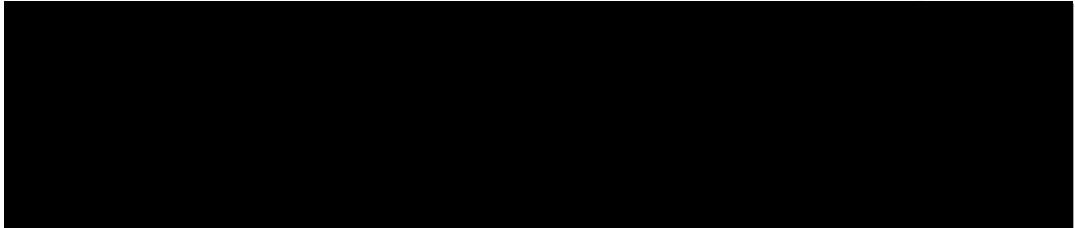
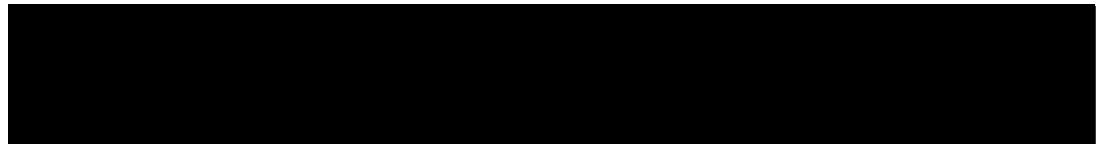


Objections from 10th September

1. No visitors to 22 Duffus Crescent have any interest in invading the privacy of the neighbours to the property. The development is a large housing development with residents, visitors, trades people, delivery persons etc always driving and walking around. Mrs Ferguson's clients are long established and well known to her with the sole intention of attending their hair appointment.



2. Any construction works at a property causes temporary disruption and inconvenience to the neighbours and we consciously made attempts to be considerate to our neighbours by ensuring the tradesmen were able to park within the driveway of 22 Duffus Crescent. We parked our own car at a neighbour's house, who offered the use of their drive whilst they were on holiday. The use of the private access road was always clear and never blocked. The tradesmen were not on site for a full 2 weeks, they completed the works timeously ensuring that they were considerate to the neighbours by sticking to hours between 8am and 4pm.



3. In order to alleviate any onward issues with parking at the property, we already have plans and permission for provision of 4 carparking spaces in our driveway. We have taken this decision to accommodate our own family vehicle, work van and then to have adequate space for a visiting vehicle.

Most houses in current times have at least 2 vehicles to any family home. In addition, some families have more than this, if older children who live at home also have their own car.

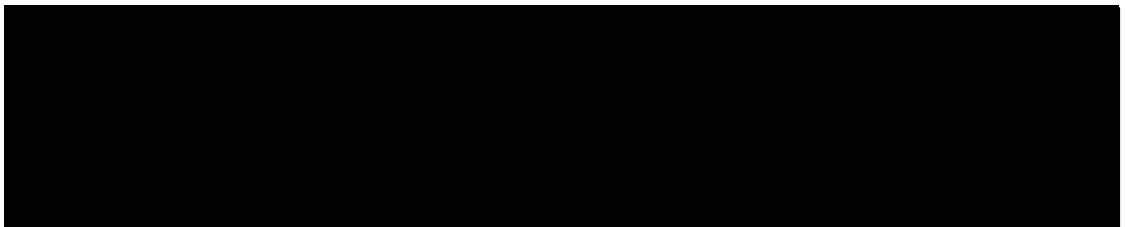
22 Duffus Crescent already consists of only driveway at the front of the property, there is no grassed area or flowerbed. The driveway is just going to be reconfigured to allow for 4 spaces, of which disabled access will remain, giving no value to the comment regarding violation of the Equity Act 2010.

4. The increased footfall and car usage on the access road and path will in no way incur any financial loss to any of the neighbours. Having 1-3 clients a day for 3 days a week is no different to a normal family home receiving visitors albeit friends, relatives, postal deliveries, milk deliveries, cleaner, gardeners and other service providers.

