



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            100353827-001

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

## Type of Application

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

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

## Description of Proposal

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

Proposed Change of Use for Operators Lorry and Trailer Parking Area

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*  Yes  No

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

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

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

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

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

## Site Address Details

Planning Authority:

Moray Council

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

Address 1:

MORVEN VIEW

Address 2:

CLOCHAN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BUCKIE

Post Code:

AB56 5HX

Please identify/describe the location of the site or sites

Northing

860200

Easting

342227

## Pre-Application Discussion

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

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

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

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

Title:

Mr

Other title:

First Name:

Stuart

Last Name:

Dale

Correspondence Reference Number:

Date (dd/mm/yyyy):

08/01/2021

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

## Site Area

Please state the site area:

707.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

Residential

## Access and Parking

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

Yes  No

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

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

Yes  No

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

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

0

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

2

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

## Water Supply and Drainage Arrangements

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

Yes  No

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

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

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

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

- Yes  
 No, using a private water supply  
 No connection required

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

## Assessment of Flood Risk

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

Yes  No  Don't Know

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

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

Yes  No  Don't Know

## Trees

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

Yes  No

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

## Waste Storage and Collection

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

Yes  No

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

Existing situation

## Residential Units Including Conversion

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

Yes  No

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

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

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

Yes  No

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

Yes  No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: George Hadden

On behalf of: Mr Mark Stevenson

Date: 20/01/2021

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Yes  No  Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

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

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  N/A

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

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

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

Declaration Name: Mr George Hadden

Declaration Date: 20/01/2021

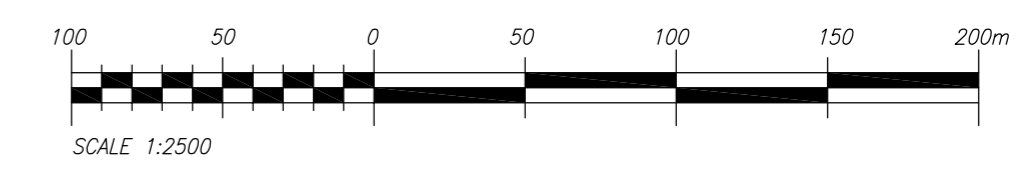
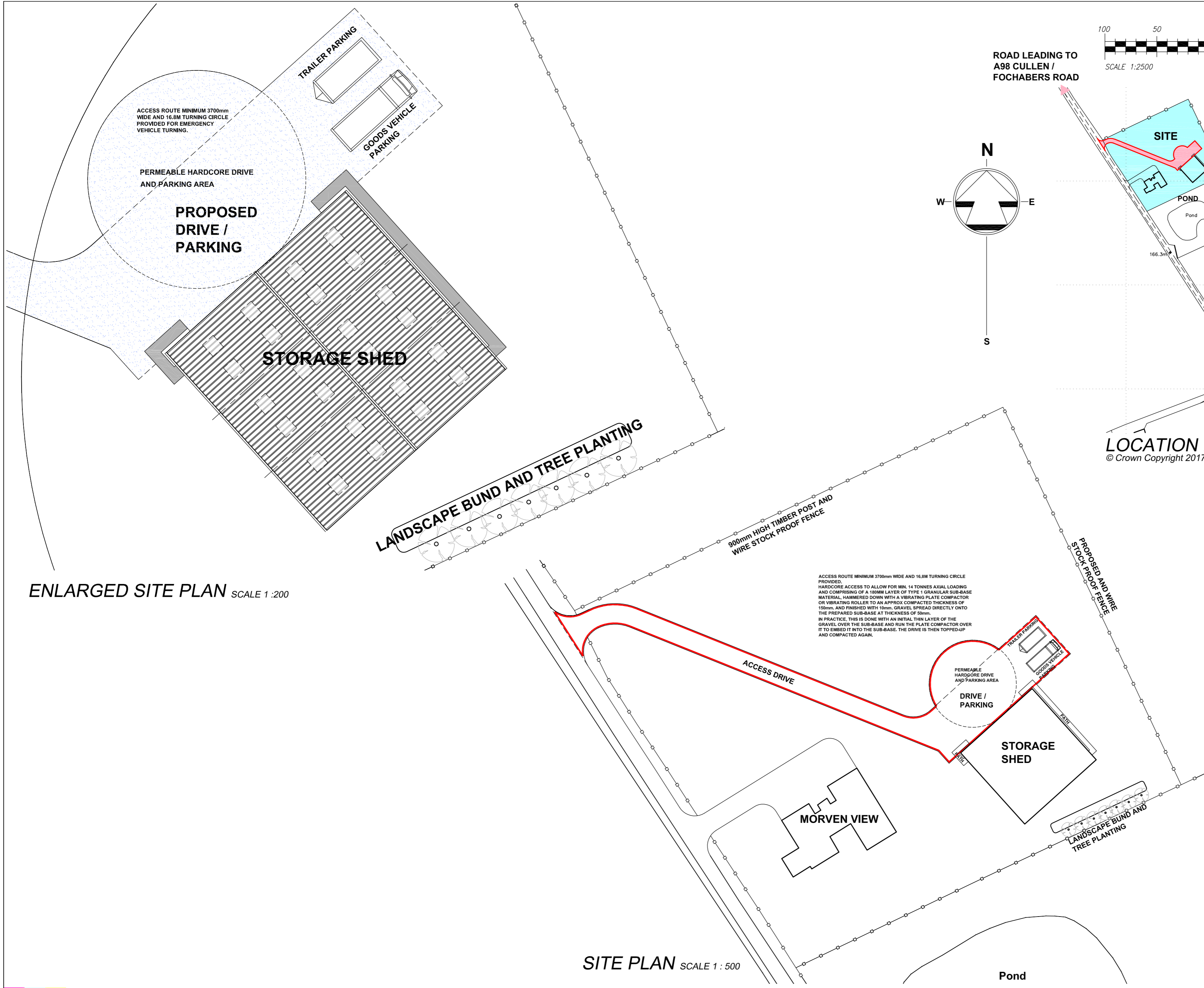
## **Payment Details**

