



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 100333383-001

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)

RETROSPECTIVE PLANNING PERMISSION FOR NEW 1800MM HIGH BOUNDARY FENCE

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): \*

30/09/2020

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

CLIENT WAS NOT AWARE THEY REQUIRED PLANNING PERMISSION TO ERECT A HIGHER BOUNDARY FENCE

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Moray Coast Architectural Consultants		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andy	Building Name:	
Last Name: *	Stephenson	Building Number:	8
Telephone Number: *	07788 887086	Address 1 (Street): *	Coulardhill Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Lossiemouth
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV31 6LE
Email Address: *	moraycoast@live.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	K	Building Number:	10
Last Name: *	APPROUI	Address 1 (Street): *	ISLA ROAD
Company/Organisation		Address 2:	NEWMILL
Telephone Number: *		Town/City: *	KEITH
Extension Number:		Country: *	MORAY
Mobile Number:		Postcode: *	AB55 6US
Fax Number:			
Email Address: *	[REDACTED]		

## Site Address Details

Planning Authority:

Moray Council

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

Address 1:

10 ISLA ROAD

Address 2:

NEWMILL

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KEITH

Post Code:

AB55 6US

Please identify/describe the location of the site or sites

Northing

852325

Easting

343328

## Pre-Application Discussion

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

Yes  No

## 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: Andy Stephenson

On behalf of: Mrs K APPRAOUI

Date: 16/11/2020

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

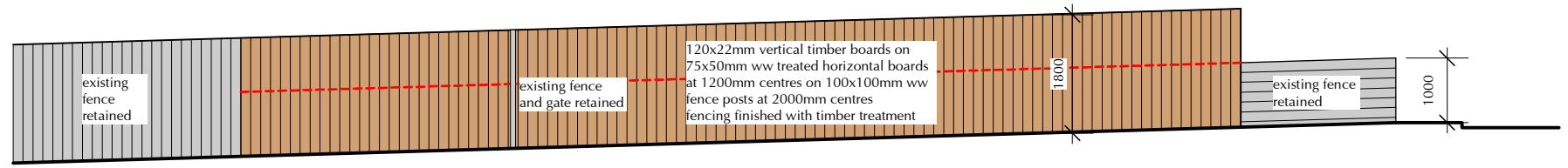
I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Andy Stephenson

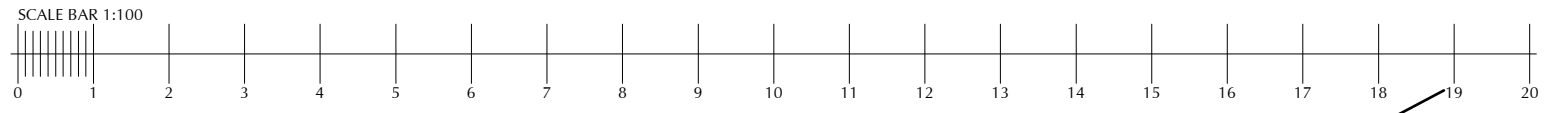
Declaration Date: 16/11/2020



do not scale off drawings. all sizes to be checked and confirmed on site prior to commencement of works.  
 no work to commence on site prior to appropriate approvals being granted.  
 © this drawing is copyrighted to moray coast architectural consultants. no unauthorised reproduction of drawings is permitted without prior consent.



