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From noreply@scot.gov.uk <noreply@scot.gov.uk>

Date Thu 03/10/2024 13:50

To [REDACTED]



100687032-003 has been received

ePlanning Scotland Reference: 100687032-003

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Your online reference number is **100687032-003**, which you should keep a note of for your own records.

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Please note that if this **submission relates to an Appeal**, and you have selected this in your application, it will be forwarded to both the **Planning and Environmental Appeals Division (DPEA)** and your planning authority.

In this instance the **DPEA** will be responsible for processing and determining your appeal. You will be contacted in due course by either your planning authority or the DPEA regarding your application.

Submission Details

Online Reference **100687032-003**

Title **Change of use of woodland to garden.**

Authority Name **Moray Council**

Authority Address **The Moray Council Council Office High Street Elgin IV30 1BX**

Authority Telephone **0300 1234561**

Authority Fax

Authority Email Address **development.control@moray.gov.uk**

Agent Name

Applicant Name

Location

Date Submitted **03/10/2024**

Location Plan

Name Type Size

Attachments

Name Type Size

Garage Workshop Plan	Attached	1.4 Mb
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Fees

There was no fee for this submission.

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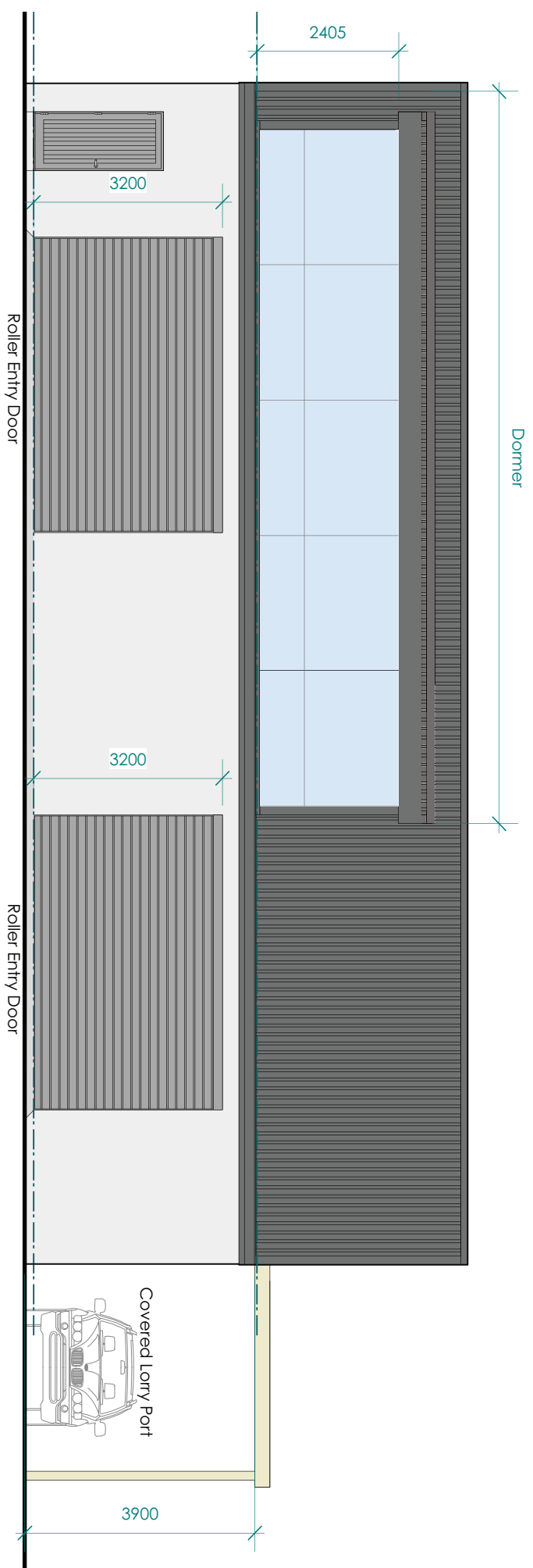
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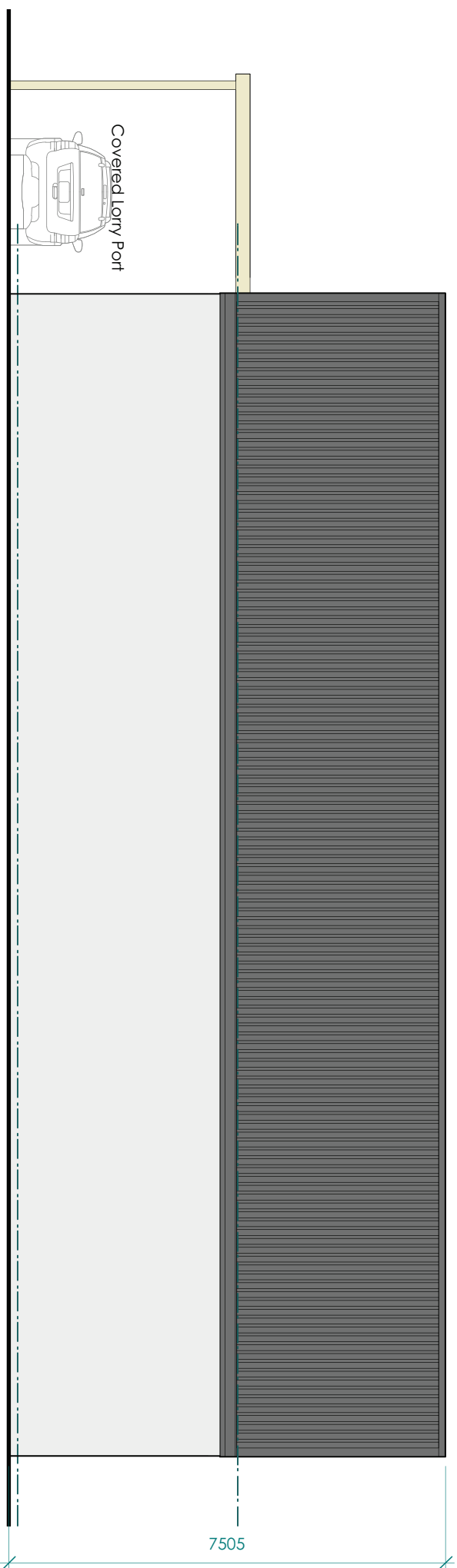
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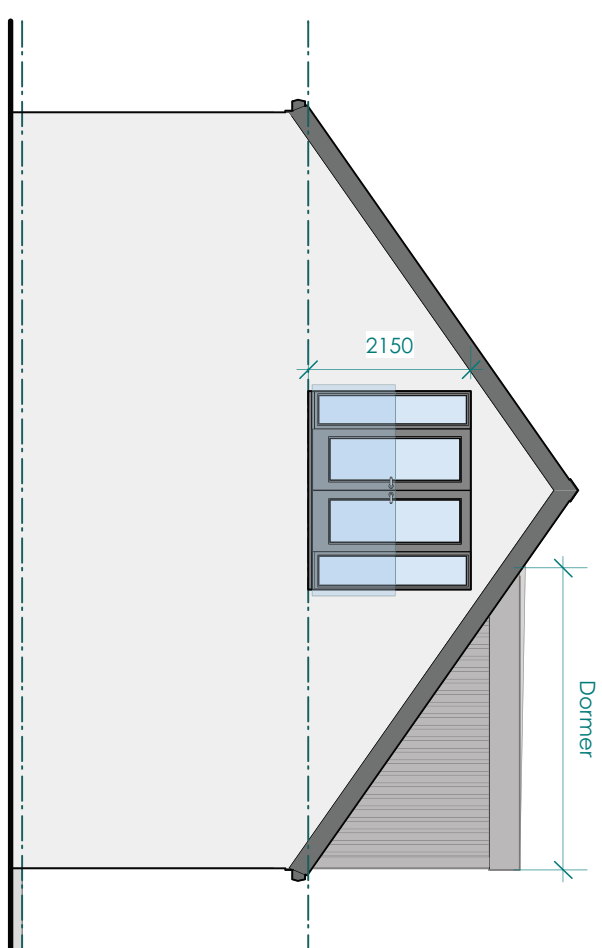
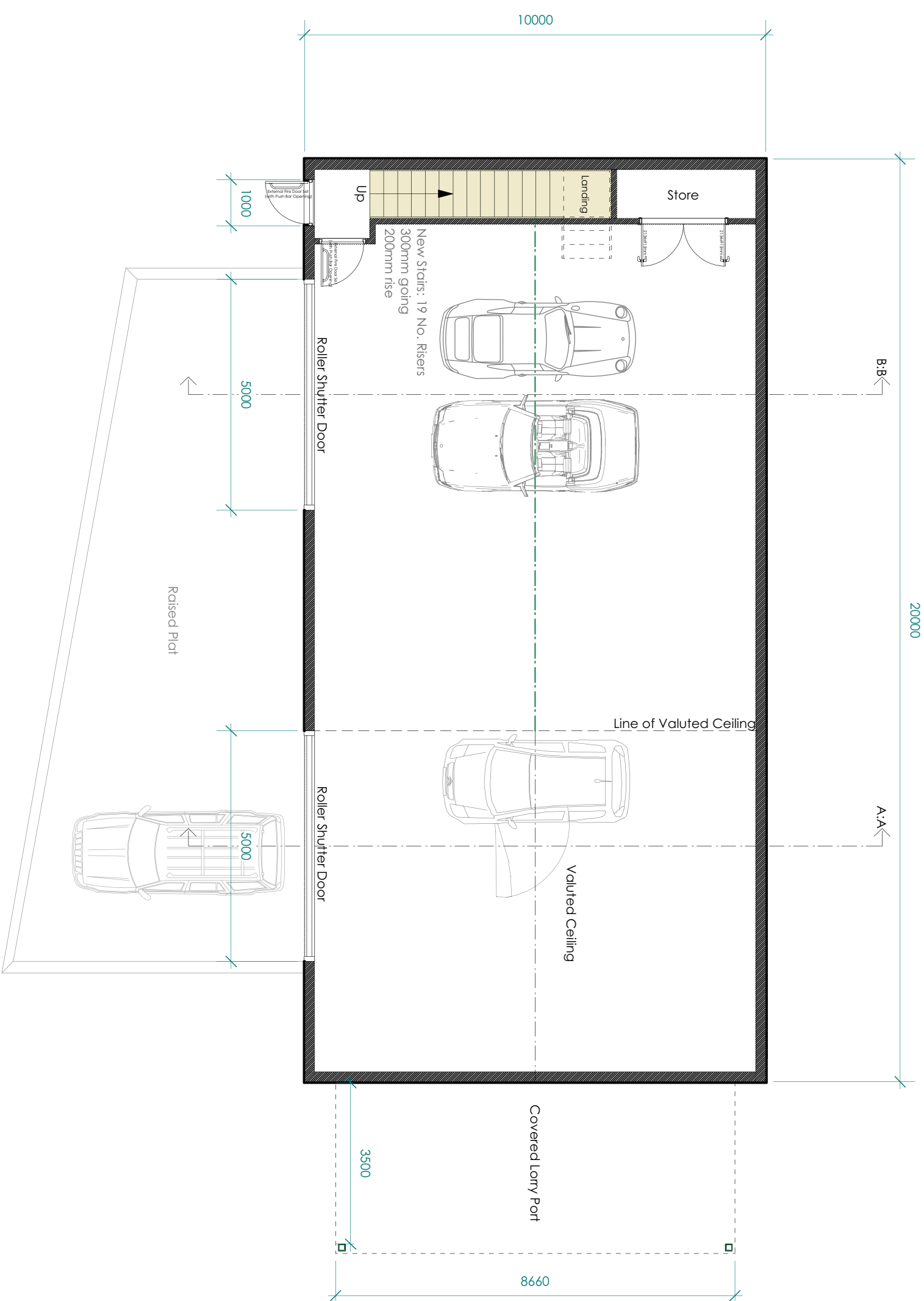
- Material key:**
1. UPVC, grey doors.
 2. Steel Roller shutter vehicle doors
 3. Steadman's Steel Profile Roof
 4. Rendered 215mm blockwork walls
- * All rainwater goods to be Steadman's steel.



