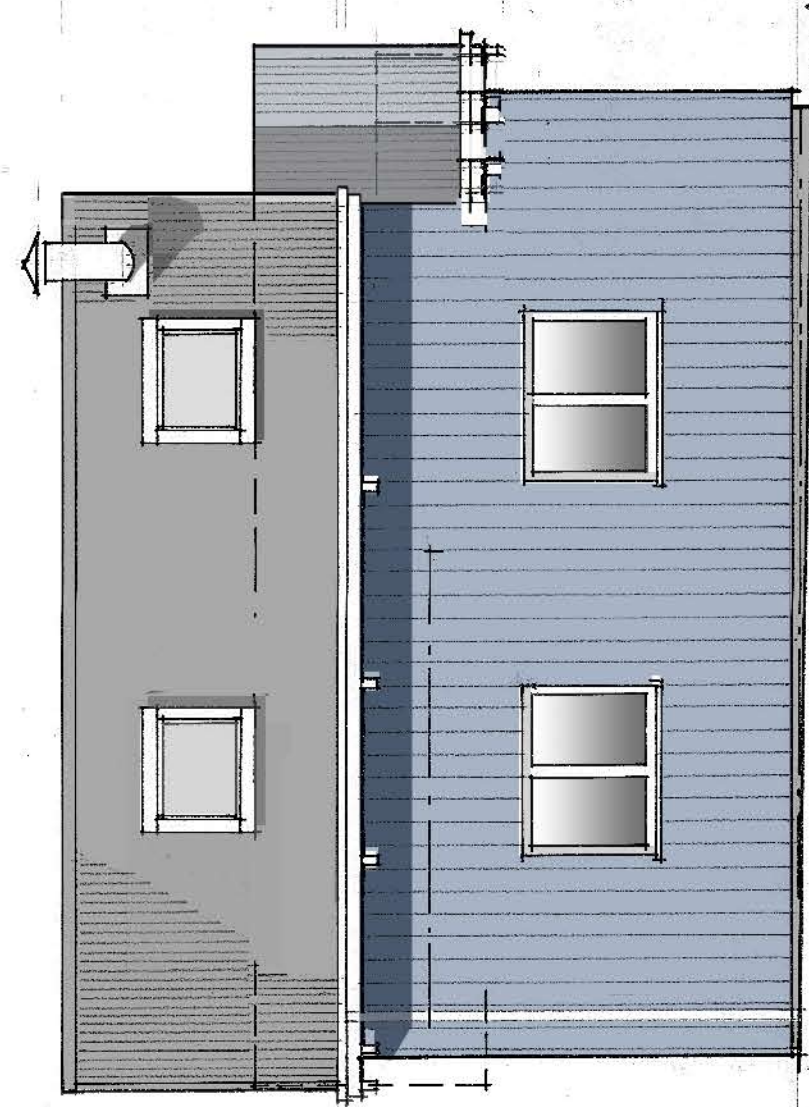
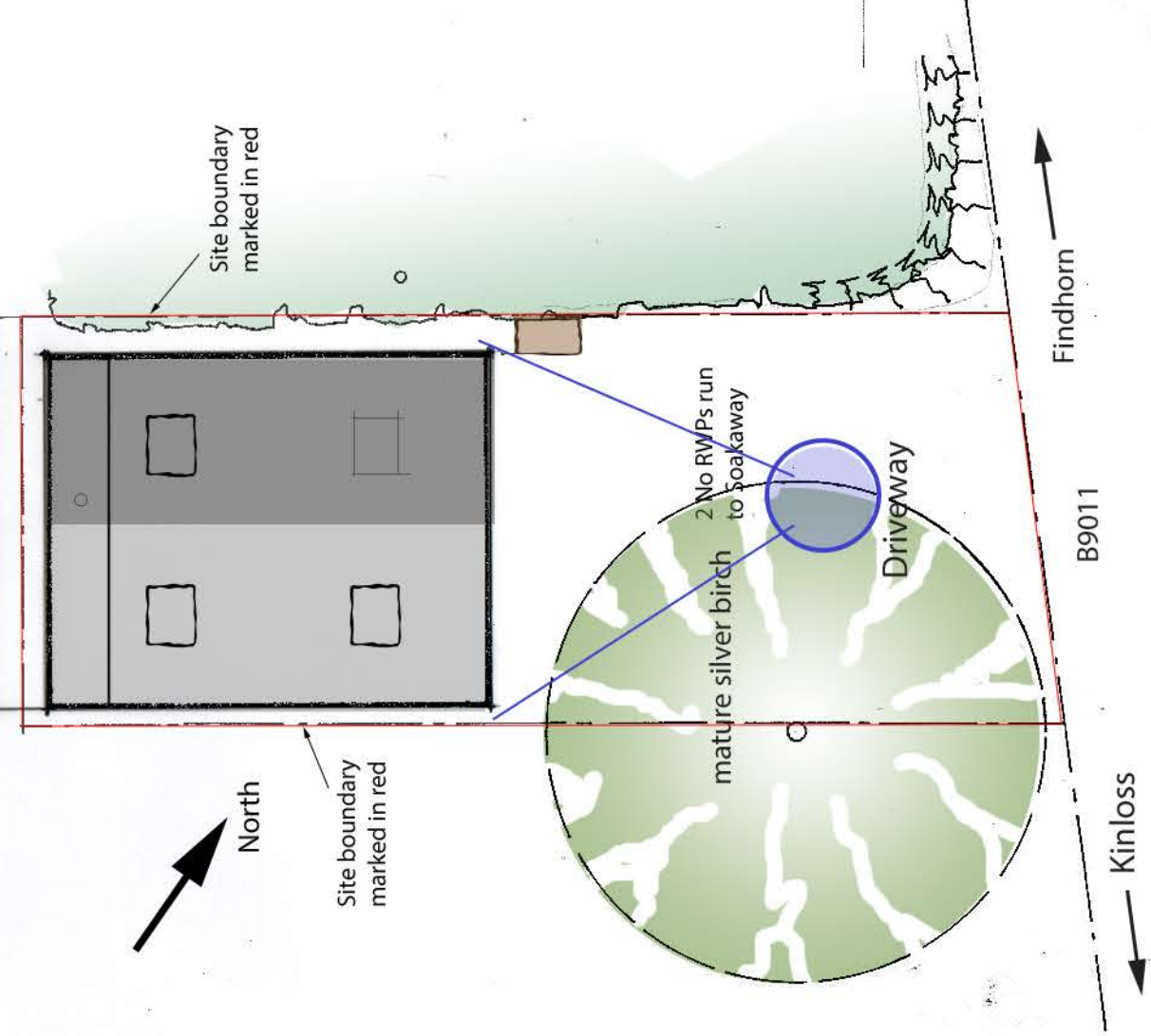
Location Plan (Building footprint is unchanged)

Neighbouring Proprietors

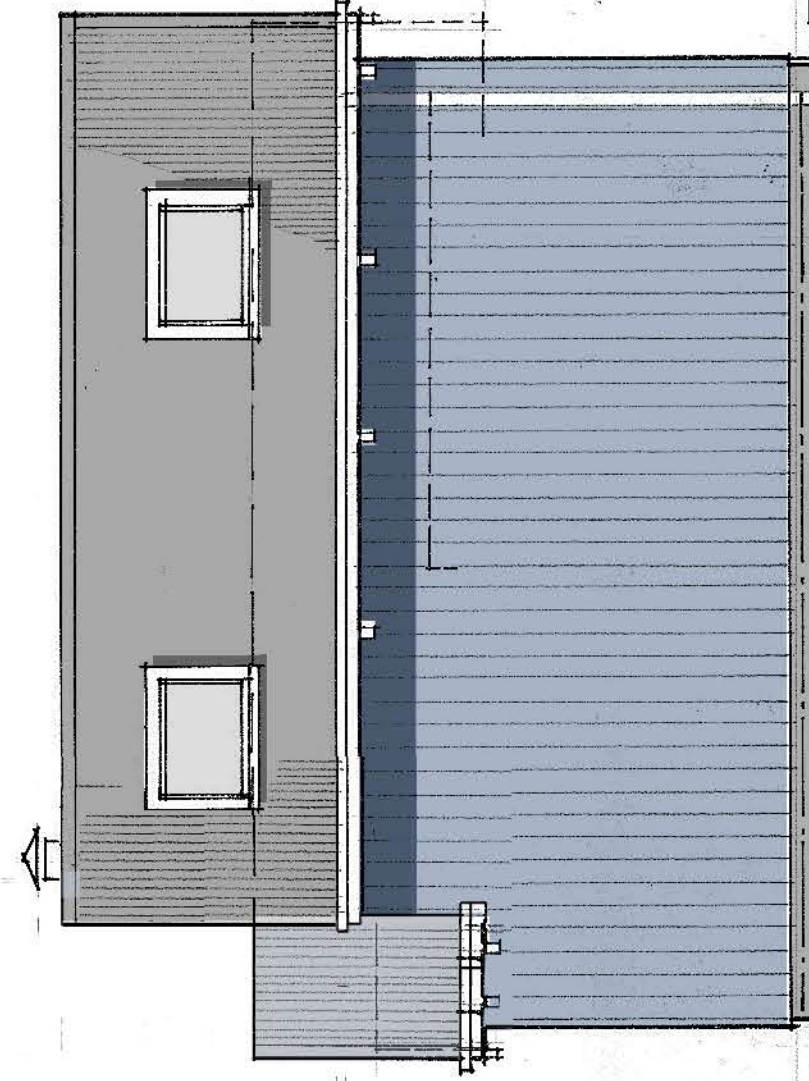
- To North: Sandbank: Professor Sir James Dunbar Nasmith
- To East: B9011 Main road from Kinloss to Findhorn, and 'Eithin': Capt. David Scott
- To West and South: 'Raphael Cottage 212A Findhorn': Mr Frank van Beuren