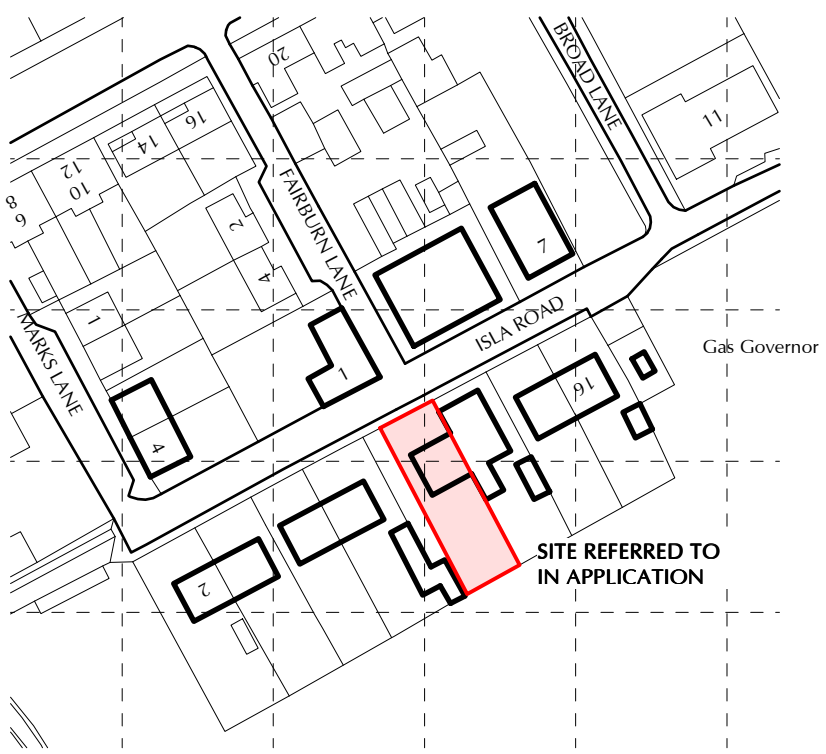
# SOUTH - WEST BOUNDARY FENCE ELEVATION 1:100



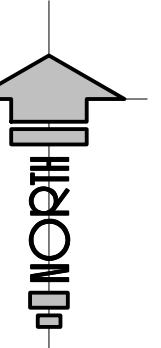
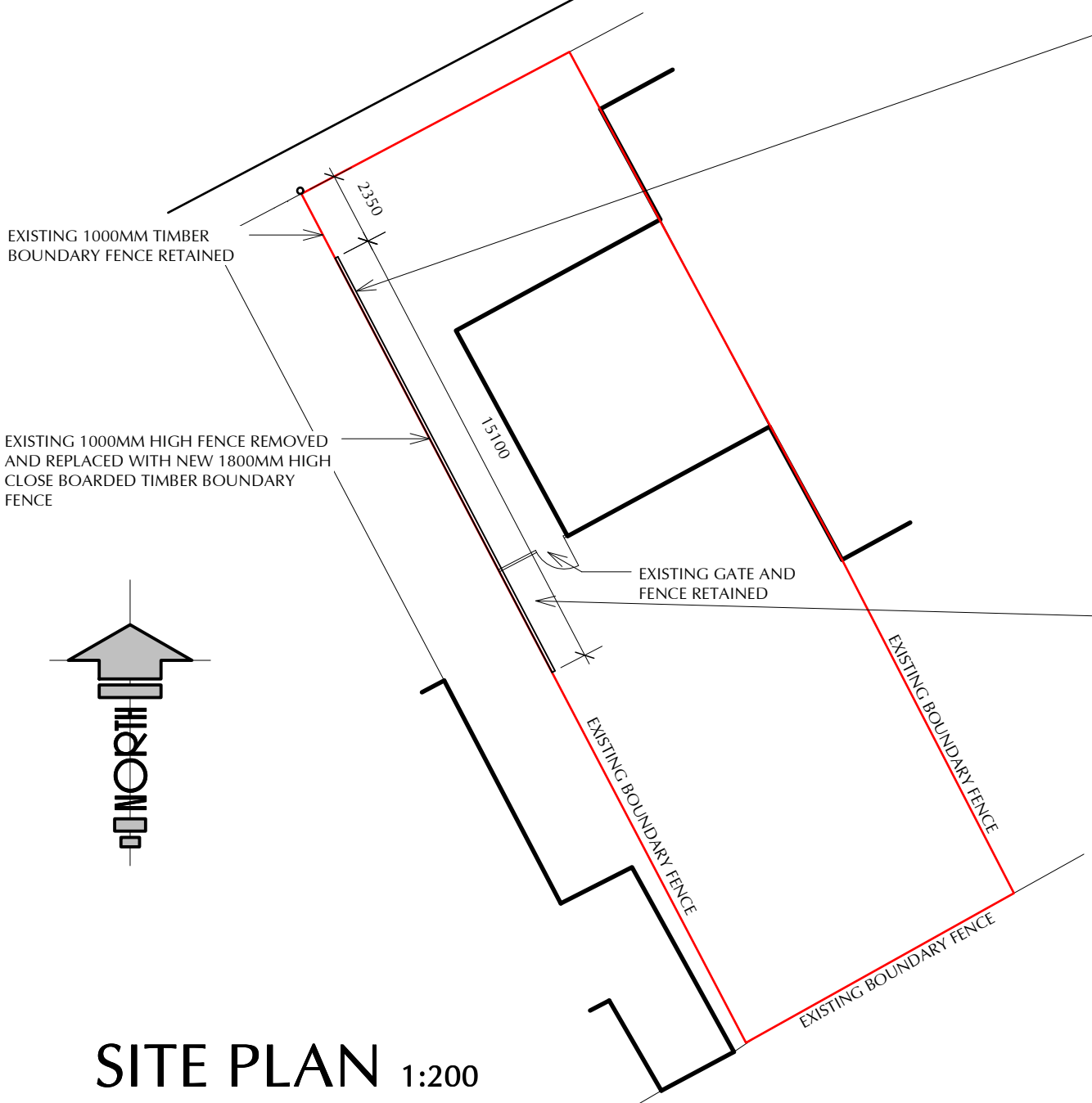
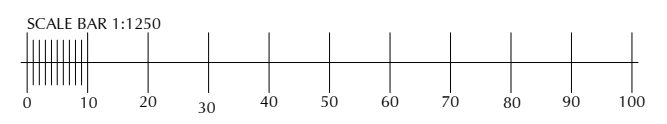
PHOTOGRAPH ONE OF PROPOSED NEW BOUNDARY FENCE