Each of the 5 proprietors has a right of access to their own property and for anyone visiting their home, there is no reference to the maintenance obligation as to how many visitors are permitted per home per day. If this was the case, all visitors regardless of nature, would have to be restricted to each household responsible for the maintenance, which is wholly unrealistic.

Given we have only lived at 22 Duffus Crescent for a year, we are already 10 years plus behind any usage of the road that the other 4 properties have enjoyed. As far as we are aware there has been no requirement for any upkeep or maintenance of the access road and pathway since construction. The access road is of the same road surface material as the main roads through the development, which are all used on a daily basis for a much higher volume of traffic than the access road and therefore we do not anticipate the extra visitors to our property to affect the condition of the road.

Regarding the running of a business from 22 Duffus Crescent, prior to deciding to proceed with the salon, we were already aware of numerous businesses that run from the home of the proprietors in this development, namely:- a taxi firm, accountant, dog grooming, Air B & B's, beauticians, car cleaning, music teacher, Executive travel, crafters, driving instructor, jeweller. There are also many proprietors who sell personal items on local selling sites which results in strangers visiting the homes to collect such items.



As far as we are aware the only enforceability of this title burden is that of neighbours who can prove the nature of the business has caused detriment to the value or enjoyment of their property. To prove this, a property surveyor would require to value the neighbours' properties and advise whether the salon at number 22 Duffus Crescent has resulted in a devalue of their properties. If anything, we would consider the addition of the extra room at 22 Duffus Crescent to increase the value of the surrounding properties, as if 22 Duffus Crescent was to be marketed for sale, the extra room could be converted to a study/office/snug/playroom and this would likely be valued higher than it would without the additional room, thus increasing the average house price on the street.

As far as the salon causing the neighbours detriment to the enjoyment of their property, Mrs Ferguson's intended working hours are during school hours, 9am – 3pm when most neighbours are out themselves at work and therefore unaware of anyone attending at 22 Duffus Crescent. Receiving clients to the property for their hair appointments is no different to us having a friend or relative visit and therefore could not be proved to have caused the neighbours any detriment to being able to enjoy their own properties.

5. There is no loss of daylight to the neighbours, given the alterations are internal and no external changes have been made to the property, other than the installation of a window,

[REDACTED]
[REDACTED] As mentioned above, the level of activity is minimal and no different to having a friend, relative or neighbour visit at 22 Duffus Crescent.

6. Mrs Ferguson works alone at the salon is only able to accommodate one client at any one time. She will be working within school hours around her young family, the youngest of which is only 2, so will be unable to increase her working hours or availability due to her family commitments.

The costs associated with running a small business and renting a premises for use during the restricted part time hours Mrs Ferguson can commit to means it is not viable to rent a premises or be part of an existing salon. Having the salon at home means that she can walk her children to school which is better for the environment and reduces fuel costs of taking the car to a premises away from our home.

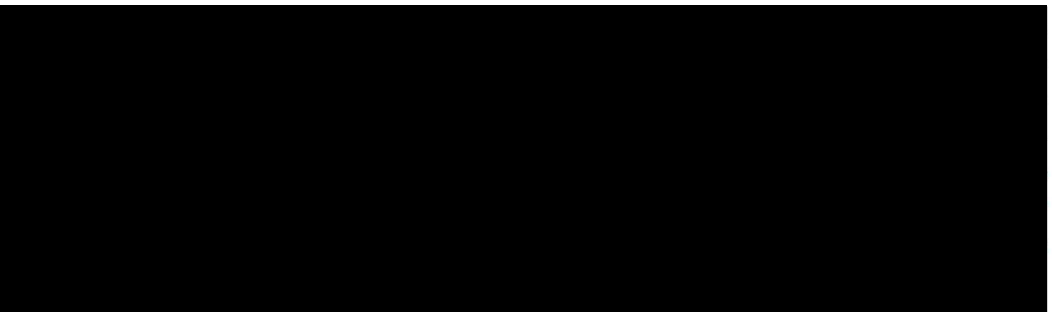
Mr Ferguson works long hours, so Mrs Ferguson is the primary carer of our 3 young children. The children participate in a number of after school activities and are part of sport clubs which takes up Mrs Ferguson's time after school and at weekends. There is no scope for her availability to increase, given the commitments of the children.

Mrs Ferguson walks her children to and from school and is seen every day by her neighbours before and after school, so they are fully aware that she is not in the salon working after 3pm.