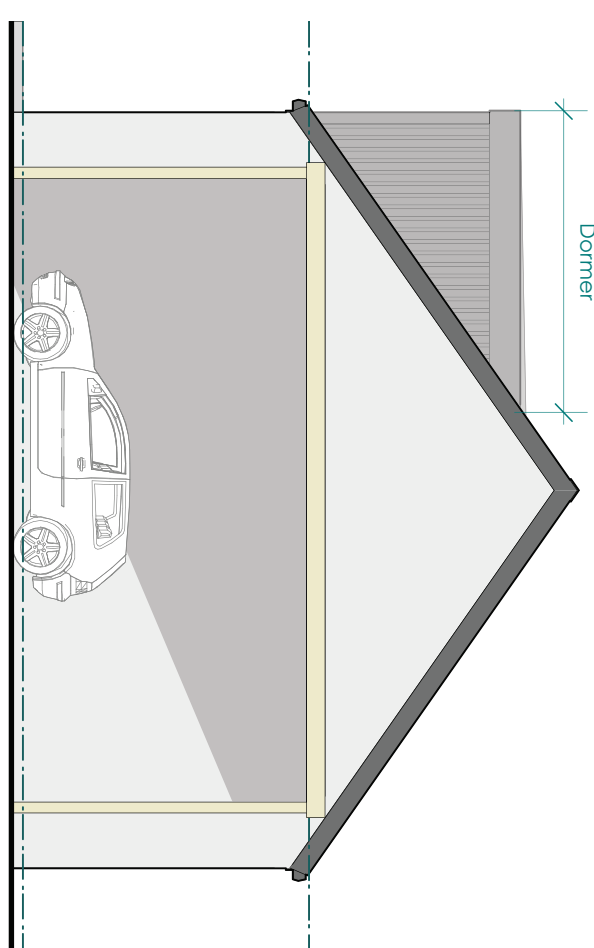
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Scale: 1:100