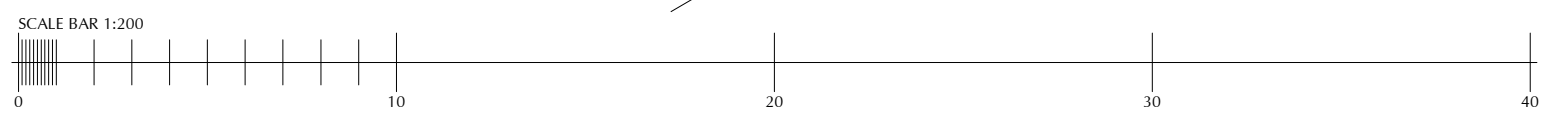
PHOTOGRAPH TWO OF PROPOSED NEW BOUNDARY FENCE



# LOCATION PLAN 1:1250



# SITE PLAN 1:200



date	amendment	rev





## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	4th December 2020
<b>Planning Authority Reference</b>	20/01549/APP
<b>Nature of Proposal (Description)</b>	Retrospective consent to erect 1800mm boundary fence at
<b>Site</b>	10 Isla Road Newmill Keith Moray AB55 6US
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133029580
<b>Proposal Location Easting</b>	343328
<b>Proposal Location Northing</b>	852325
<b>Area of application site (M<sup>2</sup>)</b>	
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QJXKWOBGKD200">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=QJXKWOBGKD200</a>
<b>Previous Application</b>	
<b>Date of Consultation</b>	20th November 2020
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Mrs K Appraoui
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	10 Isla Road Newmill Keith Moray AB55 6US
<b>Agent Name</b>	Moray Coast Architectural Consultants
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	8 Coulardhill Terrace Lossiemouth Moray IV31 6LE
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Andrew Miller
<b>Case Officer Phone number</b>	01343 563274
<b>Case Officer email address</b>	andrew.miller@moray.gov.uk
<b>PA Response To</b>	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](http://www.moray.gov.uk/moray_standard/page_121513.html)

