



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 100232678-001

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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Erect 800mm high fence on top of existing 1m boundary wall around property at 1 Longwood Walk Elgin IV30 6YZ.

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

No Yes - Started Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

04/10/2019

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

I was not sure if I need a planning application for this work I send a enquiry to moray council and when I was waiting for replay I did start some work to have some privacy .

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"/>
First Name: *	<input type="text" value="Dawid"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Stasiak"/>	Address 1 (Street): *	<input type="text" value="Longwood Walk"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Elgin"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 6YZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

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

Address 1:	<input type="text" value="1 LONGWOOD WALK"/>
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" value="ELGIN"/>
Post Code:	<input type="text" value="IV30 6YZ"/>

Please identify/describe the location of the site or sites

Northing

Easting

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)

I get replay for my enquiry and is said the planninn permission is required and transportation would not support the erection of high fence along the side frontage with Edgar road as proposed as this would reduce sightlines not only for vehicles exiting the existing driveway but also the around corner visibility for pedestrians and cyclists. Please see the letter and sketch on the below reference number.

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Joseph"/>	Last Name:	<input type="text" value="Thompson"/>
Correspondence Reference Number:	<input type="text" value="18/01251/ID/JWT/RKS/AJ"/>	Date (dd/mm/yyyy):	<input type="text" value="01/11/2019"/>

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.

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.

Access and Parking

Are you proposing a new or 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 proposed to make. You should also show existing footpaths and note if there will be any impact on these.

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 Dawid Stasiak

On behalf of:

Date: 11/02/2020

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Dawid Stasiak

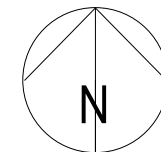
Declaration Date: 11/02/2020

Payment Details

Online payment: 011966

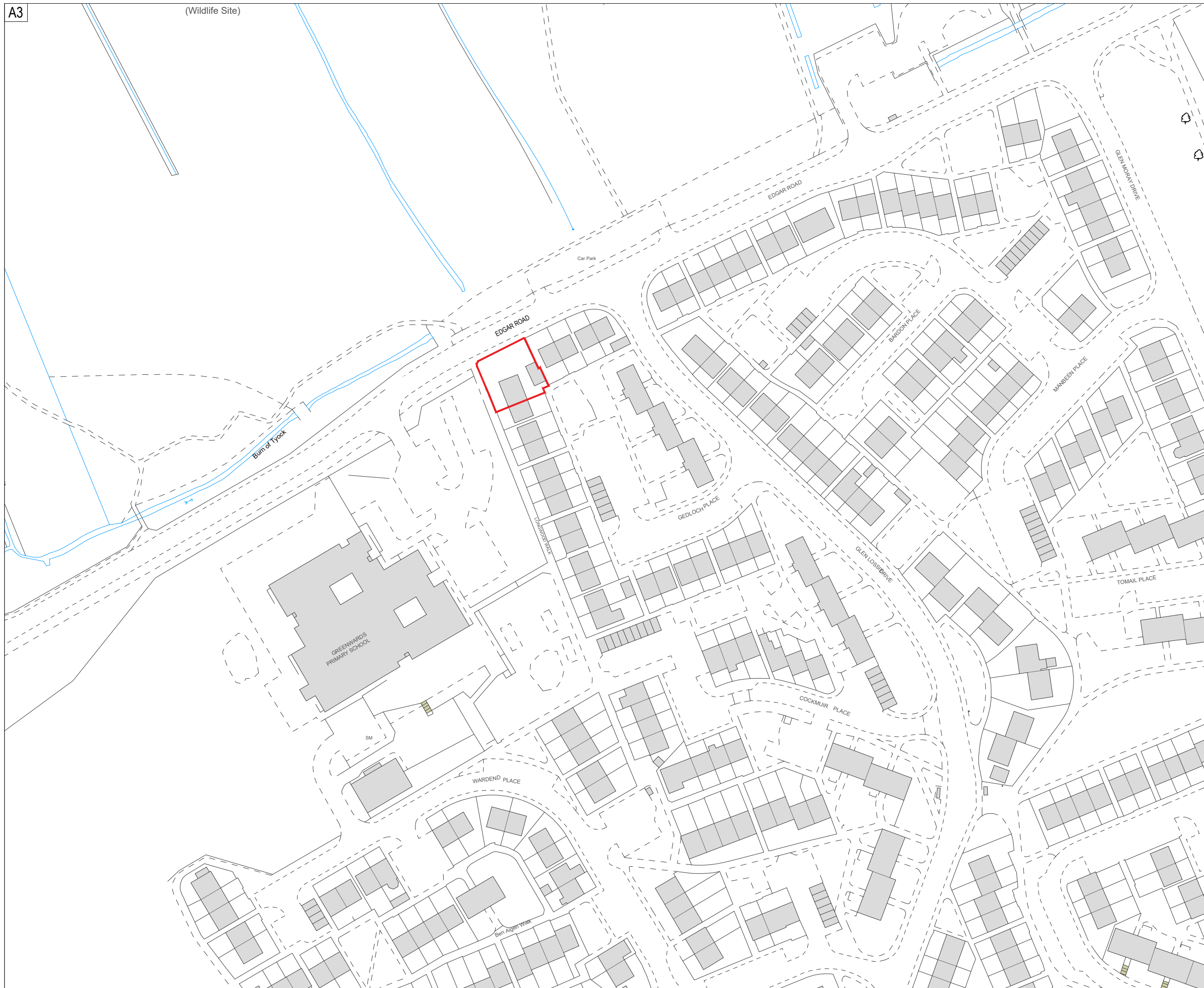
Payment date: 11/02/2020 19:22:29

Created: 11/02/2020 19:22

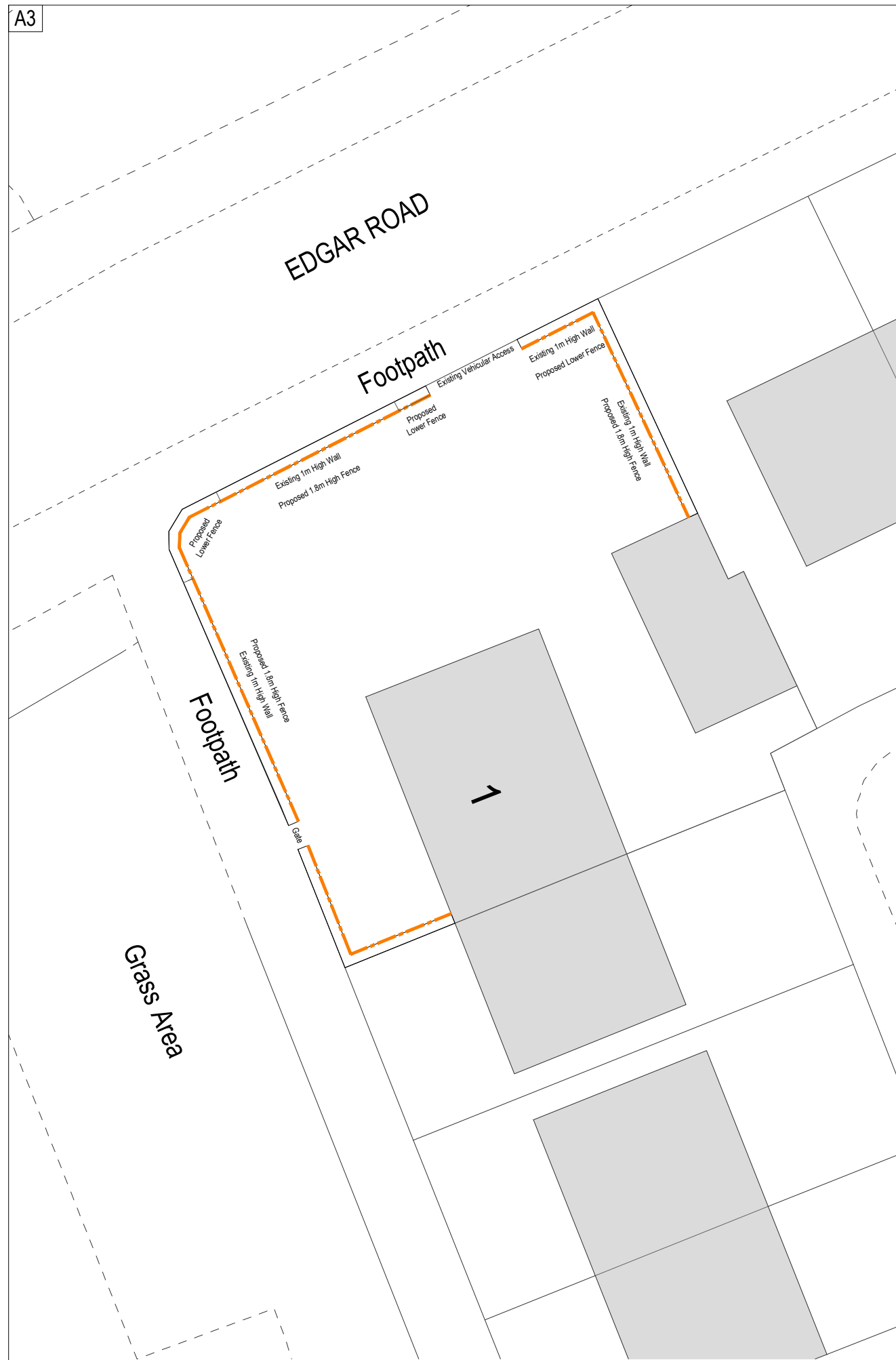


Key:

Site Boundary