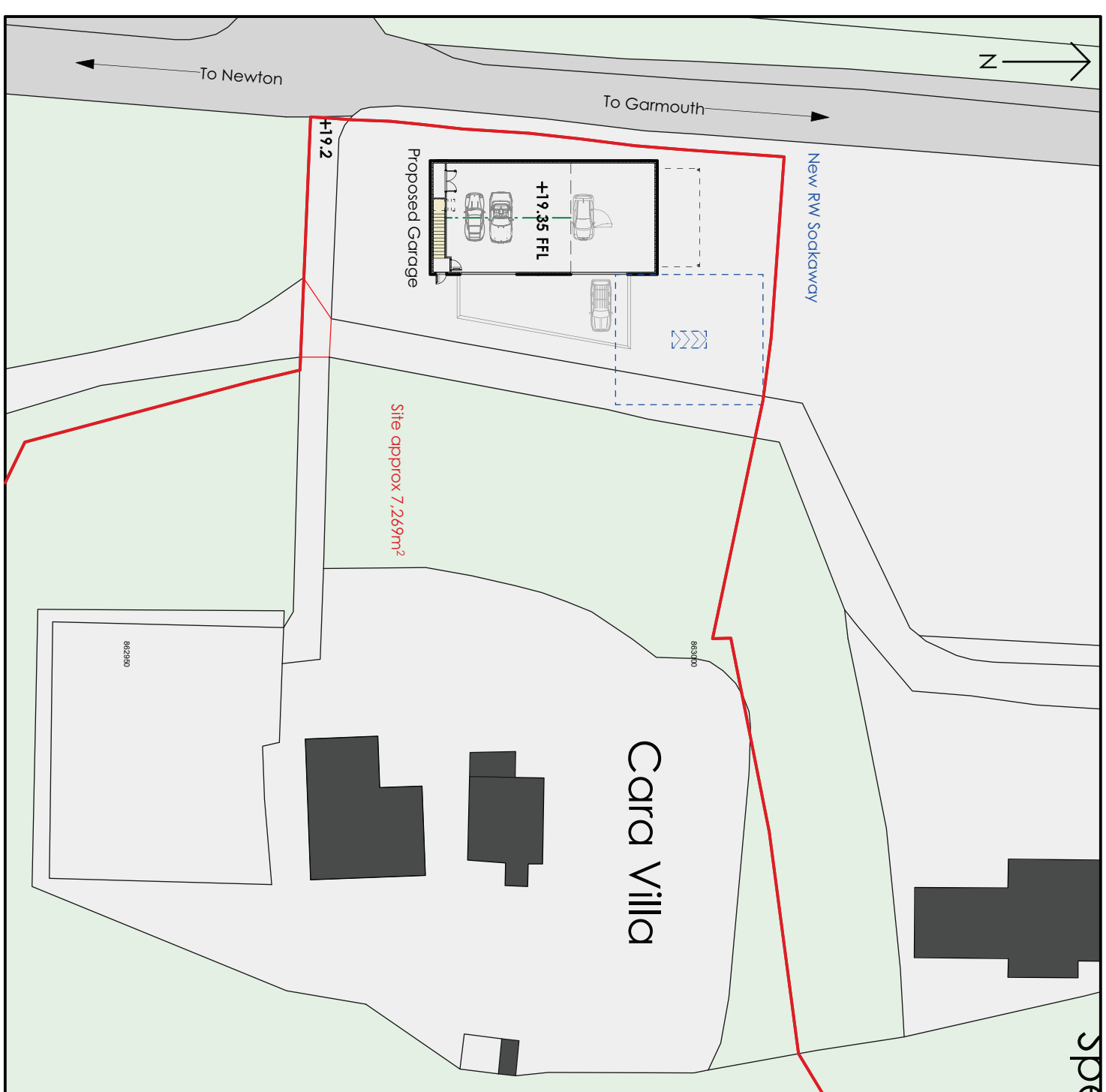
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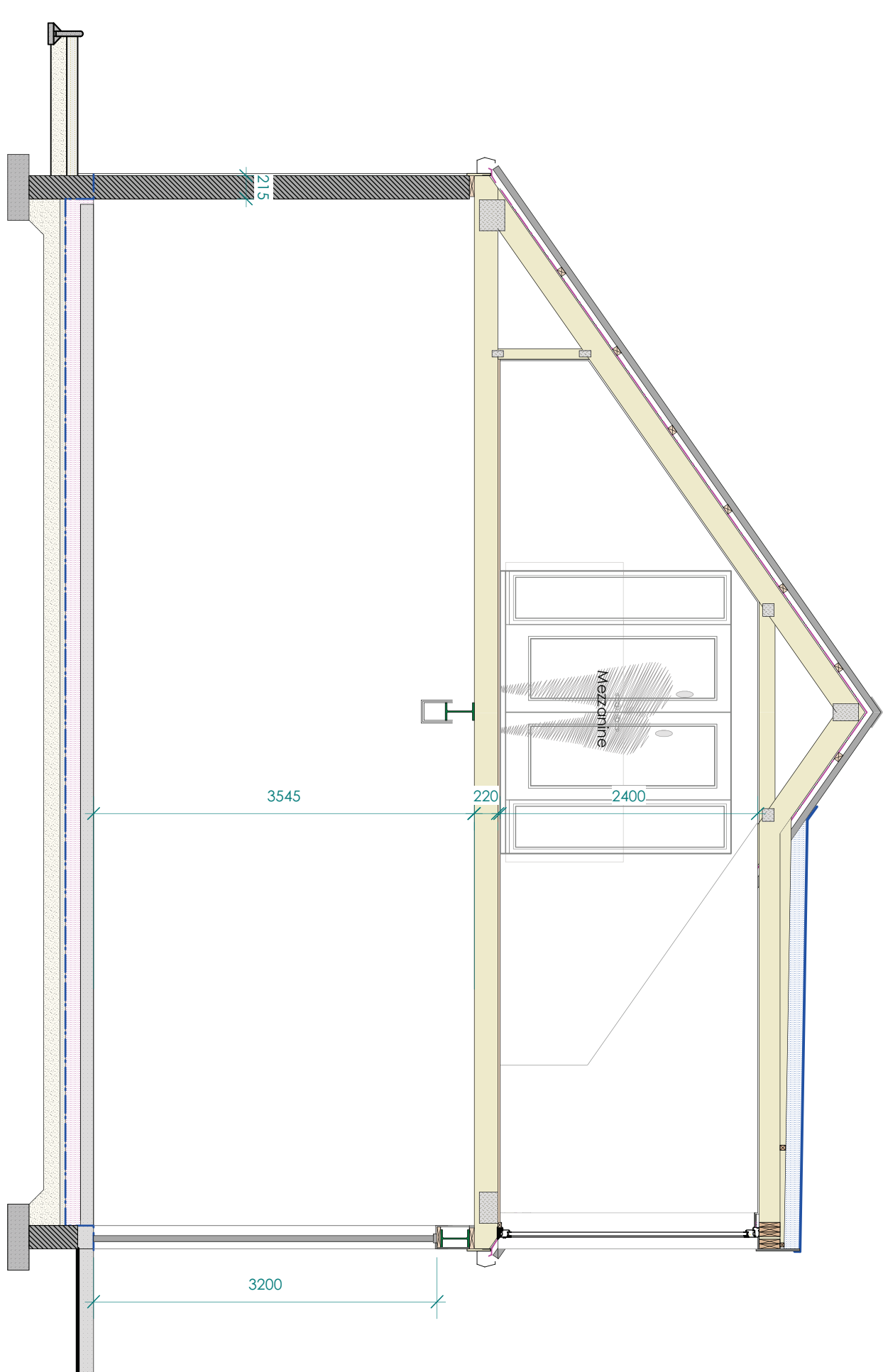
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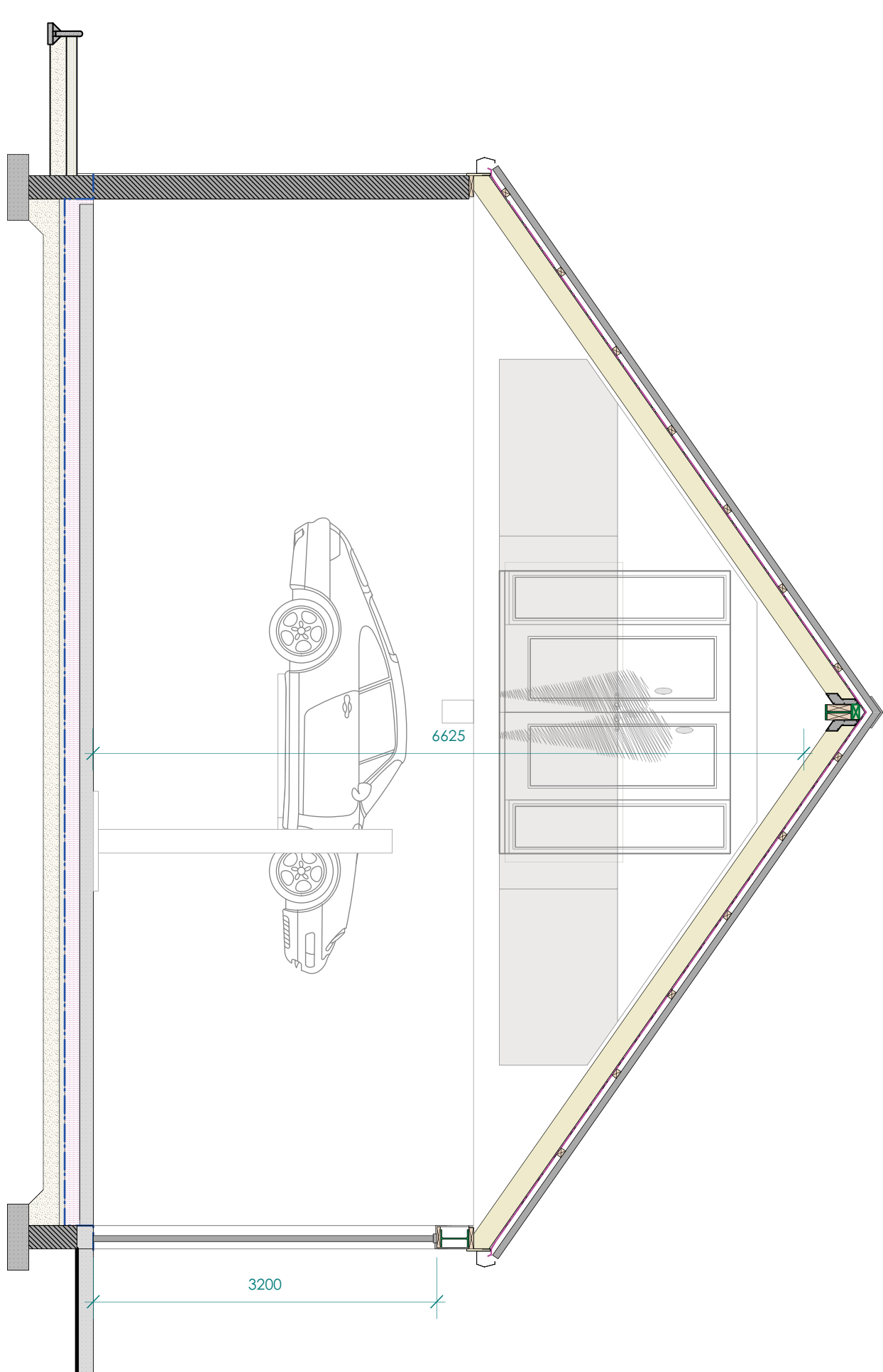
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Scale: 1:100