Outbuilding to Sandbank

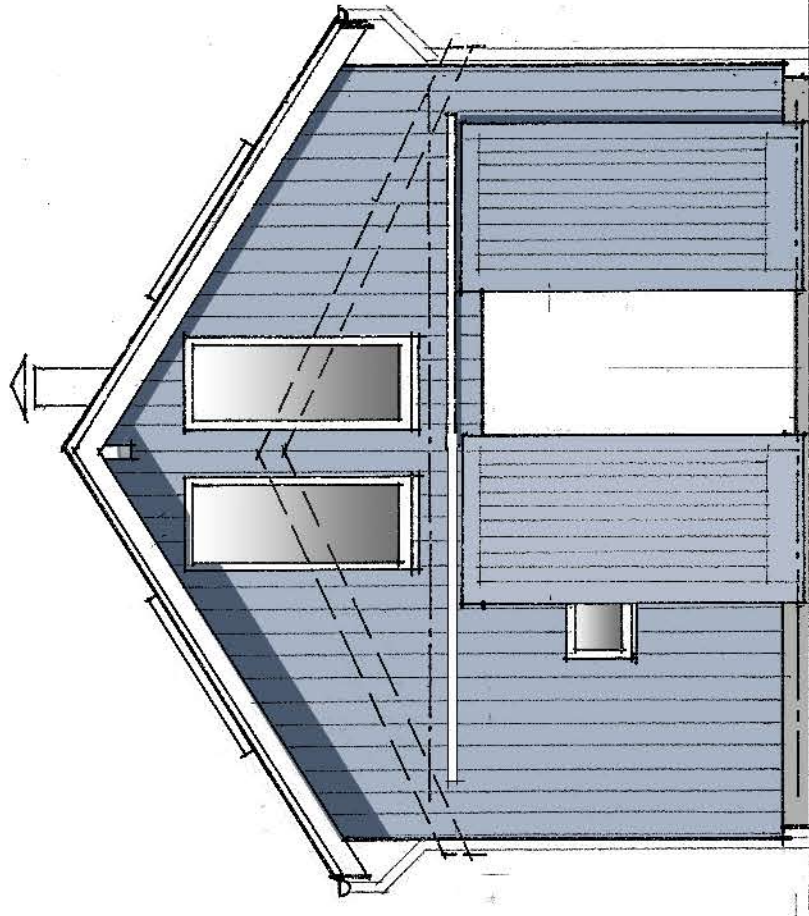
Raphael Cottage 212A/B Findhorn 2 Dwellings