Online payment: 980200

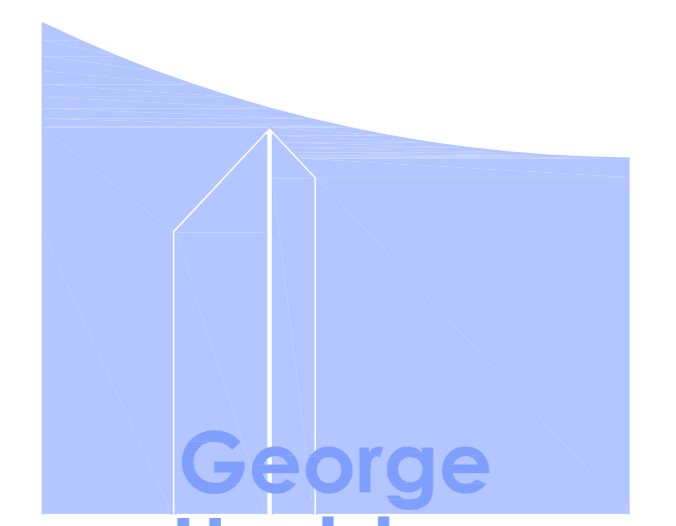
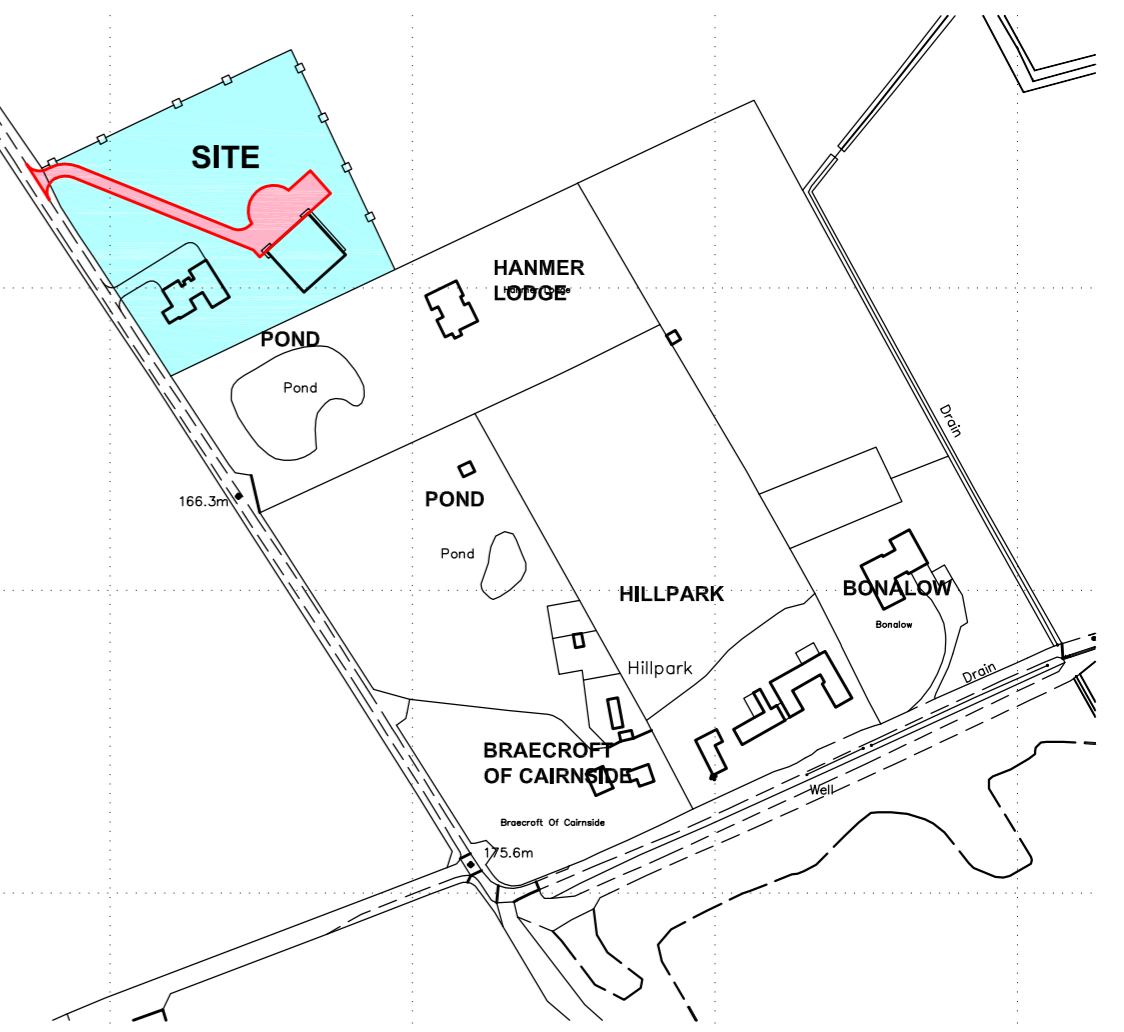
Payment date: 20/01/2021 14:02:00