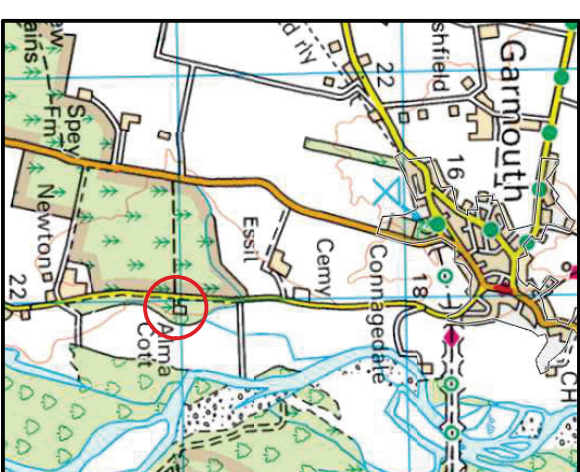
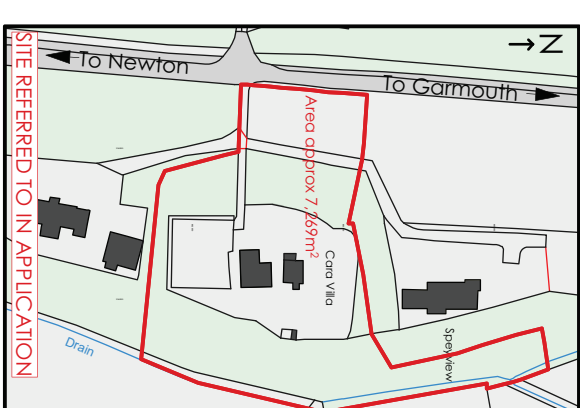
Site Plan
Scale: 1:500



Section A:A
Scale: 1:50



Section B:B
Scale: 1:50

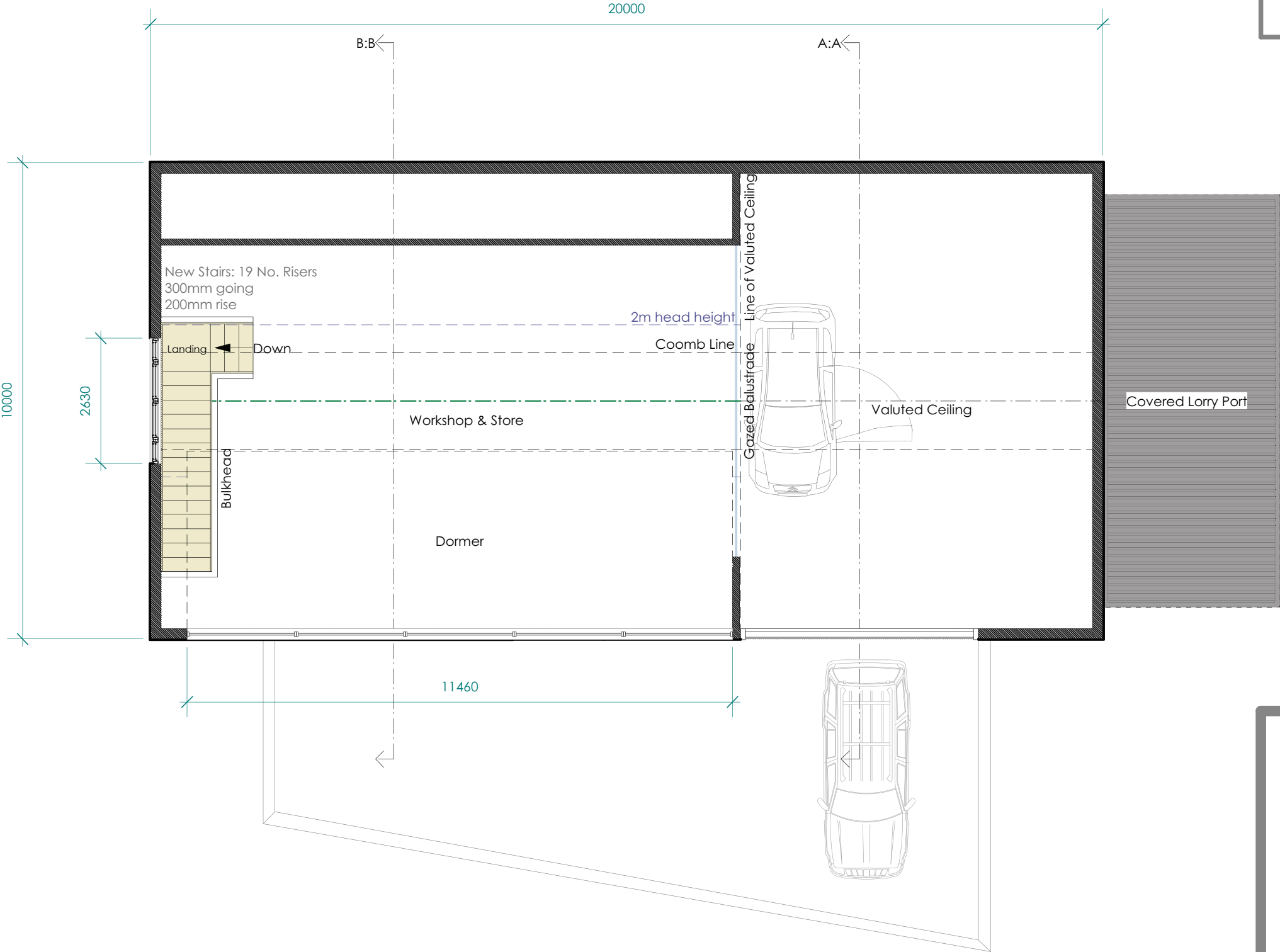
Location Plans
NTS

Location Plan
Scale: 1:2500

DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS

CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION

DRAWINGS TO BE READ IN CONJUNCTION WITH APPOINTED
STRUCTURAL ENGINEER'S DRAWINGS.
(REFER TO STRUCTURAL ENGINEER DRAWING REGISTERED)