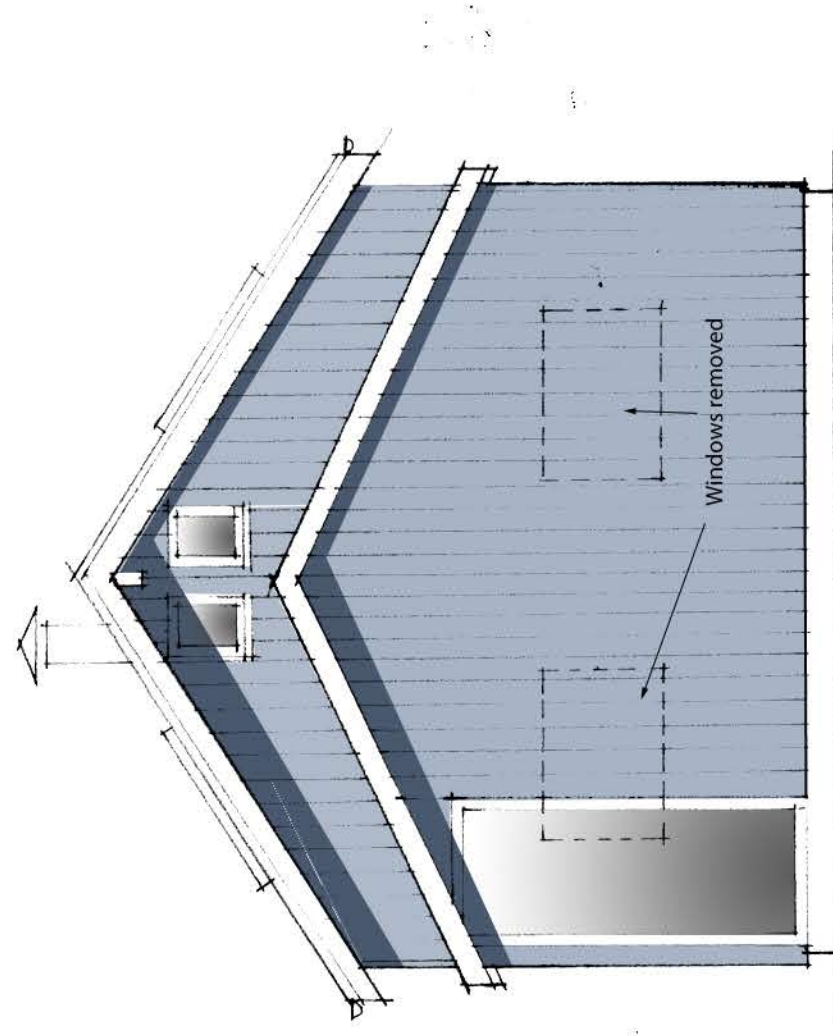
North Elevation 1:50



South Elevation 1:50

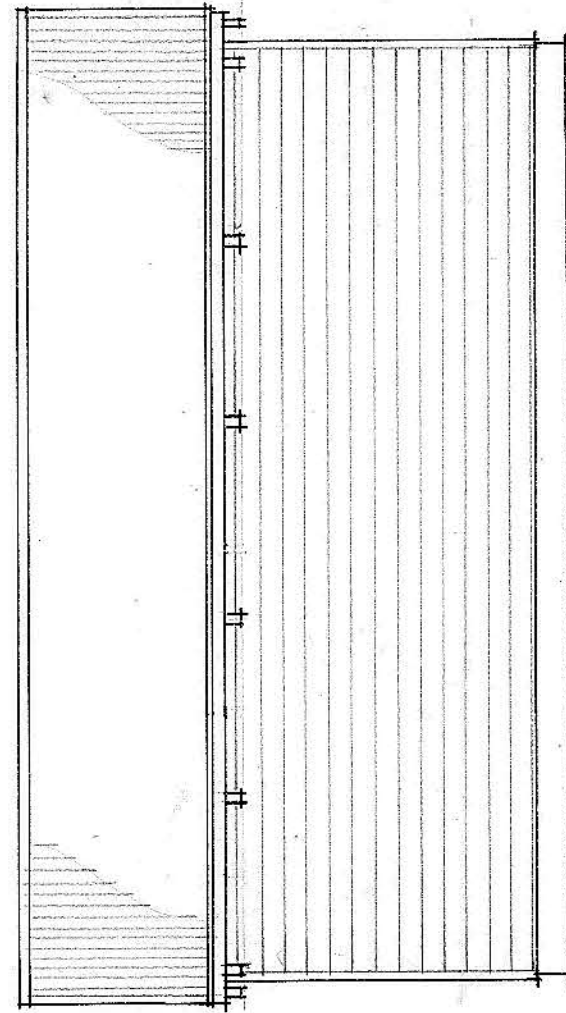


East Elevation to Road 1:50

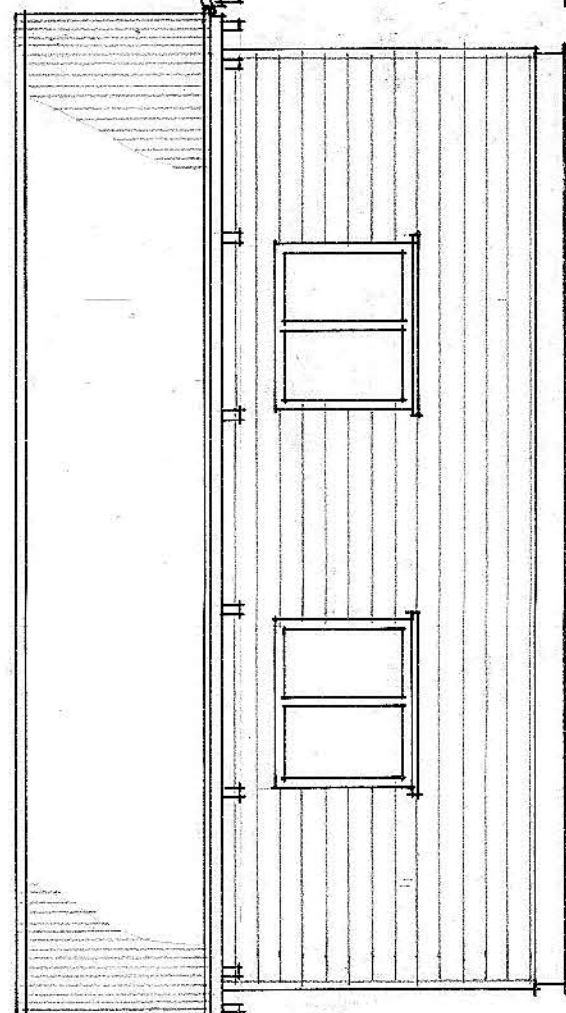


West Elevation to Raphael Cottage 1:50

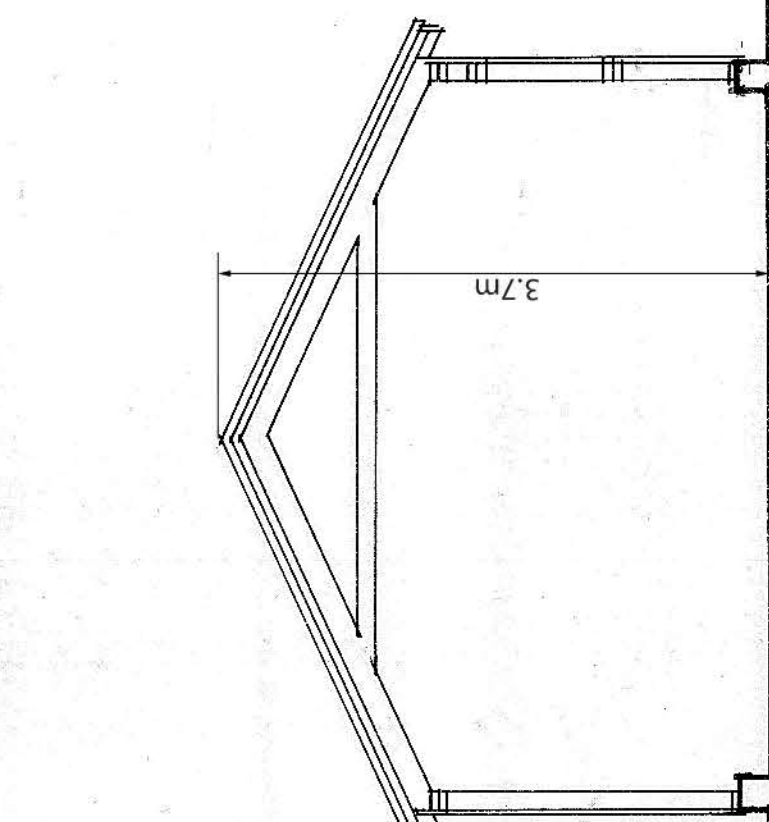
Site Plan 1:100



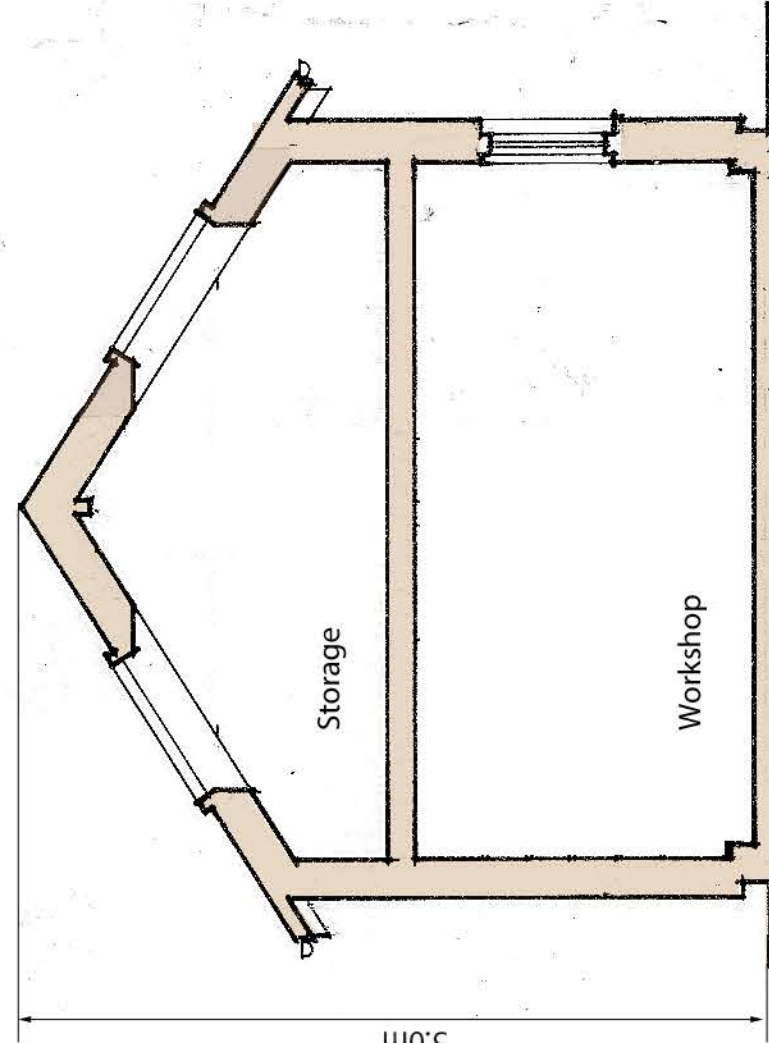