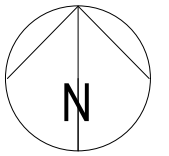
Rev.	Date	Remarks	By	Ch.
Revisions				
Project				
1 Longwood Walk Elgin				
Elgin				
Drawing				
Location Plan				
Scale		Date	Drawn by	Checked by
1:1250		Feb 2020	AM	
Drawing no.				Rev
PLT1_LW_PL-02				-



Site Plan
Scale 1:200

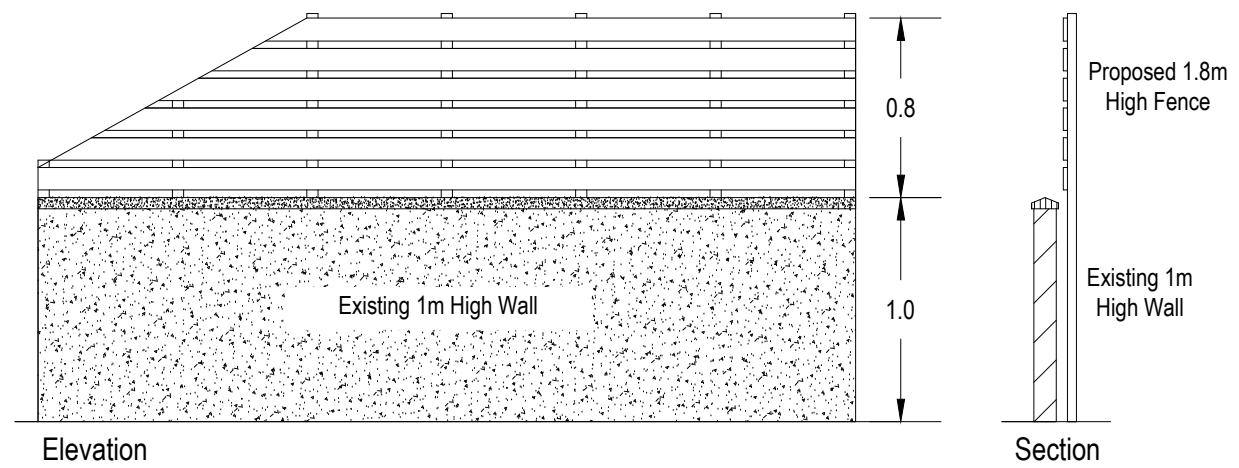


Existing Site Image



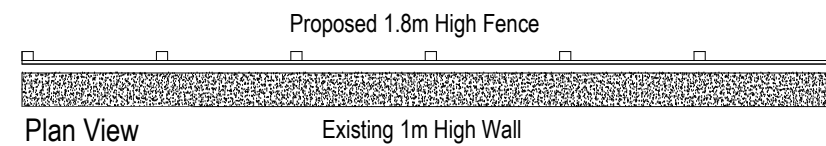
Key:

- Proposed Fence
- Existing Wall



Elevation

Section



Plan View

Site Boundary Detail
NTS

Rev.	Date	Remarks	By	Ch.
Revisions				

Project
1 Longwood Walk Elgin
Elgin

Drawing
Site Plan/Boundary Treatment

Scale: 1:200/NTS Date: Feb 2020 Drawn by: AM Checked by:

Drawing no. PLT1_LW_PL-01 Rev: -

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	26th February 2020
Planning Authority Reference	20/00165/APP
Nature of Proposal (Description)	Erect 800mm high fence on top of existing 1m boundary wall at
Site	1 Longwood Walk Elgin Moray IV30 6YZ
Site Postcode	N/A
Site Gazetteer UPRN	000133028267
Proposal Location Easting	321263
Proposal Location Northing	861705
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=Q5KUCTBGJA700
Previous Application	18/01251/ID
Date of Consultation	12th February 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Dawid Stasiak
Applicant Organisation Name	
Applicant Address	1 Longwood Walk Elgin Scotland IV30 6YZ
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@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: Transportation Manager

Planning Application Ref. No: 20/00165/APP

Erect 800mm high fence on top of existing 1m boundary wall at 1 Longwood Walk Elgin Moray IV30 6YZ for Mr Dawid Stasiak

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 checked="" 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 type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

It is noted that this proposal is part retrospective in nature – this response is based on the submitted drawings only, and with any Enforcement issues dealt with as a separate matter.

This site is located in close proximity to Greenwards Primary School. The adjacent footways and cycle tracks are therefore subject to high numbers of pedestrians and cyclists, including a high proportion of children. A signalised pedestrian crossing point over Edgar Road is located immediately adjacent to the site.

The section of high fence located between the vehicular access and the southern site boundary with the adjacent property obstructs the inter-visibility for pedestrians and cyclists travelling between Longwood Walk (remote Cycle track) and the U171E Edgar Road, at a location where a high number of pedestrians would be present. The resulting obstruction to the visibility splays would mean that pedestrians and cyclists would not be able to see each other from the other side of this obstructed corner, possibly resulting in one of the pedestrians/ cyclist having to take avoidance action onto the carriageway, potentially into the path of a passing vehicle.

The section of high fence located along the site frontage onto Edgar Road between the vehicular access and the eastern site boundary with the adjacent property would also obstruct the visibility splay for vehicles exiting the site and may result in a vehicle exiting the site colliding with a passing pedestrian or cyclist, or again possibly resulting in them having to take avoidance action onto the carriageway.

Reason(s) for objection

The proposed development, if permitted, would result in a reduction to the previously

available pedestrian visibility splays at a sensitive location where a high number of pedestrians and cyclist are likely to be present. The resulting loss of inter-visibility between pedestrian's, cyclists and vehicles would be likely to give rise to conditions which would be detrimental to the road safety of road users contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development Requirements.

Note - The submitted drawing shows sections of low fence (presumably based on comments previously provided by Transportation in response to a previous Informal Determination (ID) request by the same applicant for a similar proposal); however the fence as shown would not provide the full extents of the required visibility splays. It should be highlighted that only minor amendments to the proposed fence would be required in order for Transportation to provide a positive response to this proposal.

Transportation sought an updated drawing which reflected the minor amendments required, via a 'Further Information' Planning Consultation response. However, updated drawings have not yet been submitted, and the Planning officer has subsequently requested that Transportation provide a 'Final' Planning response based on the submitted drawings/details.

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

Date 10 March 2020

Return response to

consultation.planning@moray.gov.uk

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

05 MAR 2020

Comments on application number
20/00165/APP

The photo submitted is one taken
a few years ago a recent site
picture would show that the
fence has already been erected
without planning permission.

