

Appeal Statement

Visitor Cafe at Patrol Road, Portknockie

August 2020

Our objections to the Refusal

1 The first reason for refusal is:- *“The proposal would introduce an incompatible use into an established business area and would create conflict with other existing uses.”*

The only active users on site are a boatbuilder and a joinery manufacturer. Any other units are disused. It cannot be seriously claimed that a small visitor restaurant would create a conflict, or in some way detract from the amenity of those users.

2 The second reason for refusal is:- *“The proposal would fail to provide a development that would enhance the visual appearance of the site or the quality of the built environment.”*

A visit to the area will confirm that the entire site is run-down and semi-derelict, and in dire need of a revamp. Being immediately adjacent to the Moray Coastal Path, and on the only route to Bow Fiddle Rock, this site is an eyesore. To suggest that the proposal would not be an improvement, is not credible.

3 The Opportunity Site Policy (OPP1) states “Only proposals that enhance the overall quality of the built environment and visitor facilities will be supported”.

4 OPP1 is for “Small-scale Business or Residential”. While it is true that a visitor cafe would come under “Food and Drink use class.....it can also be argued that this is a small-scale business. The Scottish Town & Country Planning Act describes Business Class as *“being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”* Moray Council Environmental Health Dept have raised no objection to this proposal, despite it being adjacent to an established residential area.....so it fits within that definition given in the Town & Country Planning Act.

5 Development policies are surely meant to assist with the creation of sustainable developments in Moray, particularly when jobs are being created and the visitor experience is being enhanced. It seems folly to use these policies to hinder development, when there are no departments objecting to this proposal.

Conclusion

We have been able to demonstrate compliance with the policy, apart from the requirement to develop the whole site at once. The policy is no doubt well-intentioned and may be appropriate to many other locations. But here we believe that this one aspect of the policy is not appropriate for this situation and that it should be interpreted flexibly.

Our view is that once our client has shown what can be achieved on the site, others will want to follow with other tourist-related developments, but to expect these all to happen at once is unrealistic, and serves only to stifle, even prevent, development. This is surely not the aim of Moray Council.

We believe that the proposal is in the best interests of the community, and is worthy of support.

1 Architects Ltd
August 2020