Extg South Elevation 1:50



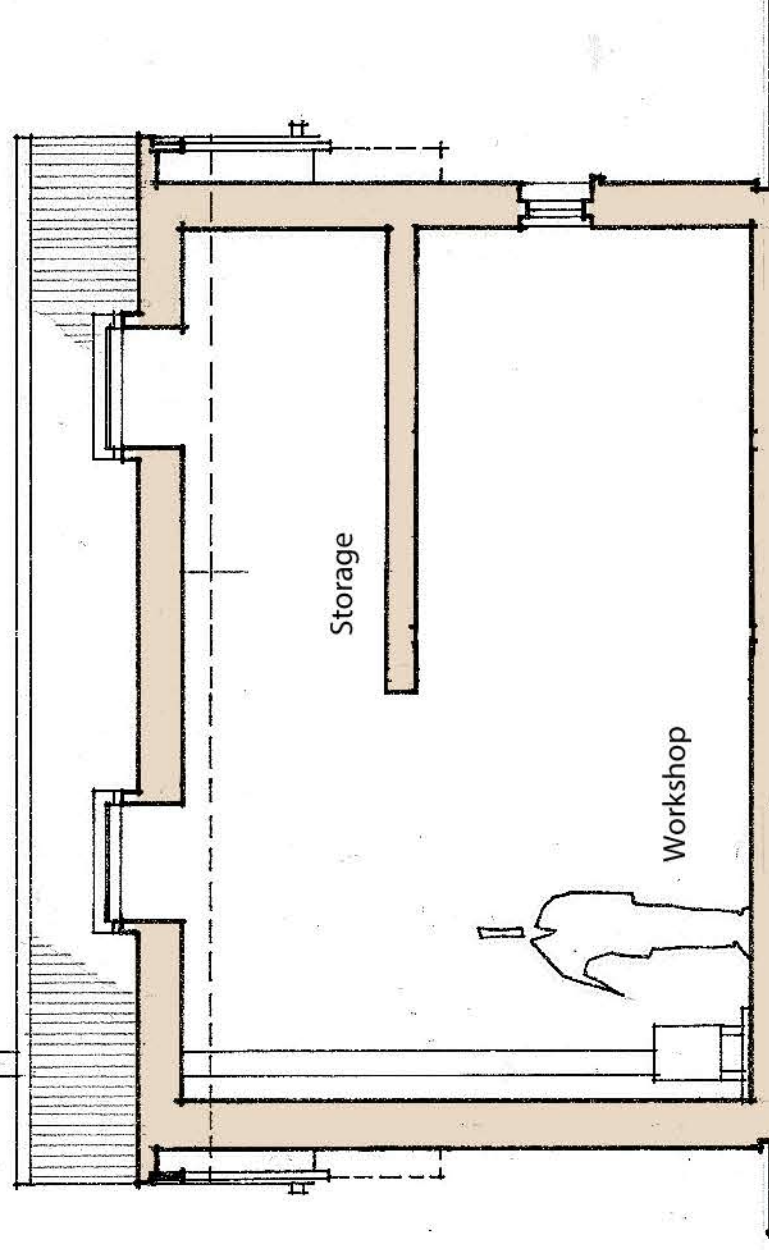
Extg North Elevation 1:50



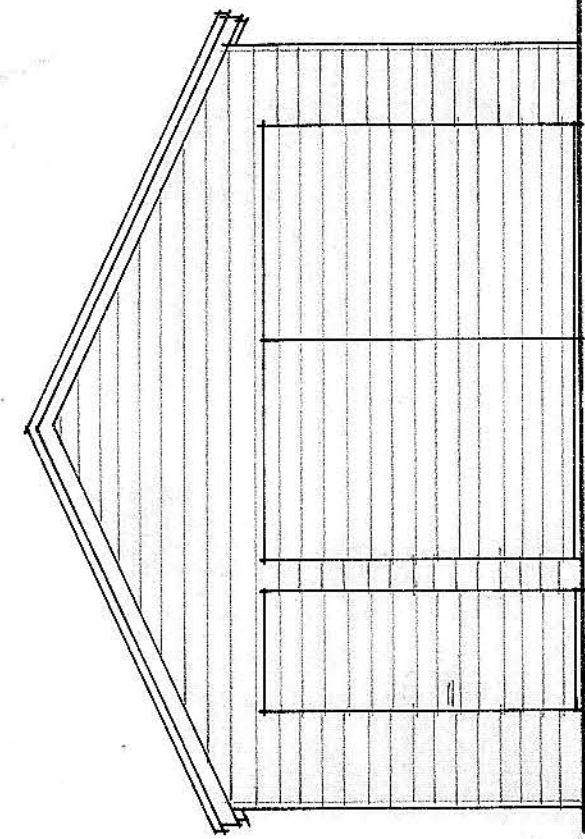
Extg Cross Section 1:50



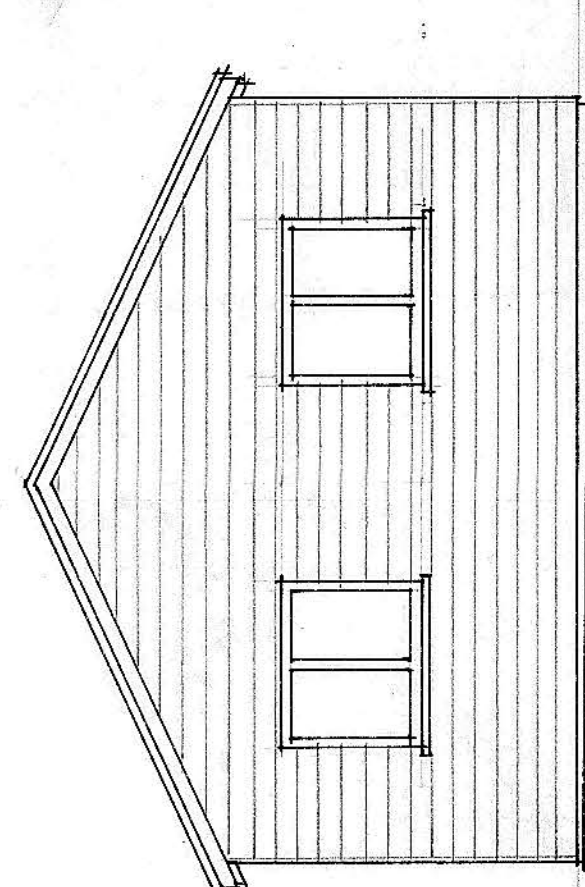
Cross Section 1:50



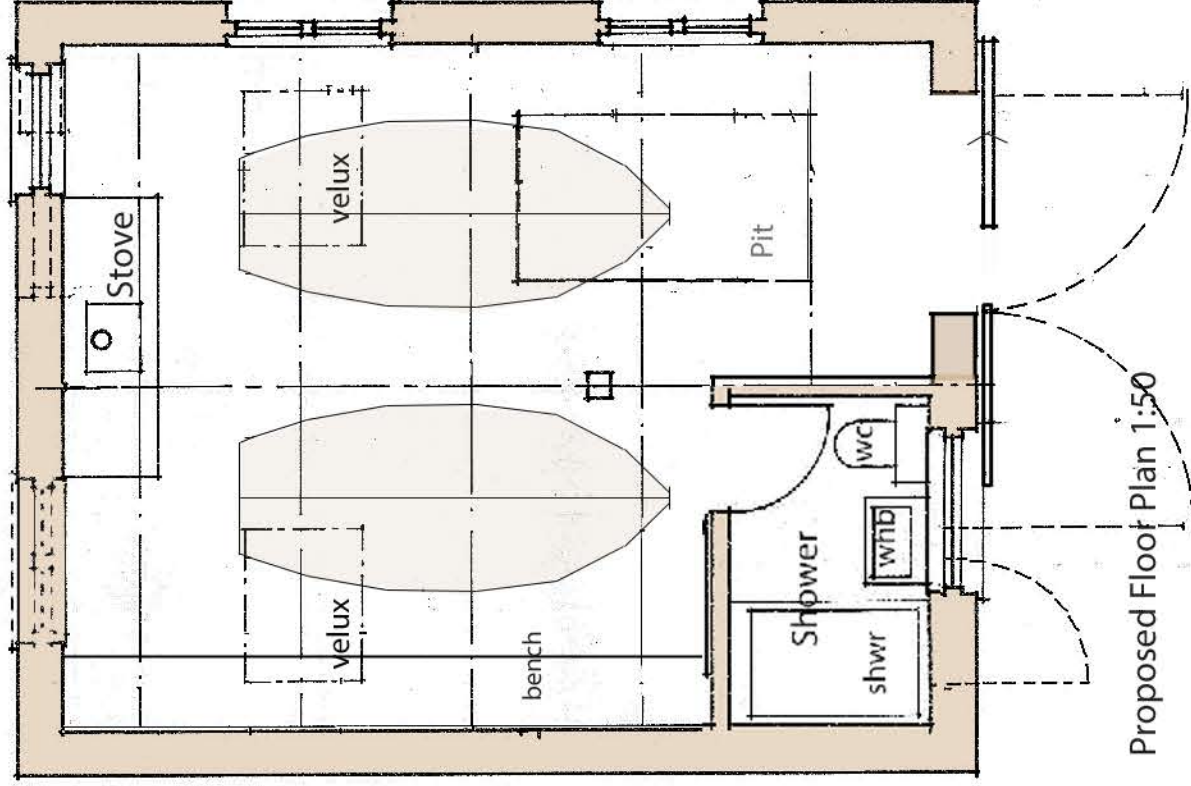
Long Section 1:50



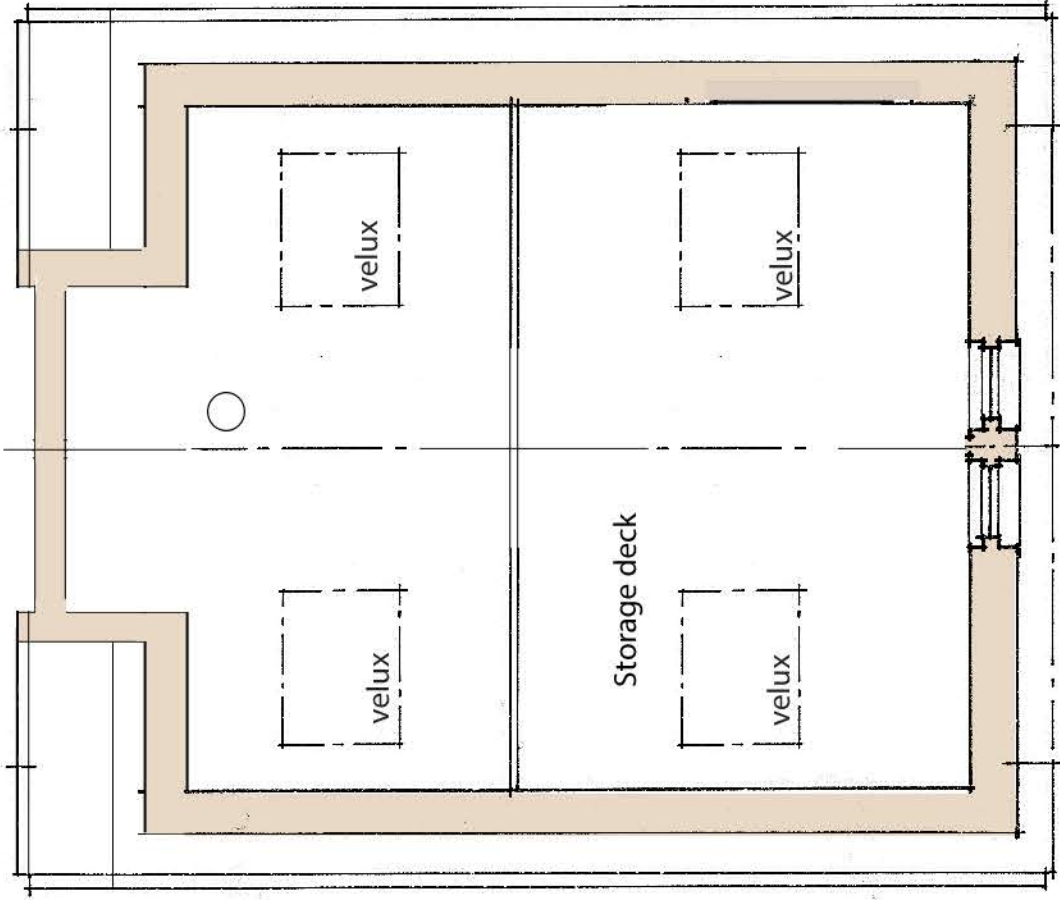
Extg East Elev to Road 1:50