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

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

Please respond using the attached form:-

**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Transportation Manager

**Planning Application Ref. No: 20/01549/APP**

**Retrospective consent to erect 1800mm boundary fence at 10 Isla Road Newmill Keith Moray for Mrs K Appraoui**

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

- |   | <b>Please</b>                       |
|---|-------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <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"/>            |

*Transportation has no objections to the proposed (retrospective) high fence.*

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

**Date 26 November 2020**

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



10 DEC 2020

8 Isla Road  
Newmill  
Keith  
ABSS6US  
9/12/2020

To Whom it may concern.

With reference to the letter we received that was dated 20th November 2020 from Teresa Ruggeri regarding neighbour notification for Retrospective consent to erect an 1800mm boundary fence between 10 Isla Road and our property at 8 Isla Road. Application Number 20/01549/APP.

I wish to exercise my "within 21 day" right to object to this planning permission being granted for the following reasons.

Firstly there is already a sufficient boundary fence between the properties which was built several years ago with mutual consent and we shared the cost with the Appraoui's. The extension they have added is built hard against and overlapping the old fence making it impossible to maintain it, hence leaving it vulnerable to the elements with and hence susceptible to rot.

The extension to their fence does project beyond the principal elevation / gable end of their house and I realise this is why they are applying for planning permission as it over the 1 meter allowed as per Scottish government law. As you can see from my pictures that the height of their fence is not in keeping with the rest of the street and no other fences above 1 meter extend beyond the principal elevations.

I am to believe that the "finished" side of the fence has to face outwards from your property, and it is constructed with the "good side" facing in towards their property.

When the "extension" to the fence was being erected we approached the contractor and asked if he had planning permission. We ~~were~~ told by Mr. Appraouis to go away as he "knew the law". So hence as suggested on your neighbour notification notes "to discuss the proposal" with them is very difficult as they are unwilling to do so and made no approach to us before commencing the fence. So continuing to erect it with blatant disregard to Scottish law.

Recently the fence was further extended to within 2.4 meters of the pavement and this is when we wrote a letter of complaint to Moray Council to Mr Ian Drummond which has not been answered but now retrospective planning permission has been sought.

We would however be willing to accept a 2m high fence between our properties up to the principal elevation of our properties if the old fence was removed and the new fence built correctly and within government guidelines.

We do however object to the fence exceeding 1m beyond the principal elevation having read the Guidance of householder permitted development rights.

Regards

and

Home owners

P.S Photos taken on 2-12-2020  
by myself



These parts of the "old existing" fence have been covered and can now not be maintained



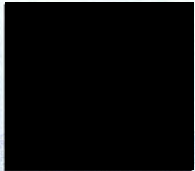
20/01549/APP



finished side faces their property.

Street view from 8-2 Isla Road showing no other "High" fences all within 1 meter height





20/01549/APP




taken from 8 Isla road  
Showing height exceeds 1m  
beyond principal elevation of their House



20101549/APP



Showing <sup>part</sup> amount  
principal elevation past

existing fence  which now unaccessible  
for maintenance



## REPORT OF HANDLING

<b>Ref No:</b>	20/01549/APP	<b>Officer:</b>	Andrew Miller
<b>Proposal Description/ Address</b>	Retrospective consent to erect 1800mm boundary fence at 10 Isla Road Newmill Keith Moray		
<b>Date:</b>	13/01/21	<b>Typist Initials:</b>	FJA

### RECOMMENDATION

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

### CONSULTATIONS

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Transportation Manager	26/11/20	No objections.