Created: 20/01/2021 14:02





ROAD LEADING TO A98 CULLEN / FOCHABERS ROAD



**George Hadden**

**Architectural Agent**

No.3, Brankie Place, Inverurie, Aberdeenshire. AB51 4GN

e-mail [george.hadden@btconnect.com](mailto:george.hadden@btconnect.com)

Tel: 01467 629919  
 Mob 07920097510

CLIENT Mr. M. STEVENSON.

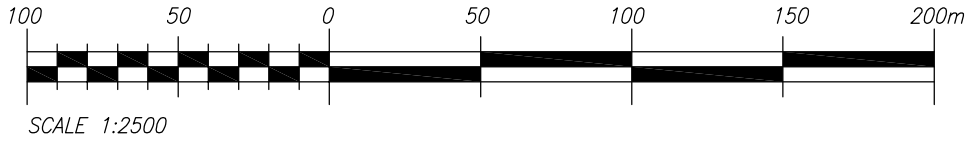
PROJECT PROPOSED CHANGE OF USE TO FORM OPERATORS PARKING AT MORVEN VIEW, CLOCHEN. AB56 5HX

DRAWING PLANNING | DATE JANUARY 2021

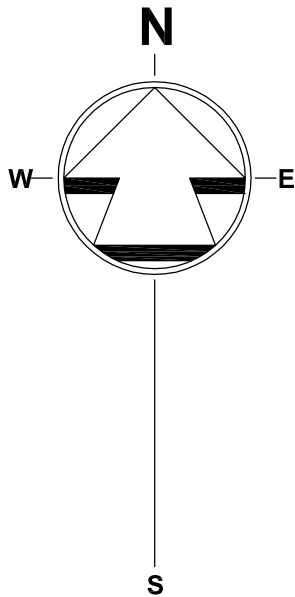
Drawn By G. HADDEN | SCALE 1:500 & 1:200