Extg West Elev to Broom Chalet 1:50

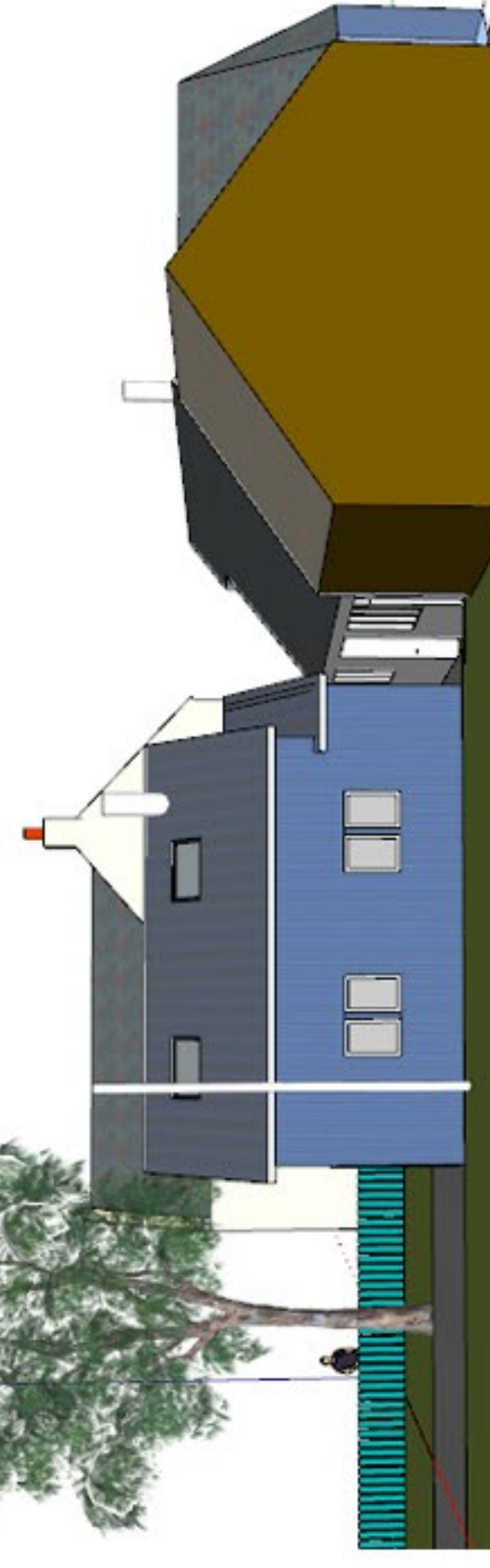
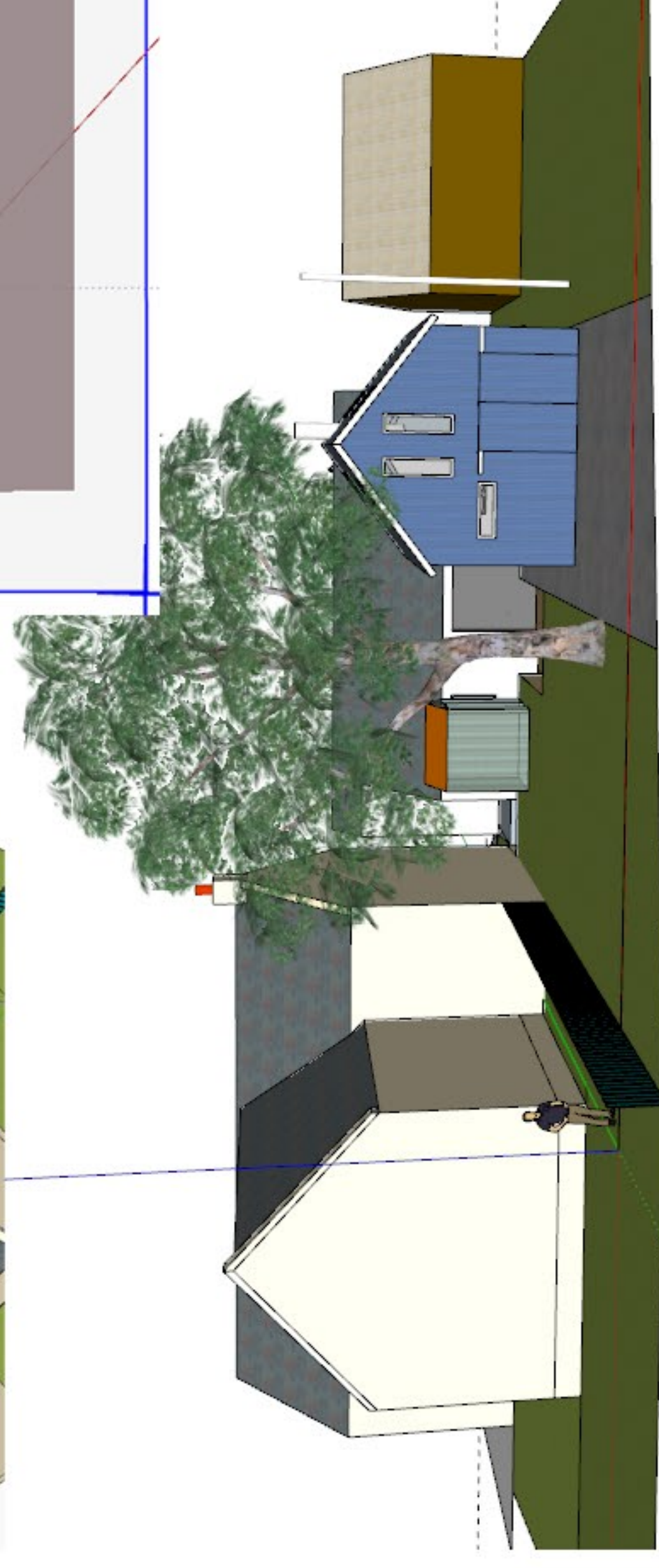
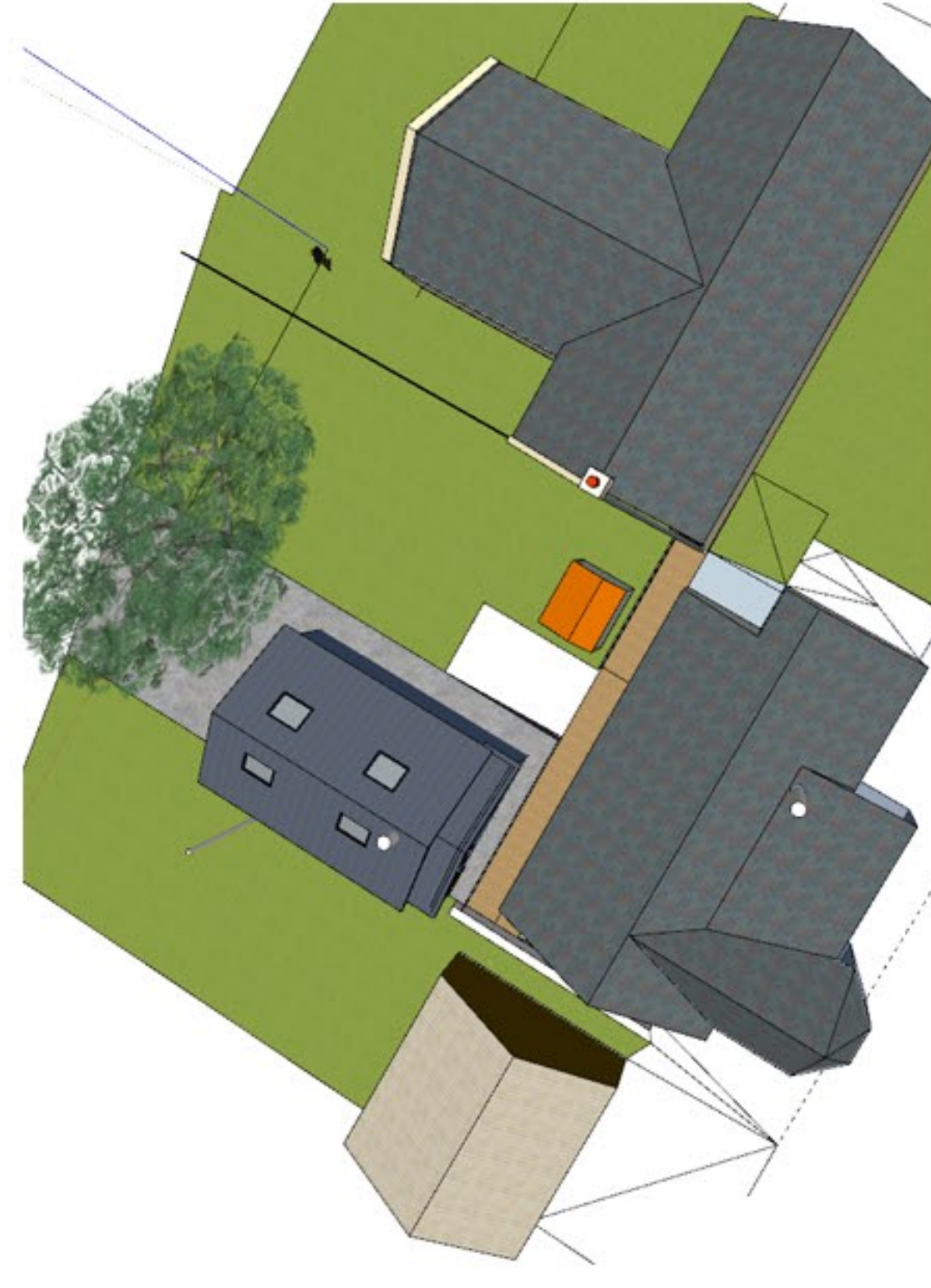
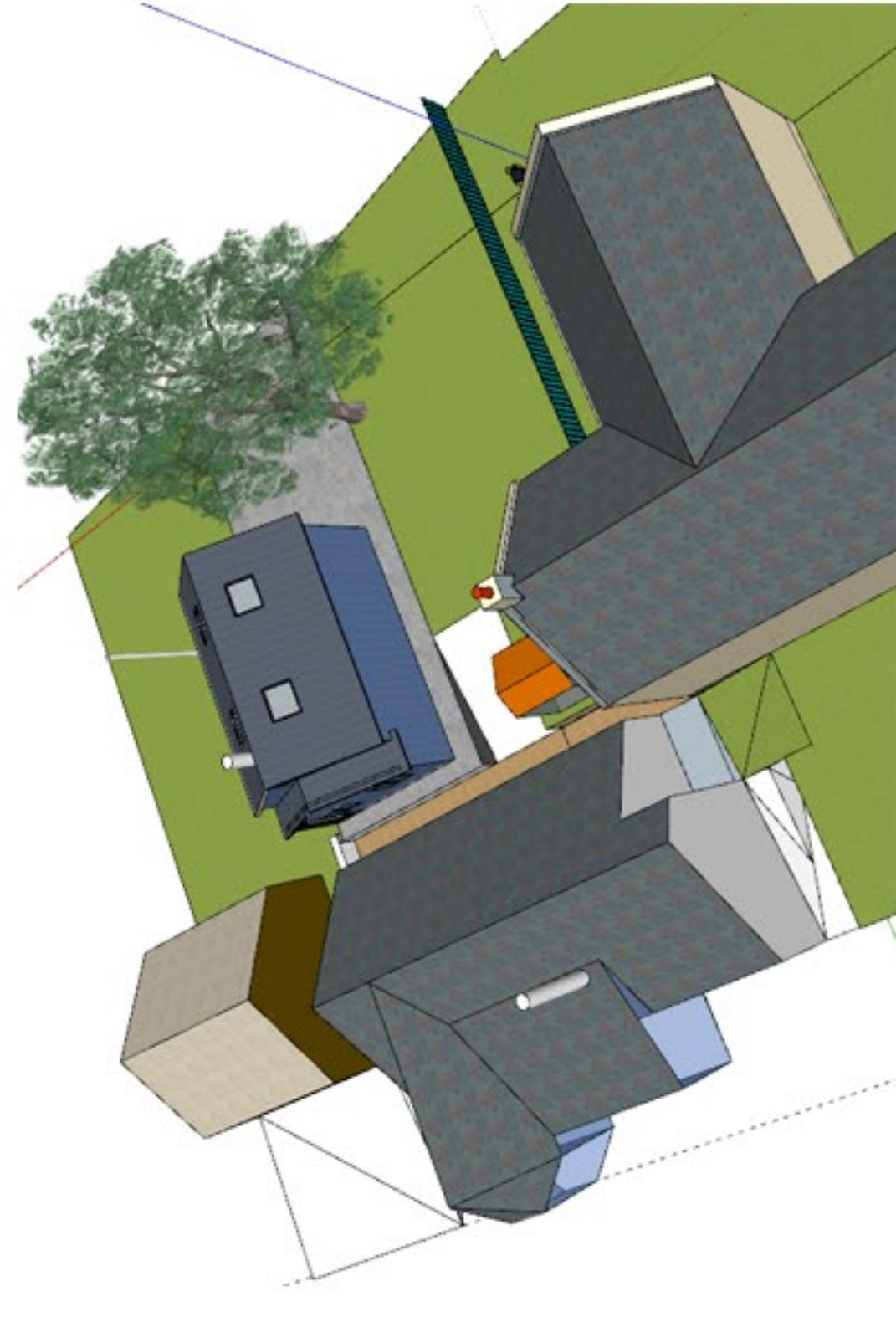
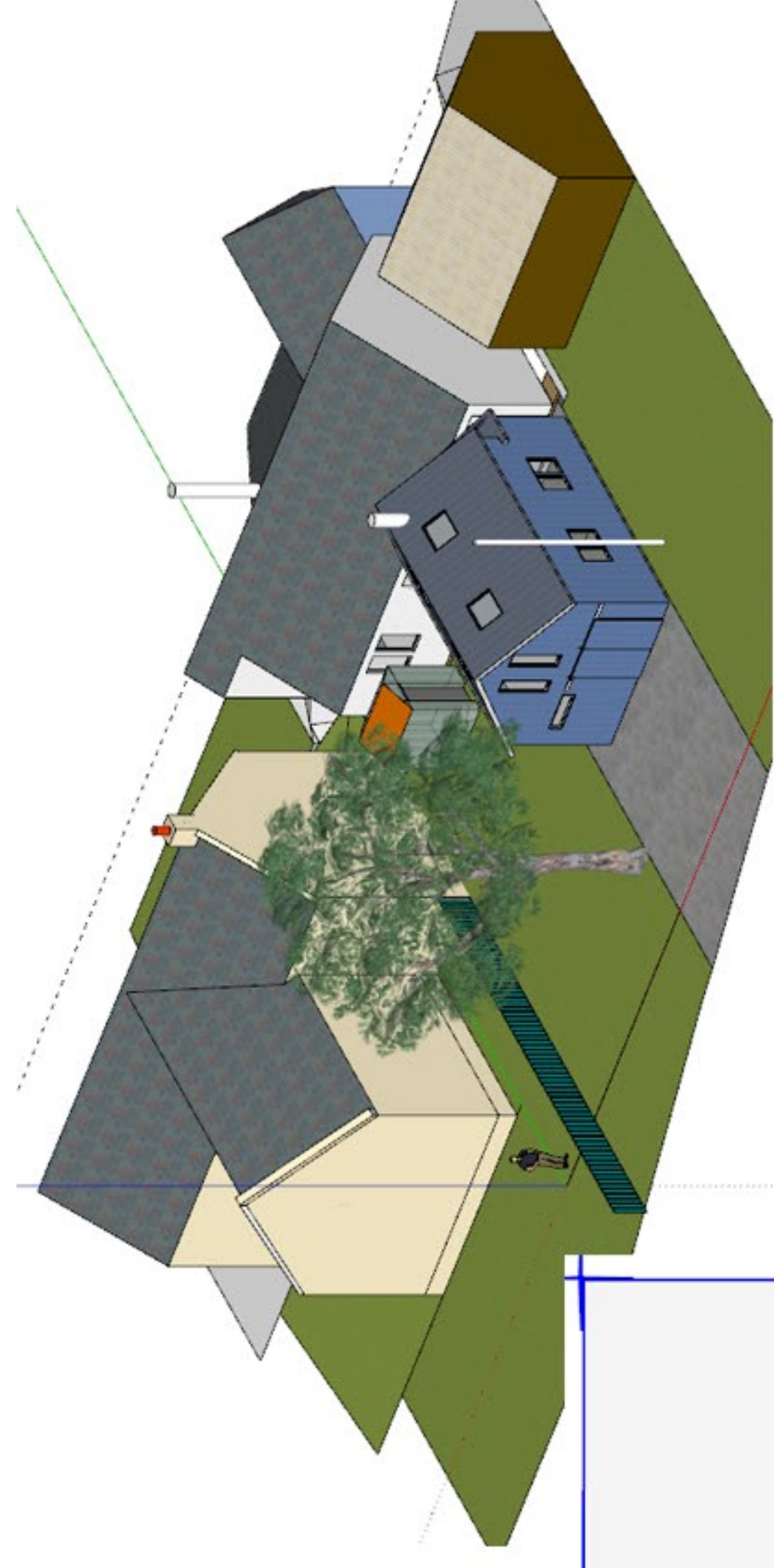


Proposed Floor Plan 1:50



Storage deck 1:50

Re-roofing & recladding of Outbuilding 212c Findhorn, Forres Moray Planning Application Drawing 01 Revision C May 2021



Alterations to Boathshed, 212 Findhorn
Mr D Canavan RIBA ARIAS MCIARB
Site Sections and Perspective views



View of space between buildings - Note that the house 212A was built out in 1986 to sit close to the pre-existing Boatshed. Planting was inserted by owner of house 212A.