### DEVELOPMENT PLAN POLICY

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	

### REPRESENTATIONS

Representations Received	YES
Total number of representations received ONE	
Names/Addresses of parties submitting representations	
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.	
Summary and Assessment of main issues raised by representations	
<b>Issue:</b> Sufficient fence between the houses previously, doubling up of fence makes it hard to maintain the original fence. <b>Comments (PO):</b> Access for maintenance is not a planning matter and would be a private matter between the respective parties.	
<b>Issue:</b> A higher fence projecting forward of the front elevation of the house is not in keeping with the street. <b>Comments (PO):</b> This is considered in the evaluation of the case (see below).	
<b>Issue:</b> The finished side of the fence must point outwards from the property, this is not the case. <b>Comments (PO):</b> There is nothing in planning legislation or policy that requires the "finished side" of the fence to face outwards of the property.	

**Issue:** A number of comments relating to background of case.  
**Comments (PO):** These are not relevant to the consideration of the application.

**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:

**Site**

A semi-detached house in Newmill, amongst a row of similar houses. The wider area is largely residential.

**Proposal**

Retrospective Planning Permission is sought for the erection of a 1.8 metre high timber fence forward of the principal elevation, per the submitted plan. The fence is between the driveways of this house and the neighbouring house (not attached) to the north.

Only the section forward of the principal elevation is assessed as part of this application, the remainder of it is "permitted development" (i.e. does not require planning permission).

**Evaluation**

Policy DP1 contains a number of criteria which ultimately seek to ensure all development is of the highest quality of design, suitable for its context. In this case, the application under consideration is retrospective, therefore the impact of it is already established. The house subject to this application is semi-detached and forms part of a row of similar houses, though the attached neighbour to the west has a large extension to the front of the house. Nonetheless, the prevailing character to the front of the houses in this section of the street is low rise fencing, typical of front elevations of many houses.

The fence is considered to interrupt the open aspect of the frontage of the houses (notwithstanding the neighbouring extension). Allowing this application may also set a precedence for further similar fences that would erode the character of the streetscape. The proposal is therefore not considered to comply with policy DP1.

The position of the fence does not impact on visibility for vehicles using the driveway of the house (or that of the neighbouring property to the west), noting that the Transportation Manager raised no objections to the application. Accordingly there is no conflict with policy PP3.

Recommendation - Refuse

**REASON(S) FOR DECISION**

The Council's reason(s) for making this decision are:-

The position of the fence, forward of the principal elevation, interrupts the open aspect to the front of the house, failing to comply with policy DP1 - Development Principles of the Moray Local Development Plan 2020.

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

<b>HISTORY</b>			
<b>Reference No.</b>	<b>Description</b>		
	<b>Decision</b>		<b>Date Of Decision</b>

<b>ADVERT</b>		
<b>Advert Fee paid?</b>	<b>N/A</b>	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>

<b>DEVELOPER CONTRIBUTIONS (PGU)</b>	
<b>Status</b>	<b>NONE SOUGHT</b>

<b>DOCUMENTS, ASSESSMENTS etc. *</b>		
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

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

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)</b>			
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**

**[Keith And Cullen]  
Application for Planning Permission**

TO Mrs K Appraoui  
c/o Moray Coast Architectural Consultants  
8 Coulardhill Terrace  
Lossiemouth  
Moray  
IV31 6LE

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:-

**Retrospective consent to erect 1800mm boundary fence at 10 Isla Road  
Newmill Keith Moray**

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

Date of Notice: **13 January 2021**

**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

Economy, Environment and Fincance  
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 position of the fence, forward of the principal elevation, interrupts the open aspect to the front of the house, failing to comply with policy DP1 - Development Principles of the Moray Local Development Plan 2020.

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

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

Reference	Version	Title
2021015.APPRAOUI.PP01A		Elevations, site and location plan

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

N/A

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

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

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