Proposed First Floor Plan
Scale: 1:100
Approx. 96m²



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t 01343 540020

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Mr. & Mrs. Seely

NEW GARAGE AT CARA VILLA, BEULAH, GARMOUTH, IV32 7LE

PLANNING PROPOSALS
FIRST FLOOR PLAN

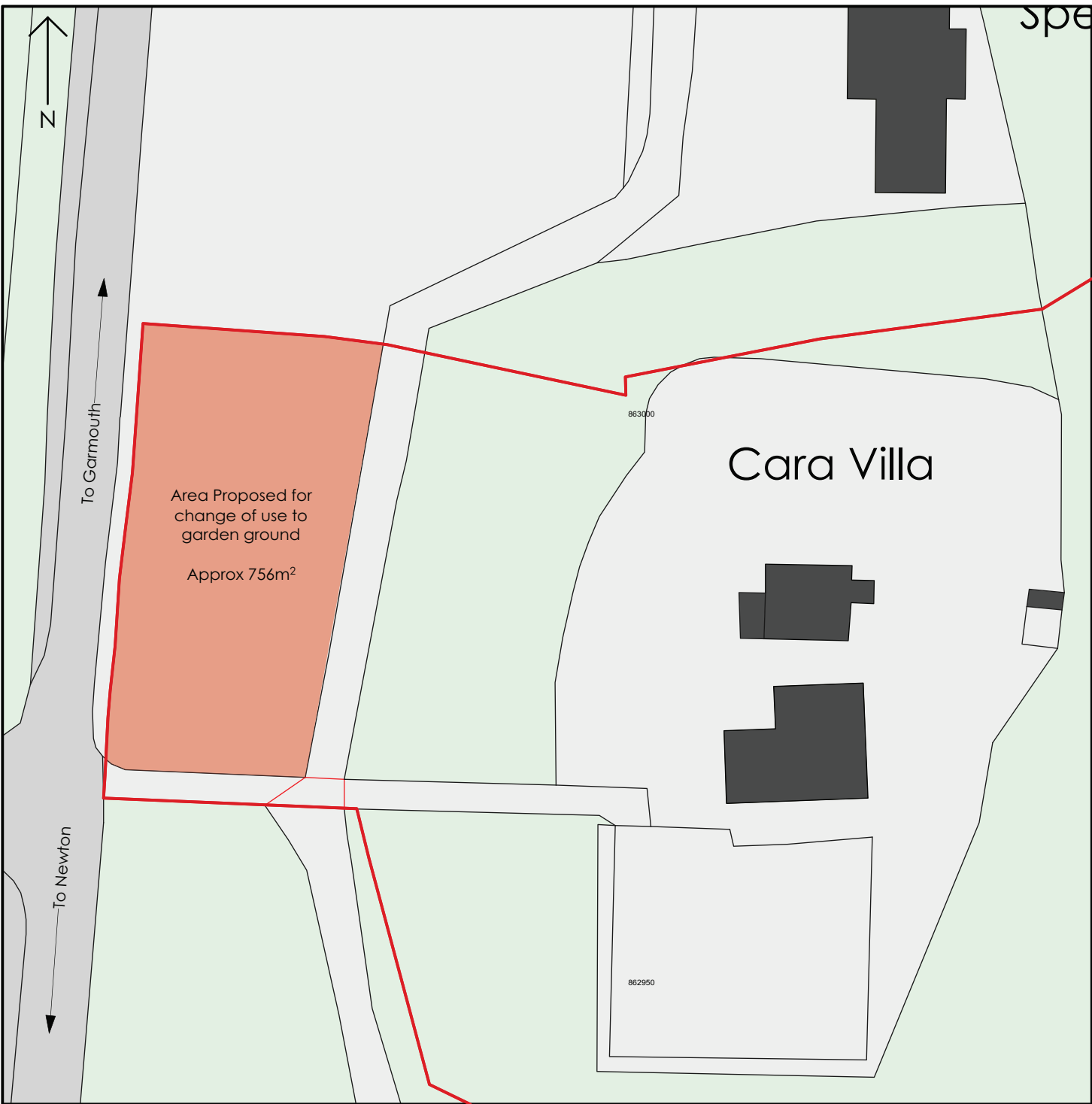
Date:	Amendments:	Rev:
Drawn By: M.D	Date: 27.06.24	Checked By:
		Date:

240008.SEELY.03PP

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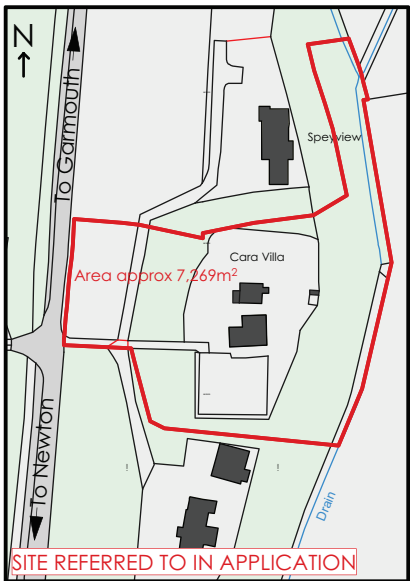
DRAWINGS TO BE READ IN CONJUNCTION WITH APPOINTED
STRUCTURAL ENGINEER'S DRAWINGS.
(REFER TO STRUCTURAL ENGINEER DRAWING REGISTERED)



Site Plan
Scale: 1:500



Location Plan
NTS



Location Plan
Scale: 1:2500

cmdesign

architectural consultants

Office Architectural Ltd Registered in Scotland No. 272963

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Mr. & Mrs. Seely

CHANGE OF USE TO GARDEN GROUND AT CARA VILLA,
BEULAH, GARMOUTH, IV32 7LE

PLANNING PROPOSALS
SITE & LOCATION PLAN

Date:	Amendments:	Rev:	
Drawn By:	Date:	Checked By:	Date:
M.D	02.10.24		

240008.SEELY.04PP

SUPPORTING STATEMENT

Change of use of woodland to garden ground to permit the erection of a domestic garage workshop at Beulah, Garmouth, Proposal Ref: 100687032-001

1. INTRODUCTION

This proposal relates to the change of use of up to 930 m² (0.09 hectares) of woodland to garden ground to permit the erection of a domestic garage workshop within the grounds of Beulah, Garmouth, an existing house in Morayshire.

2. BACKGROUND

- 2.1 Having retired last year my wife and I moved back to Moray after a period of absence due to work commitments. Whilst living away I realised a life-long ambition to participate in motorsport, my retirement aspiration being to continue this hobby. As a privateer I do all the work on the car and support vehicles myself and therefore need a suitable garage workshop.
- 2.2 We purchased Beulah (formerly Cara Villa) for many reasons, one being that it provides an ideal location to site a garage workshop. A major consideration for the selection of the site is that, being remote from the house and next to the road, the garage could be retained should we need to downsize at some point. Without this flexibility I would have to restart the process of finding somewhere to keep and work on my race car if we were forced to move due to age/health, thereby incurring additional expense as well as facing the logistical problem of where to keep the equipment during the transition. Not wishing to go into personal detail, my wife is the most likely of the two of us to need to downsize in the future.
- 2.3 A planning application was submitted on my behalf by a local architectural company in March this year (online reference number 100663503-001) but was returned due to it failing to address the need for a change of use of the ground in question from woodland to garden. This application is therefore in response to Moray Council's instruction. Accompanying information provided by the Council was that an application would not be likely to receive a positive recommendation given that the proposed site is on ancient woodland, a fact we were unaware of when we bought the property.
- 2.4 When purchasing the house in June 2023 there was nothing to suggest to us that the site's use would be limited. As the attached photos show it has the appearance of waste ground. All the mature trees had been felled as a consequence of Storm Arwen in 2021, information that came to light once we had acquired the property. (A felling order had been granted by Scottish Forestry under permission FPA-8678, copy attached, as well as a restocking order). To further enhance our perception that we would be able to use the proposed site for a garage, we were informed that planning permission had been granted for the erection of a house on

the ground immediately adjoining to the north (planning application 20/00455/APP dated 10 June 2020 refers) as well as noting the existence of three other recently built houses in close proximity. Given the demand for property in the area and knowing that other parties were interested in purchasing Beulah there simply wasn't the luxury of time to research the possibility of building a garage on this site any further; any additional delay would have jeopardised the opportunity to buy. In good faith we had gathered as much evidence as possible to make us believe the proposed site would be viable.

3. SITE LOCATION

- 3.1 The plot on which Beulah sits extends to circa 6,070 m², (0.607 hectares) encompassing the house, an access road to a neighbouring house Speyview, garden grounds, woodland and the specific woodland site relating to this application with an area of approximately 930 m².
- 3.2 The site is accessible via an established entrance off the minor Garmouth to Mosstodloch road.
- 3.3 The area applied for a change of use from woodland to garden excludes the legal right of access track leading to Speyview.
- 3.4 Beulah is one of 4 existing houses within a small rural grouping.
- 3.5 This application relates to an addition to an existing dwelling, not a new development on a different plot.

4. POLICY COMPLIANCE

- 4.1 The site is located outside the Speyside flood risk area.
- 4.2 The site is registered on the National Forest Inventory (NFI) as ancient semi-natural woodland and occupies an area of approximately 930 m² (0.093 hectares). Following Storm Arwen in November 2021, existing trees damaged by the winds were felled under permission FPA-8678. The site was restocked with around 30 silver birch and a small number of Scots pine, holly and beech. After four years growth, these trees are not yet established and could readily be transplanted.
- 4.3 As the photos below illustrate, the proposed site is visually unattractive giving the appearance of waste ground. The minor Garmouth to Mosstodloch road runs parallel to the line of gorse bushes on the left-hand side of the first photo which looks north, the pine trees defining the edge of Lunan Wood on the west side of the road. As mentioned in the introduction to this Supporting Statement, planning permission has been granted for a dwelling house adjacent to the proposed site **which is also designated as ancient semi-natural woodland**. The location of this would be in the foreground of the red coloured container and house in the photo.