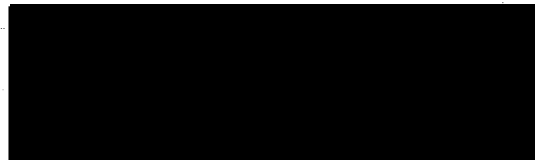
The plan says that the wall
between our properties is 1 metre
high but as seen on the
picture he submitted it
goes up in height making
the fence higher than shown

A fence of this height
will cause much ~~sun~~
shading to my house and
garden.

Mr Stasiak has put privacy
for reason for building.

I have lived here for over
20 years and have never
felt that my front garden
is not or have the need of
privacy and my house is closer
to Edgar Road.

I do not want a big wooden fence
up between the two houses as
the one he has erected looks
terrible. I hope this helps
with your decision.



01355-225845

- 3 APR 2020

MANAGER

CD SUSLORAMINT MANAGEMENT &
BUILDING STANDARDS

25/03/2020

SIRs

P/APPLICATIONS 20/00165 APP + 20/00227 APP +
20/00245/APP + 20/00311 APP + 20/00265 APP
+ 20/00202/APP

PLEASE ALL POSSIBLE TO ALL WILDLIFE
FROM & FLOWN ON EACH SITE.

THE CURRENT COVID 19 SITUATION
WILL DENY THE PROCESS OF CIVILIAN
LOCAL PROTECTION TO MOLES BUT
IT IS REQUESTED THAT MERRY COUNCIL
AND ALL SUCCESSFUL APPLICANTS DO
THE UTMOST POSSIBLE TO PROTECT THEM!

HEDGEHOGS AND BUMBLEBEES ARE
PERILOUSLY CLOSE TO EXTINCTION
ALL POSSIBLE TO BE DONE TO PREVENT
THESE

WHEN EVER POSSIBLE APPLICANTS SHOULD
BE REQUIRED TO PLANT TREES(S) AS
CONDITION OF PLANNING PERMISSION

Yours faithfully

[Redacted Signature]

REPORT OF HANDLING

Ref No:	20/00165/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Erect 800mm high fence on top of existing 1m boundary wall at 1 Longwood Walk Elgin Moray IV30 6YZ		
Date:	17.04.20	Typist Initials:	DM

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Transportation Manager	10/03/20	Objection on road safety grounds

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP3: Placemaking	Y	
H4: House Alterations and Extensions	Y	
T2: Provision of Access	Y	
IMP1: Developer Requirements	Y	
2020 Proposed Local Development Plan		
PP1 Placemaking		
DP1 Development Principles		

REPRESENTATIONS

Representations Received	YES	
Total number of representations received		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		

Issue: Fence has already been erected
Comments (PO): Following a site visit it was confirmed that the fence was already partially erected and therefore this is considered a part-retrospective application.
Issue: Wall height between properties is higher than 1m as is stepped up
Comments (PO): This is noted
Issue: Fence would cause overshadowing
Comments (PO): A fence/wall of 2m is unlikely to give rise to a loss of light/overshadowing to neighbours. However, overall a fence of this height, in this location is not of an acceptable scale for the site or surrounding area and is therefore unacceptable in terms of amenity.
Issue: Privacy is not an issue in this location
Comments (PO): The applicant states that the reason for the fence is to provide privacy to the existing garden. The nature of the site is that most of the garden ground is to the front or side of the property, where there is a lower expectancy of privacy.
Issue: Fence does not look good
Comments (PO): The fence is overbearing on the site and surrounding area and is not in keeping with neighbouring properties which all have lower fences or walls to the front garden
Issues: Protection for moles, hedgehogs and bumblebees
Comments (PO): Wildlife have been considered generally as part of the application and there not expected to be any impact on a European Protected Species.
Issues: All applicants should be required to plant a tree
Comments (PO): There is no loss of woodland in this application therefore compensatory planting is not required.

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 2015 (MLDP) unless material considerations indicate otherwise. On 18 December 2018, at a special meeting of the Planning and Regulatory Services Committee, the Proposed Moray Local Development Plan 2020 was approved as the "settled view" of the Council and minimal weight will be given to it, with the 2015 MLDP being the primary consideration.