Responses to objection dated 8th September

1. We applied for a Building Warrant for change of use and the drawing technician we used advised us that we would not require planning permission.

The builder we had consulted to carry out the works at our property had a last minute cancellation and we were given the opportunity to proceed with the alterations and had to make a quick decision to proceed.



We have now taken steps to rectify the lack of Planning Permission by applying for Retrospective Planning Consent.

As noted in the earlier responses, the construction works may have caused the immediate neighbours slight inconvenience, but as already mentioned, any building works at a property will create noise and disruption, but this was kept to a minimum and is now completed, so has no ongoing impact to the neighbouring properties as a result of the salon now being complete.

2. Response as noted above at point 4 regarding properties being used for business use.

3. Response as noted above at points 3 and 4 – [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Mrs Ferguson specifically messaged her clients to request that they approach our property via the road which passes number [REDACTED] and leave this way also to restrict any inconvenience to the neighbours at number [REDACTED], as the neighbour at number [REDACTED] have no concerns regarding the salon or the clients passing their property. (add photo)

4. What evidence is there to prove the hours that Mrs Ferguson has been working? Mrs Ferguson has kept her appointment book completely up to date with all clients times and dates of appointments and with the backup of the ring doorbell camera, can prove the times clients have attended at the property.

The screenshot of the opening times has been taken from a social media page. The 'Always open' reference refers to the social media page and not the physical salon business. Mrs Ferguson's social media page can receive messages at any time, but the salon is clearly not open 24/7. Having [REDACTED] children, Mrs Ferguson does not attend to clients in the salon in the evenings. Assumptions have been made due to the lights being on in the salon during the evening, but we are at liberty to have lights on in any room in our home without justification to our neighbours.

As noted above, the amount of clients attending at the salon are no different to friends or relatives visiting our family and by no means causes danger to the children playing outside, given the times of opening are during school hours, when children are not out playing and also given our own children play on the green area mentioned, the safety of our own children is paramount and we would never put them at risk or in danger from operating the salon in our home.

Having 340 followers on a social media page is no indication of how many customers the Mrs Ferguson has. Social media followers can be friends, colleagues, other hairdressers to name a few. The supportive comments are simply stating that customers can walk to the salon if they live in Hamilton Gardens, which is much more convenient than having to drive into town. The supportive comments are not all from existing customers, they are also from people who know us and are supporting us with this new venture.

Responses to 7th September and 3rd September objections are covered in the above responses.