JOB / DRAWING No : 21594 / 01 | REV -





ROAD LEADING TO  
A98 CULLEN /  
FOCHABERS ROAD



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

Date :- 12th March 2021

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

F.A.O – Shona Strachan - Planner

Dear Sirs,

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

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

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

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

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

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

Yours sincerely

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

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

## **Application Summary**

Application Number: 21/00075/APP

Address: Morven View Clochan Buckie Moray AB56 5HX

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

Case Officer: Shona Strachan

## **Consultee Details**

Name: Mr CL Consultations

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

Email: clconsultations@moray.gov.uk

On Behalf Of: Contaminated Land

## **Comments**

No objections

Adrian Muscutt, CLO





## Consultation Request Notification

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

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

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

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

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

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

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

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

Please respond using the attached form:-

**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Environmental Health Manager

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

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

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

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

**Reason(s) for objection**

**Condition(s)**

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

**Further information required to consider the application**

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

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

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

## Consultation Request Notification

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

<b>PA Response To</b>	consultation.planning@moray.gov.uk
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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)

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Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

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

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

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

- |                                                                                                                           | <b>Please</b>                       |
|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| (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"/>            |

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

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

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

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

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

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

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

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

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

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

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

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

**Date: 18 February 2021**

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



# Comments for Planning Application 21/00075/APP

## Application Summary

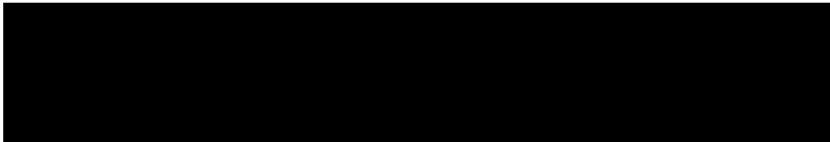
Application Number: 21/00075/APP

Address: Morven View Clochan Buckie Moray AB56 5HX

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

Case Officer: Shona Strachan

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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

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

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

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

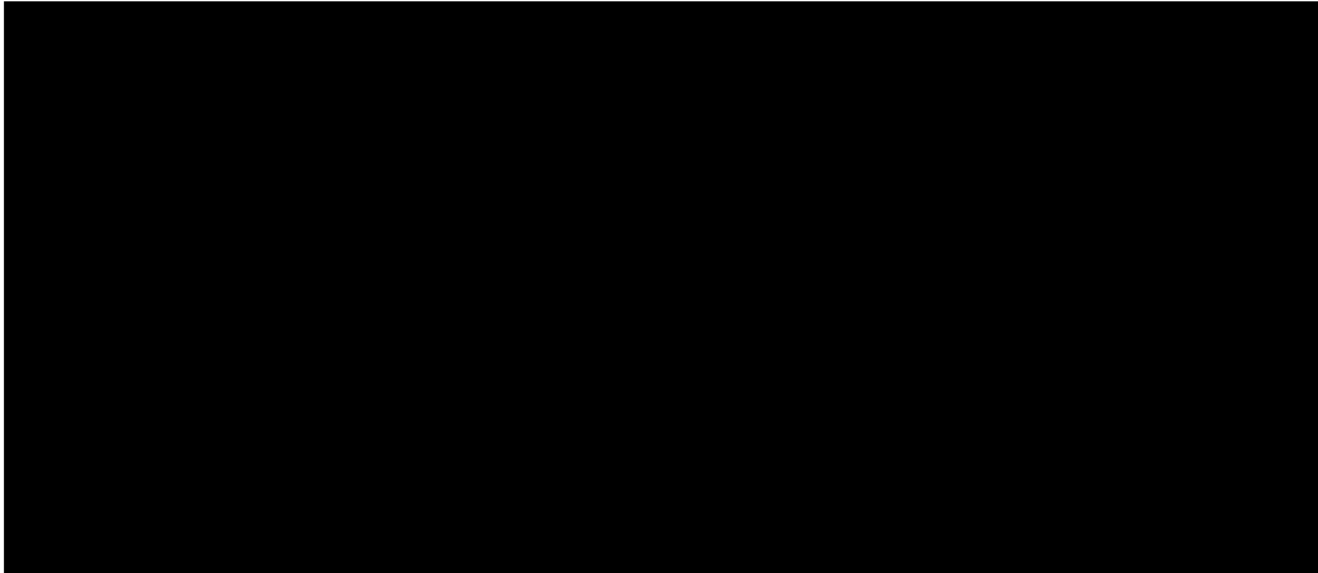
domestic activities, such as prolonged rock-crushing, affecting neighbouring amenity and sleep patterns (the shed is only c.30m away from young children's bedrooms).