Further consideration of the weight to be attached to the Proposed Plan was considered and agreed at the Planning and Regulatory Services Committee on 29th January 2019, with the Committee agreeing that between June/ August 2019 and adoption of the new LDP in mid-2020, the weight to be given to matters set out in the Proposed Plan will vary;

- Where matters set out in the Proposed Plan are subject to unresolved objections which will be considered through Examination, then those matters will continue to be given minimal weight as a material consideration in the development management process.
- Where matters set out in the Proposed Plan are not subject to unresolved objections, they will

be given greater weight as a material consideration in the development management process.

The weight to be given will be considered on a case by case basis and will be agreed by the Development Management Manager and Development Plans Principal Planning Officer.

On 25 June 2019 the Planning & Regulatory Services Committee agreed to give greater weight to sites within the proposed Plan which are not subject to the Examination process from 1 August 2019.

In this case the proposal is not subject to a designated site.

The main issues are considered below.

Proposal

The application seeks to planning permission to erect an 800mm fence on top of existing 1m boundary wall. The application is part-retrospective in nature with the fence having already been erected on the northern and western boundaries, without planning permission.

Site

The site is located at 1 Longwood Walk, Elgin. The existing domestic property is an end-of-terrace two storey dwellinghouse set within a corner plot (on the corner of Longwood Walk and Edgar Road). The site is bound by the public road to the north, and a footpath to the west and Greenwards Primary School sits to the west of the site.

Policy Assessment

Siting & Design (MLDP Policies PP3, H4, IMP1)

This application will be assessed principally against policies PP3, H4 and IMP1. Policies H4 and IMP1 require new development proposals to be sensitively sited, designed and serviced appropriate to the amenity of the existing property and the wider locality. Policy PP3 states that developments should, amongst other criterion; ensure buildings front onto streets with public fronts and private backs and have cleared defined public and private space.

The application seeks to erect an 800mm fence on top of an existing 1m high wall. The fence is to be erected on the northern, western and part of the southern and eastern boundaries. The application is part-retrospective in nature with the fence having already been erected on the northern and western boundaries, without planning permission. The northern boundary fronts onto Edgar Road and the western boundary fronts onto a public footpath

The existing site and surrounding area are characterised by terraced or semi-detached dwellinghouses, set along an established building line in a uniform manner. The houses on Edgar Road and Longwood Walk all have public front gardens, low boundary fencing or walls (up to 1m in height) and private backs often with a higher rear boundary enclosure. Mutual side boundaries in this area are also commonly defined by low walls or fences of around 1m or less. The site at 10 Longwood Walk is set on a corner (facing onto Longwood Walk) where a large proportion of the garden is either to the front (facing onto the footpath), or the side of the dwellinghouse (facing onto the public road). This results in a large area of garden ground which is considered to be a 'public frontage'. The proposal for a high level fence (800mm on top of an existing 1m high wall) would therefore not be acceptable in this location as it would fully enclose the front garden creating a private garden space and remove the existing public frontage of the dwellinghouse. This would not be in keeping with the established boundary pattern within both Longwood Walk and Edgar Road and would detract from the established character of the area, resulting in a loss of amenity. A fence of this height and design, would be acceptable at the rear of the property only (where that boundary does not front a road), and is therefore not suitable in the location as proposed.

Therefore, overall, the proposal would not accord with policies PP3, H4 or IMP1 and refusal is

recommended.

Access (T2)

The Moray Council Transportation Section have been consulted and have outlined that the proposed development would result in a reduction to the previously available pedestrian visibility splays at a sensitive location where a high number of pedestrians and cyclist are likely to be present. The resulting loss of inter-visibility between pedestrians, cyclists and vehicles would be likely to give rise to conditions which would be detrimental to the road safety of a number of road users and therefore the proposal is contrary to Moray Local Development Plan policies T2 Provision of Access and IMP1 Development Requirements.

Transportation note that the submitted drawings show sections of 'low fence' (although no measurements have been provided). Should an amended plan be submitted providing a lowered fence height in these indicative locations, the appropriate inter-visibility between road users would be provided and the objection from Transportation could be removed.