4.4 The second photo below looks east and shows the proposed site on the left-hand side of the picture, the driveway leading to Beulah on the right-hand side of the picture, the access road to Speyview (defined by the fence and posts) which is excluded from the application and an established area of woodland in the centre of the shot that is referred to in the Tree Survey. This woodland is close enough to the site to be included in the Survey but would not be affected. Just out of the picture on the right-hand side (south) is further woodland referred to in the Survey.



4.4 With reference to the Scottish Government National Planning Framework 4 Policy 6 (b), and Moray Local Development Plan (MLDP2020), Policy EP7, this proposal would not result in the loss of ancient and veteran trees, or have an adverse impact on their ecological condition. There would be no adverse impact on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy. In addition no fragmenting or severing of woodland habitats would result.

4.5 A Tree Survey carried out on 24 January 2024 by Mr Angus Dixon, Groves Forestry, accompanies this application. Compensatory replanting has been detailed in this Survey in accordance with EP7 (e). The planting would be located at Nether Brown Muir, a site on the north side of Brown Muir Hill, above Millbuies. As stated above in paragraph 4.2, existing saplings would be transplanted at the new site such that **there would be no loss of existing trees**. In addition **twice the area of woodland would be created**. Should this amount of compensatory replanting be judged insufficient I would consider increasing it to whatever Moray Council deemed appropriate. **Of note, the grassland at Millbuies, when planted with native trees, will acquire over the next 40 years similar woodland soil features of the site at Beulah. This is a comparative period of time it would take the saplings on the existing site at Beulah to mature. Therefore, nothing would be lost by permitting the ground at Beulah to be changed to garden. On the contrary, there would be an increase in the area of semi-natural woodland.**

- 4.6 Mr Dixon, author of the Tree Survey, consulted with Scottish Forestry with respect to the change of use of land and whether there was any opposition from their perspective to the proposed site being used as described. **Scottish Forestry had no objection to the proposal.**
- 4.7 Whilst the site is within Moray Council's designated Special Landscape Area (SLA) Lower Spey and Gordon Castle, the garage workshop's position adheres to this policy as far as possible. The garage would be situated just inside the western boundary which is defined by the minor Garmouth to Mosstodloch road outside the drive. The garage workshop would thus be virtually invisible from the River Spey given the cover provided by both the house and the trees on the east side of the proposed site.
- 4.8 Use of this site to position the garage workshop would limit the impact on immediate neighbours who have supported the proposal. (Attached letter from Mr & Mrs N. Stevens refers).
- 4.9 The proposed garage workshop has been sympathetically designed to sit comfortably within the local character of surrounding properties and reflects the size and scale of local agricultural buildings. Having said that, the attached plans for the design of the building are purely representative; I would willingly cooperate with the Council to ensure the building fits in with the surrounds to their satisfaction.
- 4.10 The proposed garage workshop measures 10m x 20m, giving a footprint of only 200m². Whilst this application is to ideally change the use of woodland to garden for the entire site of 930 m², should it be more acceptable to the Council the requested area can be reduced sufficiently to accommodate the requested building leaving the remainder of the site untouched.
- 4.11 By permitting the change of use of the ground from woodland to garden for the erection of a garage workshop the following public benefits would be realised:
- 4.11.1.1 A larger area of woodland would be generated at no cost to Moray Council. It is proposed that double the area of woodland is created but should this be judged insufficient I would consider any proposal that the Council deems appropriate. **The newly planted woodland would in time acquire all the woodland soil features of the existing site.**
 - 4.11.1.2 The impact on the Lower Spey and Gordon Castle SLA would be minimised compared to the alternative of positioning the garage workshop within the existing ground already designated as garden.
 - 4.11.1.3 Neighbours would benefit from the garage being remotely positioned. It would be out of sight, not obstruct their view or block sunlight. A letter from [REDACTED] supporting the proposed siting of the garage is attached.

4.11.1.4 Morayshire would be represented at motorsport events. Given the long distances involved travelling to and from major race circuits in the UK there are few competitors representing Scotland and even less, if any, from Morayshire. My continued participation in motorsport would be consistent with Priority 1, Section VI, VII & VIII of Moray Council's Physical Activity, Sport and Health Strategy which states that the precedence is to:

vi. Promote and host local, regional, national and international sporting events with all key partners to encourage tourism and showcase what Moray has to offer.

vii. Recognise and celebrate the contribution that sport and physical activity provides within Moray and support the need that physical activity and sporting opportunities are affordable and attractive to all our residents.

viii. Raise the profile of sport and physical activity within Moray.

SUMMARY

5.1 My application for the change of use of woodland to garden ground to permit the erection of a domestic garage workshop represents a retirement ambition of continued participation in motorsport. Without this facility it would be economically unviable to continue. The application is flexible and would seek to address any objection the Council may have to it.

5.2 The following summarises the case for why a change of use would not impact the current state of ancient semi-natural woodland negatively.

5.2.1 The area of ground in question is negligible: ideally 930m² but potentially less than 300 m².

5.2.2 There are no mature trees on the site; no felling is required.

5.2.3 Existing saplings would be transplanted therefore no trees would be lost.

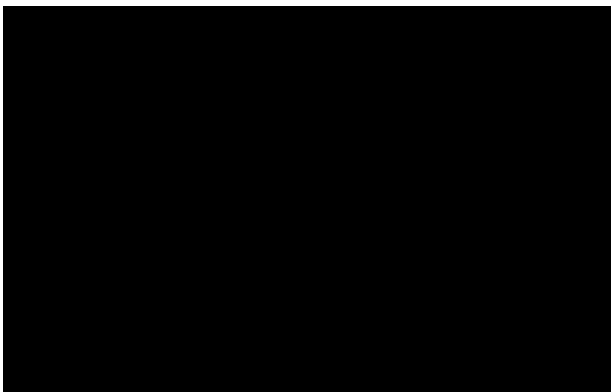
5.2.4 The ground of the new site would in time acquire all the woodland soil features of the existing site.

5.2.5 The proposed site is within an existing property; it is not a new development.

5.3 With reference to the Scottish Government National Planning Framework 4 Policy 6 (c), and Moray Local Development Plan (MLDP2020), Policy EP7, and the need

for the application to be in the interest of the public, the following benefits would be realised should the request be granted:

- A larger area of woodland would be generated at no cost to Moray Council.
- The impact on the Lower Spey and Gordon Castle SLA would be minimised.
- It is in my neighbours' best interest that the garage is remotely located.
- Morayshire would be represented at motorsport events consistent with Moray Council's Sports Plan.



Applicant

ADDITIONAL SUPPORTING STATEMENT

27 November 2024

Change of use of woodland to garden ground to permit the erection of a domestic garage workshop at Beulah, Garmouth, Proposal Ref: 100687032-001

1. INTRODUCTION

1.1. Moray Council helpfully pre-warned me that the above application would be rejected for 2 reasons:

- a. **ANCIENT WOODLAND.** The application site is an area of designated Ancient Woodland. It was not part of the original house plot and as such the application seeks to change the use of the ground to domestic garden ground. Both National Planning Framework 4 Policy 6 and MLDP 2020 Policy EP7 do not support development which would result in the loss of Ancient Woodland. Ancient Woodland comprises not only trees but the ground vegetation and soils in which trees sit. The proposal to change the use of the woodland to garden ground would fail to comply with NPF4 Policy 6 and policy EP7 as it would result in the permanent loss of land identified as woodland under the Ancient Woodland Inventory.
- b. **PROPOSED GARAGE DESIGN.** The proposed garage/workshop is considered to be out of keeping with the scale and character of the surrounding area. The site is remote to the dwelling (separated by an access track) and would not easily integrate into the site and surrounding area given its height, bulk and location proposed.

1.2. I am appealing this decision and have supplied this Additional Supporting Statement in response to the above points.