PROPOSED PARTIAL GARAGE CONVERSION
FOR MR & MRS FERGUSON AT
22 DUFFUS CRESCENT, ELGIN, IV30 5PY

23/01371/APP

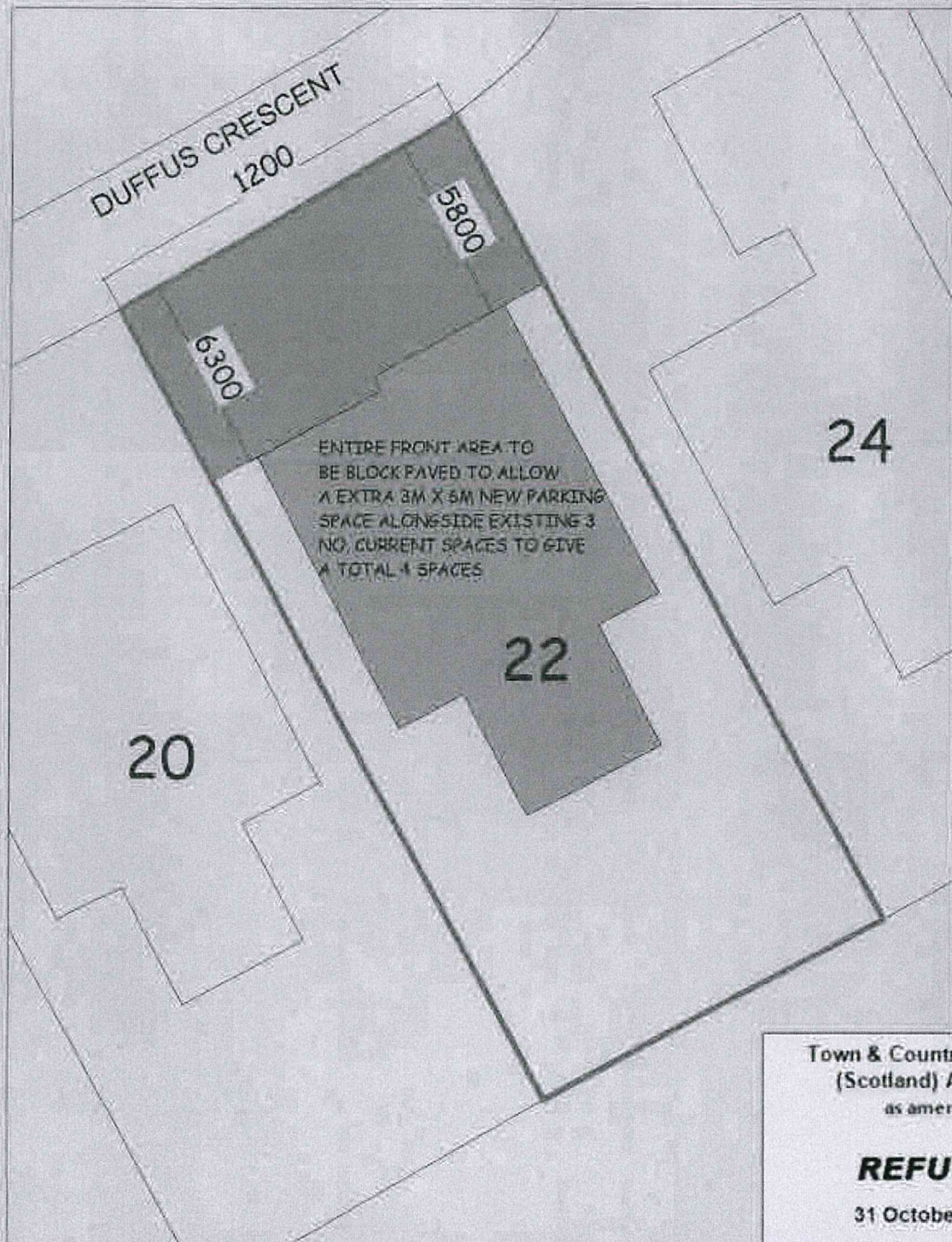
SITE PLAN

DATE - AUGUST 2023

DRAWING NO. RF/02

REVISION - 0

7 5 AUG 2023



SITE PLAN - 1:200

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

REFUSED

31 October 2023

Development Management
Environmental Services
The Moray Council

23/01371/APP

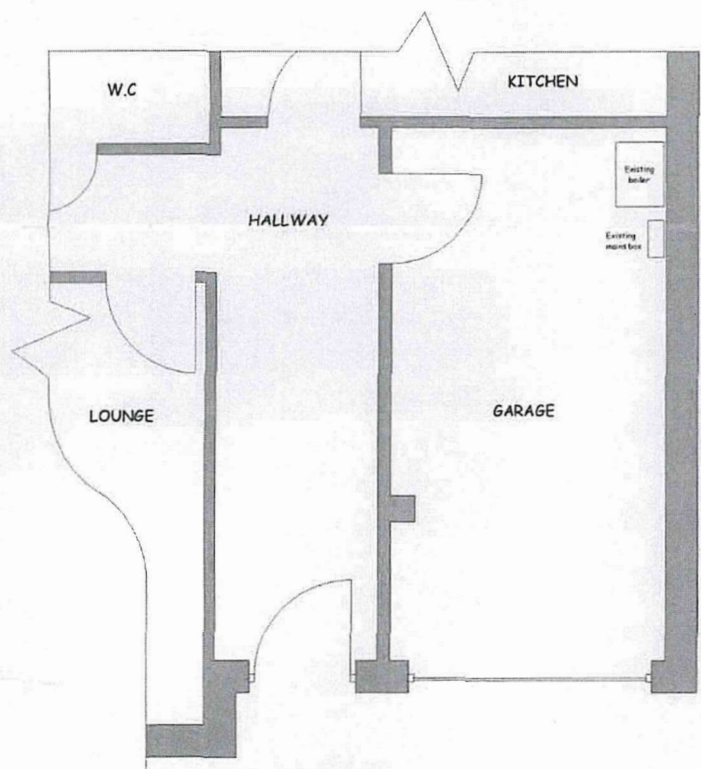
7 5 AUG 2023



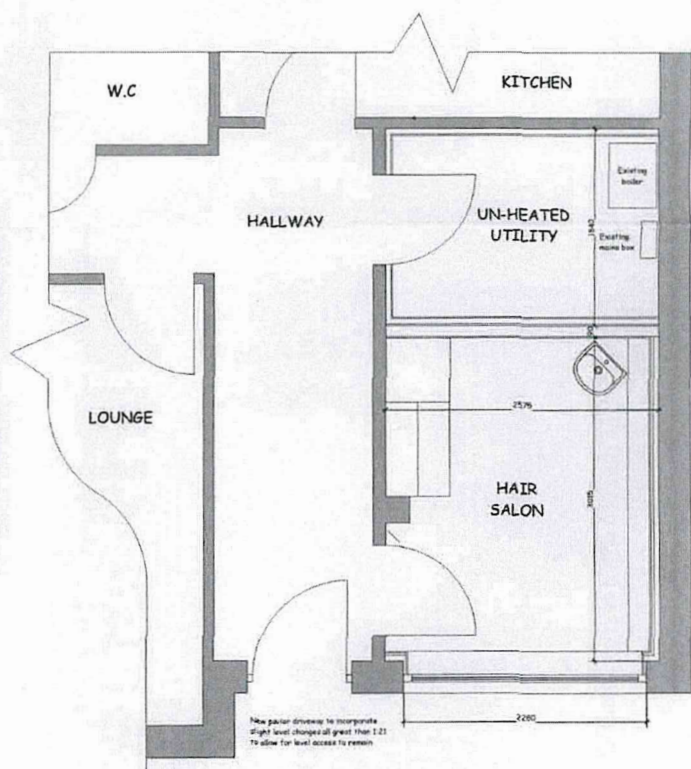
EXISTING ELEVATION - 1:50



EXISTING ELEVATION - 1:50



EXISTING FLOORPLAN - 1:50



PROPOSED FLOORPLAN - 1:50

PROPOSED PARTIAL GARAGE CONVERSION
FOR MR & MRS FERGUSON AT
22 DUFFUS CRESCENT, ELGIN, IV30 5PY
FLOOR PLANS & ELEVATIONS
DATE - AUGUST 2023
DRAWING NO. RF/01
REVISION - 0

DRAWINGS TO BE READ IN CONJUNCTION
WITH SPECIFICATION NOTES

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

REFUSED

31 October 2023

Development Management
Environmental Services
The Moray Council



Liveable Places

Design, quality and place

Policy Principles

Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Local Development Plans:

LDPs should be place-based and created in line with the Place Principle. The spatial strategy should be underpinned by the [six qualities of successful places](#). LDPs should provide clear expectations for design, quality and place taking account of the local context, characteristics and connectivity of the area. They should also identify where more detailed design guidance is expected, for example, by way of design frameworks, briefs, masterplans and design codes.

Planning authorities should use the Place Standard tool in the preparation of LDPs and design guidance to engage with communities and other stakeholders. They should also where relevant promote its use in early design discussions on planning applications.

Policy 14

- Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the [six qualities of successful places](#) are set out in Annex D.

- Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.



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

REFUSAL OF PLANNING PERMISSION

**[Elgin City North]
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:-

Retrospective consent to convert of part of garage to hair salon at 22 Duffus Crescent Elgin Moray IV30 5PY

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

Date of Notice: **31 October 2023**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance
Moray Council
Council Office
High Street
ELGIN
Moray
IV30 1BX

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

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposal is contrary to the provisions of the Development Plan because:

- i) The salon as a class 1 (shop use) is an incompatible use within a residential property.
- ii) The salon within the private residential property is incompatible with the residential area, and, the traffic movements with their associated noise and disturbance would have a significant adverse impact on the character and residential amenity of the surrounding residential properties.

The proposal is therefore contrary to NPF Policies 16 b) and 14 c) and MLDP 2020 Policies DP1 (i) a) and PP2 of the Development Plan.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
RF/01		Elevations and floor plans
RF/02		Site 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

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