View from Road currently. Dashed white lines indicate roof profile proposed. Change in massing is minimal and proportions of boatshed building are in keeping with traditional domestic scale buildings. Note the degree to which boatshed and curtilage are dominated and obscured by neighbour's birch tree.



View from Road showing current assembly of buildings. Note that light to ground floor “bedroom” is obscured by owner’s own garden shed, not by boatshed (relevant window and garden shed arrowed). If the rooflight is referred to as a ‘bedroom window’ this is puzzling because the 1986 Planning approval for the reroofing of the building was for a single storey dwelling. It did not include roof accommodation, and I have not been notified of a planning application to extend the accommodation into the roof.

Note also extent of tree canopy across site and corresponding light reduction.

Development Comparison One: Property conversion in Findhorn Village – 177 FINDHORN

Property Converted from a Single Garage into a stone dwelling for Mr Roy Mathieson in 1984. Less than a mile from 212 Findhorn. Property has no 'amenity space'. It has no drive, only a public lane and is built to the boundary line. It received Planning Approval from Moray Council in 1984 and represents a very successful conversion from a garage to a dwelling within the village.





Space against west gable at 177 Findhorn is considerably smaller than the drive space at the Boat shed. The close proximity of the lane shows that this approved proposal had considerably less amenity space than the Boat shed at 212 Findhorn.



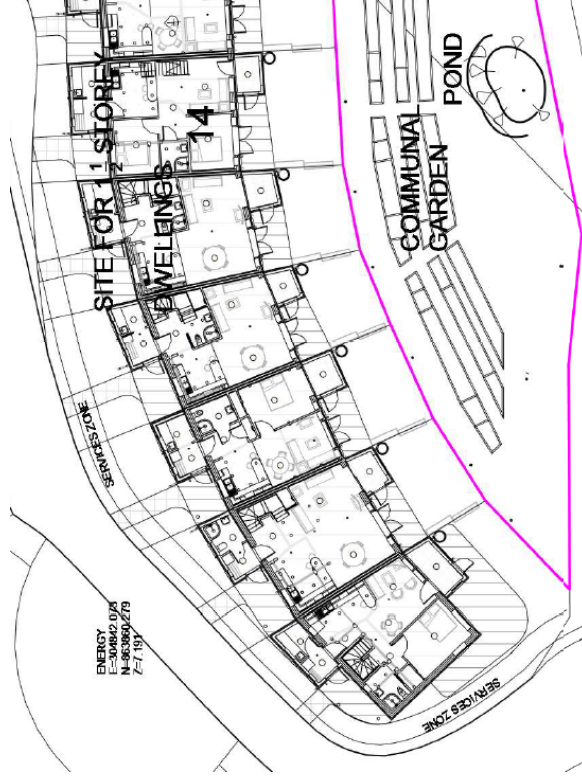
Development Comparison 2: North Whins, Findhorn

Less than a mile from the Boatshed at 212 Findhorn is the second phase of small terraced 1 ½ storey dwellings being developed by Greenleaf design and build on sand dunes adjacent to the Park at Findhorn Foundation. These have recently (2019) received Planning Approval from Moray Council.

The dwellings have a ground floor area of around 48 to 50m², and a reduced first floor area. As the location plan shows they have minimal individual amenity space, instead similarly to the above development, they are sited within communal space.

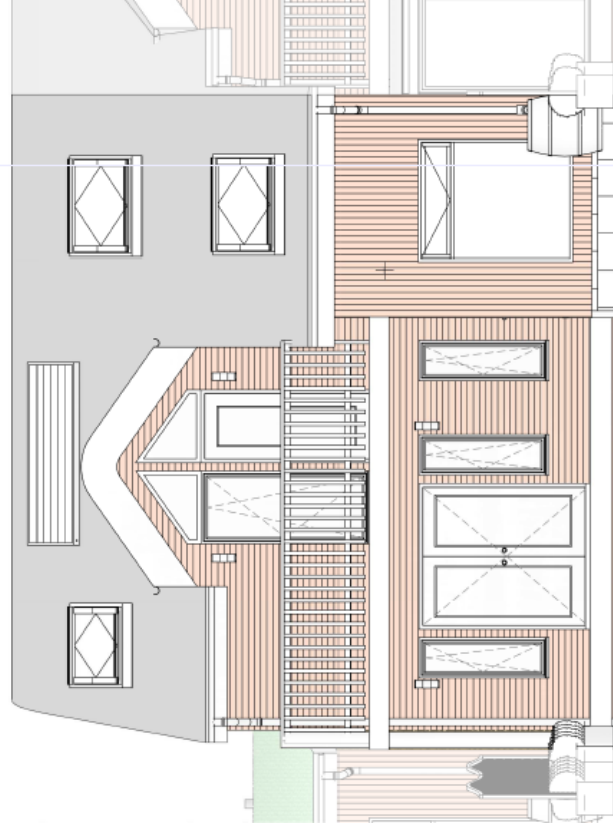
It is important to reinforce here that the boatshed is not a permanent dwelling, and that its site area is 84m².

It is therefore apparent that the Boatshed site and plot area are capable of carrying a dwelling and the necessary amenity space, when in immediate juxtaposition with public and community access space.



Location Plan - 14.8

1 : 500

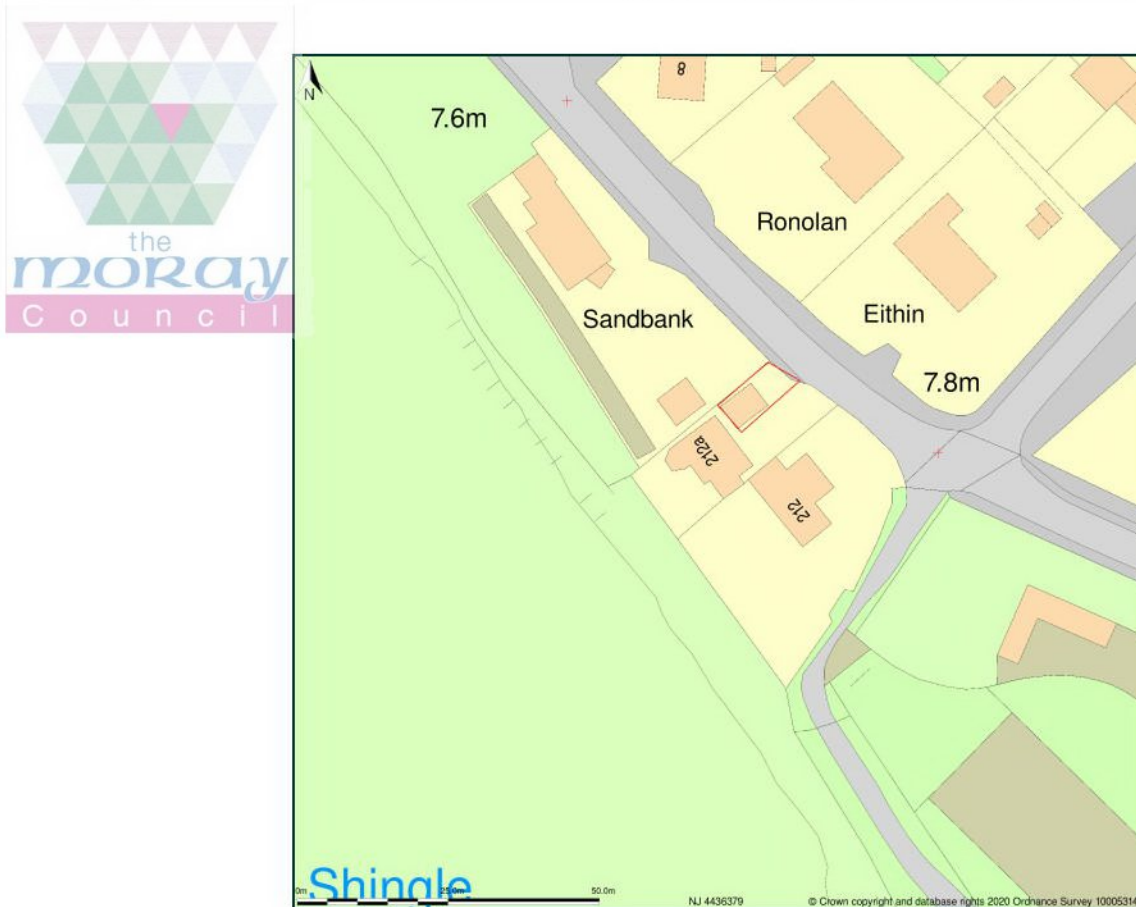


14.8. - South Elevation

1 : 50

‘North Whins’ small 1 ½ storey dwellings terrace in Findhorn, with ground floor areas from 48m², recently approved by Moray Council.