2. ANCIENT WOODLAND

2.1. I accept the fact that the application site is within a designated area of Ancient Woodland and that the proposal contravenes both National Planning Framework 4 Policy 6 and MLDP 2020 Policy EP7. Indeed I acknowledged and addressed this fact in my original Supporting Statement.

2.2. If a site visit is not part of the appeal process I ask that the photographs attached to the original Supporting Statement are referenced since they graphically illustrate the following points.

2.2.3. The designation of Ancient Woodland assigned to this particular site gives a misleading impression. It is not typical or representative of what one would consider Ancient Woodland to be; there is only one beech tree which would be unaffected by the construction of the garage/workshop. Please refer to the Tree Survey that was supplied with the application.

2.2.4. An area of Ancient Woodland is delineated by a perimeter within which there is no differentiation between varying sections of ground or whether trees are present or not. The

plot for Beulah is contained within a 681.19 ha area of Ancient Woodland called Sleepieshill. This area does not distinguish between roads, garden, hedgerows, buildings or genuine Ancient Woodland. It is true to say therefore that not every part of it contains Ancient Woodland. According to arborist Mr Angus Dixon, BSc, Consultant, Groves Forestry Company, there is nothing irreplaceable or worthy of special preservation that would be irrevocably lost on the proposed site; the trees prior to being felled were plantation Scots pine and the associated vegetation and soil does not contain any unique features.

2.2.5. Strictly speaking this piece of ground is not Ancient Woodland, which is defined as land that has been continuously wooded since at least 1750. It has merely been amalgamated with woodland that does have the attributes to be deemed Ancient Woodland. As an example there is an area containing noteworthy ancient trees along with their associated vegetation and soil on the eastern border of my property. Had my application been situated in an area such as this I would have understood the Council's refusal of my application but technically it is incorrect to refuse this application on the basis that the ground is Ancient Woodland.

2.2.5. To further support the above information Mr Dixon liaised with Scottish Forestry on my behalf with respect to the change of use of this land to ascertain whether there was any opposition to the proposed site being used as described. **Scottish Forestry has no objection to the proposal.**

2.3. Compensatory replanting of at least twice the area will be sown with sessile oak, silver birch, hazel, gean, rowan and Scots pine thereby creating a significant area of valuable woodland which would not be generated if this appeal is rejected. Since submitting the initial application a further site has been identified in Garmouth resulting in the woodland being created close to the proposed site if required. This mitigates any perceived loss of woodland and ultimately generates a greater amount. Since there are no established trees on the existing site that would be disturbed the time scale for compensatory replanting to mature is no different to the time it will take for saplings on the proposed site to grow. The net outcome of compensatory replanting would thus enhance Moray's stock of woodland especially considering rare and exceptional trees would be planted and cultivated. Nothing would be lost by permitting the woodland at Beulah to be changed to garden. On the contrary, there would be an increase in the area of quality Ancient Woodland.

2.4. In addition please bear in mind that the site in question is very small - less than 930 m². Its use would have a miniscule effect on the 6,811,900 m² of Sleepieshill Wood. (Less than 0.014%).

PROPOSED GARAGE

3.1. **DESIGN.** Having submitted the application online I was subsequently contacted by a Moray Council Planning Technical Assistant who required me to submit a plan of the proposed garage. I had deliberately left this detail out because I did not consider it to be relevant to the application at this stage. Having done as requested I made it very clear in my Supporting Statement that the plan was purely representative and that I would willingly cooperate with the Council to ensure the building fits in with the surrounds to the Council's satisfaction.

3.2. Despite the above, Moray Council have stated they will further reject the proposal because they consider the proposed garage plan to be out of keeping with the scale and character of the surrounding area and because it does not easily integrate into the site and surrounding area given its height and bulk.

3.3. I wish to reiterate that I would work with the Council to ensure the scale and character of the garage/workshop suitably integrates into the site to meet their requirements. Clearly however, there would be a minimum size needed to ensure the building has sufficient floorspace to store equipment and vehicles, provide suitable space to work on the car as well as afford adequate height to accommodate a car ramp. For example a one car sized garage would be of no use.

3.2. **SITE LOCATION.** The Council have objected to the application due to the site being remote from the dwelling (separated by an access track). This is exactly why it is so perfect for my requirements and is the only location within my grounds that provides a key advantage. As explained in my original Supporting Statement, a major factor for the selection of the site is that, being remote from the house and next to the road, I could retain the garage should my wife and I need to downsize at some point in the future. Without this flexibility I would have to restart the process of finding somewhere to keep and work on my race car if we were forced to move due to age/health, thereby incurring additional expense as well as facing the logistical problem of where to keep the equipment during the transition. Not wishing to go into personal detail, my wife is the most likely of the two of us to need to downsize in the future which is exactly why this location would be so ideal to enable me to continue participating in motorsport.

4. APPLICATION OF POLICY

4.1. As stated in the introduction I understand that Moray Council are limited by both National and Local Policy. However I feel their application of this policy is harsh given my circumstances.

4.2. Policy is not law, it is a course or principle of action adopted by an organization or individual. It thereby affords the organisation an element of flexibility with respect to its application. From my perspective it is unmerited for policy to be so rigidly enforced that conservation of a patch of ground that contains nothing but decaying ferns, gorse bushes, and a few saplings attracts a higher degree of protection than the welfare and happiness of the individual who owns it and lives there. I have worked hard all my life and am now in a position to fulfil a retirement dream.

4.3. As described in my original Supporting Statement, given the demand for property in the area and knowing that other parties were interested in purchasing the house, I researched the possibility of building a garage on this site as much as time permitted; any additional delay would have jeopardised the opportunity to buy the property. I had no reason to suspect that what appeared to be an ideal location for a garage/workshop had originally been woodland since no trees were present, let alone it carrying a designation of Ancient Woodland, especially as I was made aware planning permission had been granted for a dwelling to be built on adjoining ground.

4.4. Should this appeal be rejected it does not simply prevent me from building a garage/workshop, it compromises one of the very reasons I decided to buy the house and associated land thereby destroying my retirement dream; I really do not have any other options. I therefore write a heartfelt appeal to the Local Review Board to consider the circumstances I faced when buying this property, my reasons for doing so and to put themselves in my position. I would like to think the Review Board will make a decision based on the outcome individual members would hope for if they faced similar circumstances rather than dogmatically apply policy as if it were a law that cannot be broken.

Thank you for your consideration,



Applicant

SECOND ADDITIONAL SUPPORTING STATEMENT

30 December 2024

Change of use of woodland to garden ground to permit the erection of a domestic garage workshop at Beulah, Garmouth, Proposal Ref: 100687032-001

1. EXISTING GARAGE

1.1. Further to my Additional Supporting Statement dated 27 November 2024, I would like to add some details on the existing garage facility at Beulah. I feel this would be helpful to illustrate why I am requesting permission to build a suitable garage/workshop facility.

1.2. The current garage at Beulah came with the purchase of the property. It is an old structure that appears to be made up from an old house (Alma Cottage) with an additional area attached at the rear.

1.3. The garage is inadequate for several reasons. Please refer to the attached photographs which illustrate the following points.

1.3.1 First it floods during periods of heavy or persistent rain. This is a major problem since valuable items are being ruined. For example my expensive tools are starting to rust.

1.3.2. Secondly, the roof is not high enough to be able to install a ramp. This is an essential piece of equipment since the engine can only be removed from underneath the race car.

1.3.3. Thirdly the floor space is insufficient. I have a number of pieces of garage equipment that I need to access on a regular basis, numerous spares to store and the need for a 'clean' area to service and build items such as engine and gearbox. The attached photographs show how cramped and inadequate the current area is.

1.3.4. Fourthly, the structure is old and rotting. In particular the walls of the original house are made of timber. It will need to be demolished some time in the near future. I have nowhere else to store all my race/garage equipment in the interim.

1.4 I trust the above adds further information as to why this garage/workshop proposal is of such personal importance and is more than just a casual application.



Applicant

Development Management
Economic Growth & Development
The Moray Council
PO Box 6760
Elgin
IV30 9BX

27 January 2024

Dear Sir/Madam

Location of Garage/Workshop

Our neighbour [REDACTED] has spoken to us about his proposal to build a garage/workshop within his grounds. He has explained that he needs this facility to be able to continue his participation in amateur motorsport. The site of this facility is limited given the vicinity of woodland as well as steeply sloping ground within his land and he discussed with us two options under consideration with respect to its location. The favoured option is on a piece of ground to the west of the access road to our property and the other is on the boundary between our properties.