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

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

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

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





## REPORT OF HANDLING

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

<b>RECOMMENDATION</b>		
<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>

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

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

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

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

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

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

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

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

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

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

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

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### Legislative Framework

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

### Proposal

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

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

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

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

## **Site Characteristics**

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

## **Policy Assessment**

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

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

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

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

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

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

The Transportation Section have advised:

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

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

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

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

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

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

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

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

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

### **Procedure**

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

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

None

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



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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

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

Supporting information submitted with application?	YES
----------------------------------------------------	-----

Summary of main issues raised in each statement/assessment/report

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

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

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

### S.75 AGREEMENT

Application subject to S.75 Agreement

NO

Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

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

Section 30

Relating to EIA

NO

Section 31

Requiring planning authority to provide information and restrict grant of planning permission

NO

Section 32

Requiring planning authority to consider the imposition of planning conditions

NO

Summary of Direction(s)

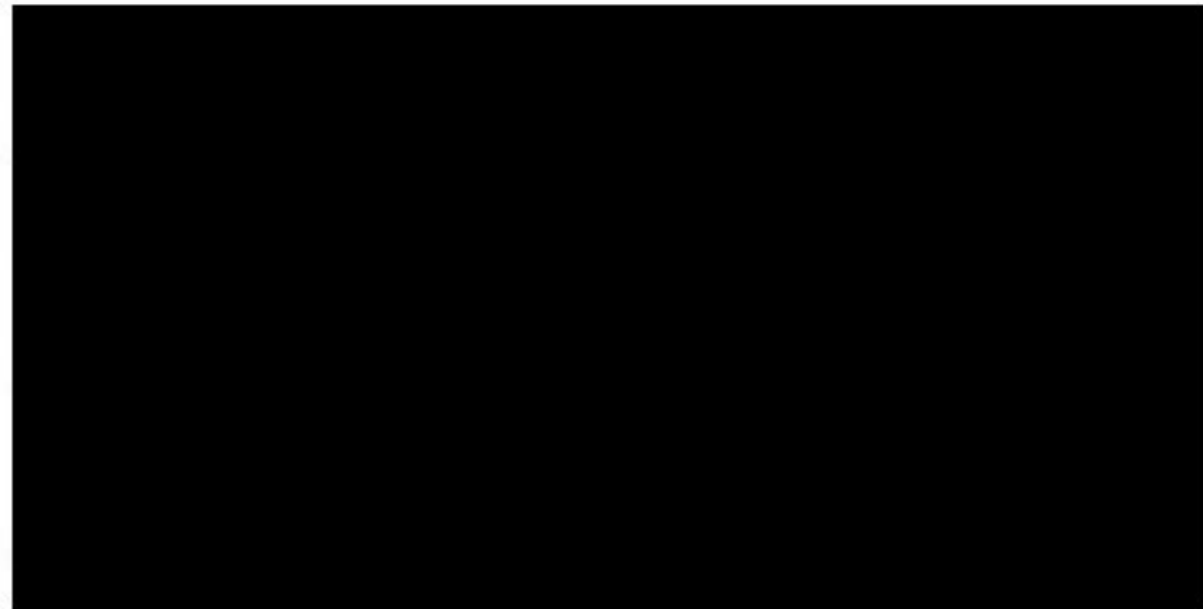


**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

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

TO

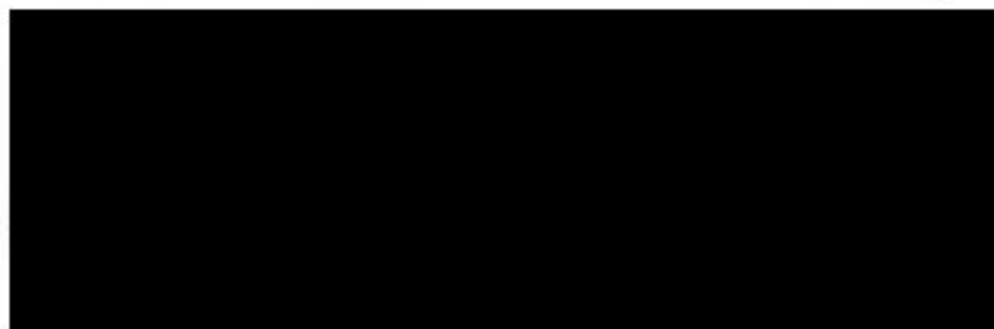


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

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

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

Date of Notice: **22 April 2021**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

Economy, Environment and Finance

Moray Council

Council Office

High Street

ELGIN

Moray

IV30 1BX

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

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

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

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

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

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

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

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

<b>Reference</b>	<b>Version</b>	<b>Title</b>
21594/01		Site and location plan
		Location plan



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

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

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