Conclusion

The proposed fence is not in keeping with the established character of the existing site and surrounding area and would remove an existing public frontage to the dwellinghouse. The fence is also not acceptable in terms of road safety and would reduce inter-visibility between road users.

As a result, the proposal contrary to policies PP3, H4, IMP1 and T2 of the Moray Local Development Plan 2015 and refusal is recommended.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

N/A

HISTORY

Reference No.	Description			
18/01251/ID	Erect 800mm high fence at 1 Longwood Walk Elgin Moray IV30 6YZ			
	Decision	Planning Permission Required	Date Of Decision	01/11/18

ADVERT

Advert Fee paid?	No		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan	09/04/20	
PINS	Departure from development plan	09/04/20	

DEVELOPER CONTRIBUTIONS (PGU)

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

Supporting information submitted with application?		NO
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Summary of main issues raised in each statement/assessment/report

Document Name:

Main Issues:

S.75 AGREEMENT

Application subject to S.75 Agreement		NO
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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
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Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
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Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
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Summary of Direction(s)

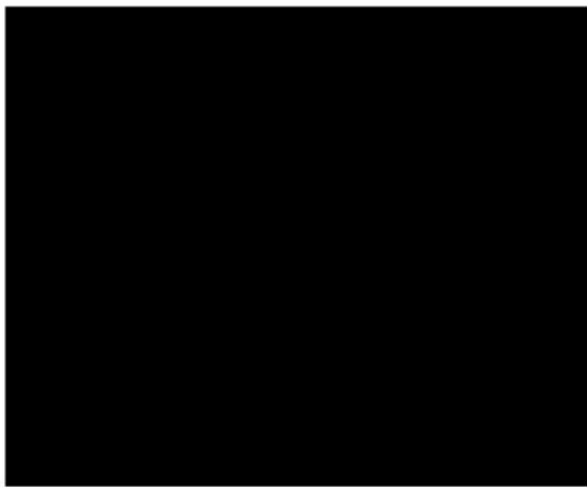


**MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended**

REFUSAL OF PLANNING PERMISSION

**[Elgin City South]
Application for Planning Permission**

TO

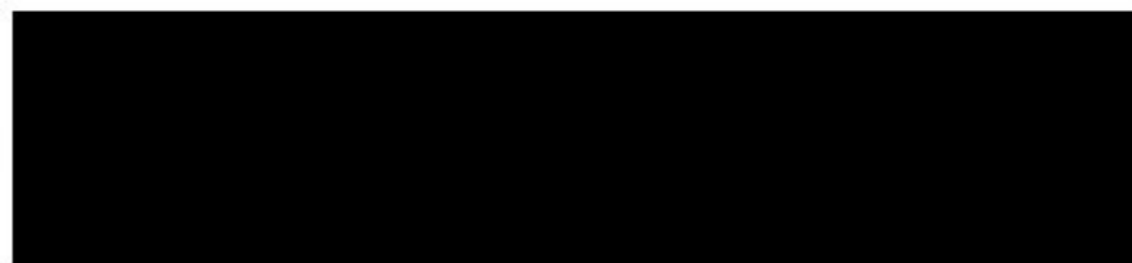


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Erect 800mm high fence on top of existing 1m boundary wall at 1 Longwood Walk Elgin Moray IV30 6YZ

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

Date of Notice: **22 April 2020**



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: -

- 1 The proposal is contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies PP3, H4, IMP1 and T2) and should be refused for the following reasons:
 - The fence is not of an appropriate scale for the existing site or surrounding area and therefore is contrary to policies H4 and IMP1.
 - The fence would remove an existing public frontage to the dwellinghouse and therefore is not in accordance with the requirements of policy PP3.
 - The fence would give rise to a reduction in inter-visibility between pedestrians, cyclists and vehicles which could give rise to issues regarding road safety and therefore is contrary to policies T2 and IMP1.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version
PLY1_LW_PL-02	Location plan
PLY1_LW_PL-01	Elevations and site plan

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

None

**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.