Site adj to 212a, B9011 From Findhorn Road In Kinloss To Findhorn, Findhorn, Moray, IV36 3YY



Site Plan shows area bounded by: 304366.66, 863722.99 304508.08, 863864.41 (at a scale of 1:1250), OSGridRef: NJ 4436379. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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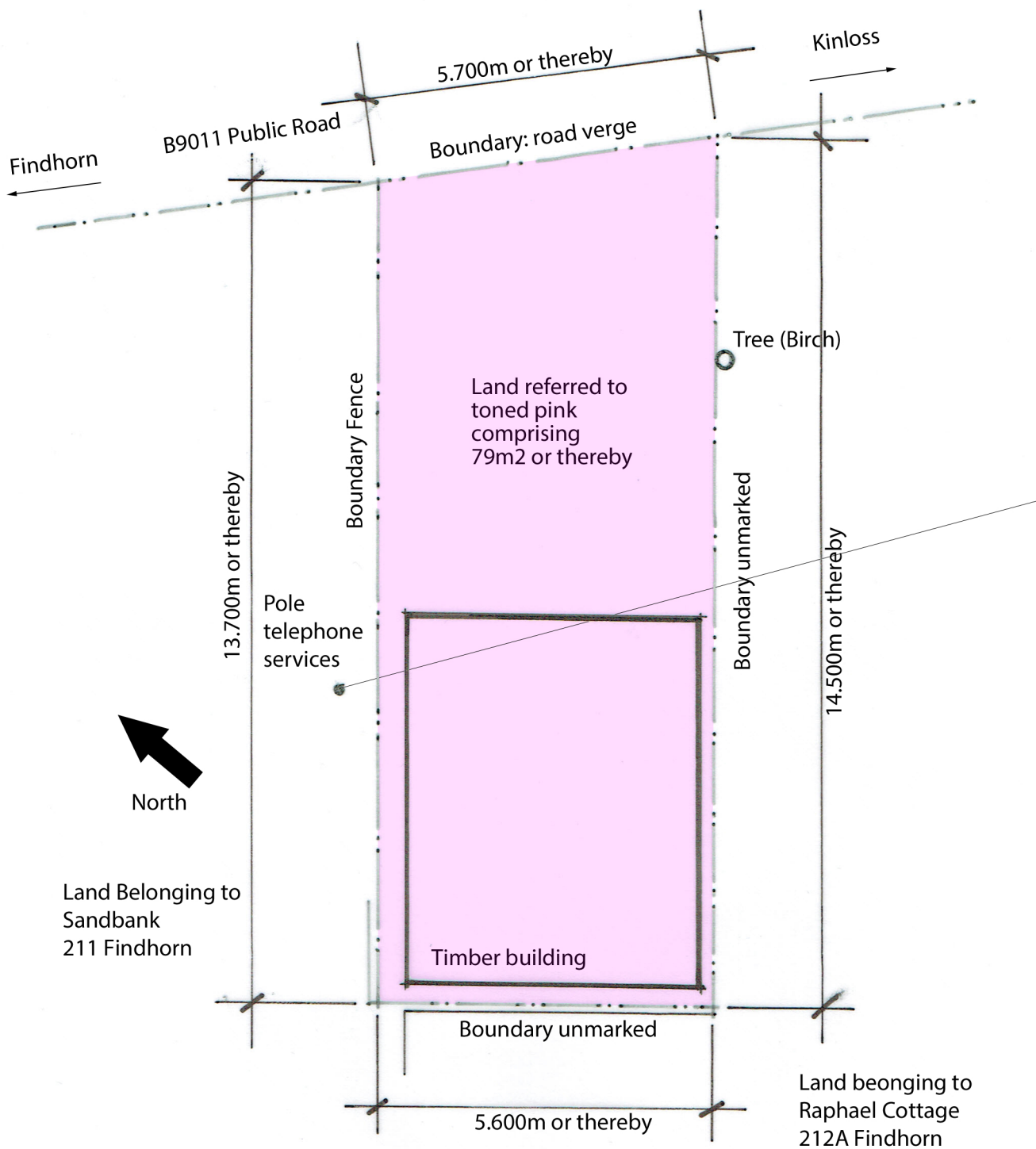
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**Town & Country Planning
(Scotland) Act, 1997
as amended**

REFUSED

14 May 2021

**Development Management
Environmental Services
The Moray Council**



Feu Plan

Land and building adjacent to 212A Findhorn, Moray.

Donald H Canavan





APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lissa Rowan

From: [REDACTED]
Sent: 24 June 2021 10:22
To: Lissa Rowan
Subject: RE: Notice of Review - Planning Application 21/00272/APP

Warning. This email contains web links and originates from outside of the Moray Council network.

You should only click on these links if you are certain that the email is genuine and the content is safe.

My concern about this application was always, and remains, the wider implications for Findhorn village, Moray county, indeed all Scotland, rather than the specifics, especially once the 'hut' word was introduced.

The applicant now represents his proposal as (and I paraphrase) 'improvement of the existing building/boatshed and the surrounding environment' via adding external cladding, increasing the roof height and number of windows to provide an internal mezzanine floor/bed space plus more natural light, also introducing new facilities better to accommodate overnight stays.

Should he be successful with his objection, I believe the applicant would use the shed 'responsibly' (if this is the right term), as he describes. And I understand and have some sympathy with his desire to retain a link with the village.

But time passes and change occurs.

In planning terms, and this is where the focus must be, I struggle to reach any conclusion other than that this remains an application for change of use of to residential, and that MC's refusal maintains the integrity of the planning system and thus should not be overruled.

[REDACTED]

Sent from [Mail](#) for Windows 10

From: [Lissa Rowan](#)
Sent: 10 June 2021 09:20
Subject: Notice of Review - Planning Application 21/00272/APP



Educational



APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

From: Donald Canavan <donalddcanavan@hurdrolland.co.uk>
Sent: 19 July 2021 12:10
To: Lissa Rowan
Cc: Beverly Smith; Suzanne McIntosh; jacquipc@icloud.com; Lorna Creswell
Subject: Notice of Review: Planning Application 21/00272/APP – Change of use and alterations to boat-shed to provide a hut for occasional overnight stays at site adjacent to 212A Findhorn, Moray REF LR/LR260

Warning. This email contains web links and originates from outside of the Moray Council network.

You should only click on these links if you are certain that the email is genuine and the content is safe.

Dear Lissa,

Thank you for sending me the redacted representation received while I was on leave. I advised that I wished to respond to this, and now respond as follows:

The email refers primarily to the *‘wider implications for Findhorn village, Moray indeed all Scotland’* of raising the roof of a wooden boatshed by 85cm.

I am sure I do not need to draw more attention to the ridiculousness of this statement than it already draws to itself.

The implication which follows is that I have somehow changed the application. This is incorrect and misleading. My only change was to propose a modification to the roof form to ensure that the kitchen windows of the property owned by Mr Frank van Beuren received greater privacy and more northlight than it currently does (notwithstanding it had been built up to my boatshed, not the other way round). It is my view that this offers an improvement from current circumstances, which should be welcomed.

The references to my use of my building being *‘responsible’* or otherwise I am unclear of, in respect of planning policy.

Likewise the objector’s reference to the possible future use of the property. The same could naturally be said of the future use of his property, and the potential for it to represent a nuisance to neighbours including myself. Changes of use of either property in the future would of course be subject to the requirement for planning consent, so this is not currently a material consideration in determination of this appeal.

The final point made is that this *‘remains an application for change of use to residential’*.

As made clear in the drawings and in the accompanying planning statement, this is evidently not an application for change of use to residential.

It proposes facilities to enable its ongoing use as a working boatshed and maintenance space for my boat, with the option for occasional overnight stays only.

It is my understanding that the person objecting to the change to the boatshed, is the person occupying the roof of the adjacent property belonging to Mr van Beuren.

It is a pity that the objector did not feel the same personal diligence with regard to observing planning policy constraints when he took up residence within a roof space that had never been considered for, far less received, any planning permission!

I have lodged a request for investigation and enforcement in respect of this, however I have recently been invited by you to raise a formal complaint concerning the time Moray Council have taken to respond to this.

I have lodged this this morning.

Mr Van Beuren, presumably his 'landlord', has expressed a strong desire to other people to purchase my garage and drive for himself in order to improve and enlarge his own property.

It is my view that it is this commercial self-interest which is driving the objection to my very minor proposal, not concerns over loss of amenity or transgression of planning policy.

In conclusion, the impression is hard to avoid that I am being criticised and penalised for following proper planning procedure, when my neighbour- in having developed an additional concealed dwelling without planning consent, has felt no need to observe planning legislation himself.

Kind regards,

Donald.

Donald Canavan RIBA FRIAS MCI Arb
Partner



**HURD
ROLLAND**

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