Peter has explained that before he can obtain planning permission for the garage/workshop to be located on the favoured site, he would first need to be granted permission to change its use from woodland to garden. In order to do that we understand that the change of use has to be in the public interest.

To that end we are writing to support his application. The preferred area of ground he has selected is remote from all houses in the neighbourhood. It would directly benefit us if the garage/workshop were to be situated furthest away from our shared boundary. By permitting him to do so the southerly view from our house would not be obstructed, sunlight would not be blocked and any potential noise would be kept away from the house. He has also reassured us that his application for the change of use from woodland to garden will not affect access to our property since the route of this track has been excluded from the plans.

Given the above we hope you will be able to grant him permission to change the use of this piece of ground from woodland to garden and permit him to build a garage/workshop on it.

Yours faithfully,

[REDACTED]

**BEULAH, GARMOUTH
FOCHABERS, MORAY IV32 7LE**

TREE SURVEY & TREE PROTECTION PLAN

**GROVES FORESTRY
REDBRIARS, PLUSCARDEN, ELGIN
MORAY, IV30 8UD**

SEPTEMBER 2024

1. Introduction

██████████ owner of Beulah, Garmouth, Fochabers, Moray, IV32 7LE, commissioned Angus Dixon of Groves Forestry Company in January 2024, to survey the trees on and adjacent to the site of a proposed new garage at Beulah, to record the type and condition of the trees situated there and set out proposals for management of the trees during and after the development works.

2. Description of the site

The land on which the trees are situated, belongs to ██████████, it is located at NJ340630. The land where the garage is to be built has an area of 0.09ha, it was formally part of a Scots pine plantation, planted around 1970. The Scots pine were felled around four years ago and the land was replanted with silver birch and a small number of Scots pine, holly and beech. Adjacent to the proposed garage site on the south and east sides, is woodland extending to around 0.2ha where there are 22 young and mature trees, mainly Scots pine with one each of larch sessile, rowan and sycamore, that are close enough to the site to be included in this tree survey. The 22 trees are aged between around 15 to 50 years. These 22 trees have been individually surveyed and recorded in the schedule, (4) below and are marked on the attached map.

The condition of the replanted trees is described in section (5).

The woodland is not recorded as being native woodland, but is mapped as ancient semi-natural woodland.

The proposed garage site is bounded on the west side by the C class public road, running north from Mosstodloch to Garmouth and on the east side by the conifer plantation of which this area is part.

The site is level with an altitude of around 30m.

The soil is podzolic brown earth overlaying alluvial deposits over sandstone.

The ground vegetation is mostly grass, bracken, woodrush, raspberry, rhododendron, moss, bramble and gorse.

3. Survey Method

The trees in area have been surveyed to British Standard 5837 (2012) to record the following data:

- Location
- Reference number
- Height (m)
- Stem diameter (cm)
- Crown spread in four compass directions (m)

- U.A.B.C. rating where –

U = Remove tree

A = High value tree

B = Medium value tree

C = Low value tree

4. Schedule of trees in area adjacent to proposed building site

Tree No.	Species	Height (m)	DBH (cm)	Crown spread (m)				Age	Category	Comments
				N	E	S	W			
1	BE	6.5	9	3	2	2	2	10	A	Crown clearance is 1.5m As this tree grows larger, it may well become a hazard to the new garage.
2	SP	19	31	2	2.5	2	3	50	C	Thin crown
3	SP	21	31	2.5	1.5	1	3	50	B	
4	SP	22	29	1.5	1	1.5	1.5	50	B	
5	SP	21	30	2	3	1	2	50	C	Thin crown
6	OK	16	39	4	2	3.5	5	50	B	
7	SP	21	37	1.5	2	2	2	50	A	
8	LA	21	40	2	3	3	3	50	B	
9	SP	20	36	2	1	1.5	2	50	C	
10	SP	23	32	1.5	2	1.5	2	50	B	
11	SP	22	35	3	2	2.5	2	50	C	Tree has old house name sign attached to trunk
12	SP	19	22	1.5	1	1	1	50	C	Thin crown, suppressed tree
13	SP	20	31	2	2.5	1.5	1.5	50	B	
14	RO	5.5	8/8	2	1	1.5	2	20	C	
15	SP	21	42	2	2.5	2	3	50	C	
16	SP	19	28	1	1	1	1	50	C/U	Tree has a small crown and has blown over towards the east some years ago and is leaning on tree no. 17. Consider felling
17	SP	21	34	2.5	2.5	1.5	2	50	B	
18	SYC	9	16	4	3	2	2.5	15	C	
19	SP	22	18	0	0	0.5	0.5	50	C	Very small crown
20	SP	17	18	1.5	1.5	1.5	1.5	50	C	
21	SP	21	24	0.5	1	1	0	50	C	Very small crown
22	SP	21	33	3	3	1	2	50	C	

Species Key

SP:	Scots pine:	pinus sylvestris
OK:	Sessile oak:	quercus petraea
RO:	Rowan:	sorbus aucuparia
BE:	Beech:	fagus sylvatica

All the trees included in this survey have a life expectancy of at least 40 years.

The crown clearance has been recorded for tree no.1, the 10 year old beech, because it is situated within the development area. The other 21 trees are outside the development area and crown clearance is not relevant.

Tree numbers 2 to 22 are situated far enough away from the garage that they will not cause the new building any adverse effect, nor will the trees be damaged by the construction of the garage as long as the guidelines set out in section 6 of this report are followed.

5. Young trees on proposed building site

The 0.09ha proposed garage site has been planted with around 30 silver birch and a small number of Scots pine, holly and beech. These trees are between 30cm and 100cm high and are in good health.

These trees could be transplanted to a new woodland creation site before building work begins.

It is proposed that a new woodland, to compensate for the loss of this area of trees, is planted at Nether Brown Muir, a site on the north side of Brown Muir hill, above Millbuies, (grid reference NJ250653) on the property of Mr Brian Sim.

A 0.18ha native woodland would have 260 trees planted, species could be as follows:

Sessile oak.	60no.
Silver birch.	70no.
Hazel.	30no.
Gean	30no.
Rowan.	30no.
Scots pine.	20no.
Hawthorn.	20no.

The trees should be fitted with 1.2m shelters. Maintenance of the trees would be Weeding with herbicide and replacement planting of any failed trees.

6. Tree Protection Plan - care of retained trees on development sites

The retained trees to the south and east of the proposed garage site, will be protected by establishing a root protection area at least 5m from the trees, so that the retained trees remain

in good health once work is complete and do not go into decline as a result of damage sustained during the work.

The existing boundary fence of the site can form the boundary of a root protection area (RPA) for trees number 2 to 22. Tree number 1, a young beech, situated within the garage site, will need its own root protection area formed by construction of fence at least 3m from the tree stem, to prevent the following activities:

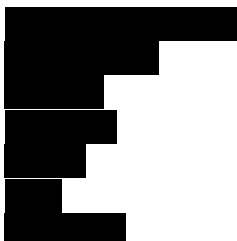
- Soil stripping, excavation of trenches laying of services should not be carried out within the root protection area, except where the existing access road cuts through the RPA and here a trench for services should be dug in the middle of the road at the furthest distance from trees growing on either side of the road.
- The ground level should not be increased within the RPA by spreading extra soil there.
- Storage of heavy materials and equipment must not take place on ground beneath trees within the RPA.
- Physical damage to trees from machines etc on site must not occur, nor should cables, scaffolding or other materials be attached to trees.
- Trees should not be damaged by fire from burning debris, if this is to take place.

Such measures, as outlined above following Moray Council's guidance for protection of trees on development sites, will prevent damage to the root within the RPA and avoid the sudden or slow decline of the retained trees.

Angus Dixon BSc

Groves Forestry Co Red Briars, Pluscarden, Elgin, Moray, IV30 8UD

25th January 2024



23-Dec-2021

Dear 

Felling Permission Application (Forestry and Land Management (Scotland) Act 2018)

Case Reference: FPA-8678

Property Name: Cara Villa, Garmouth, IV32 7LE - Storm Arwen

I refer to your application referenced above and I now enclose the approved Felling Permission. If you are an agent receiving this Felling Permission on behalf of the owner, you are obliged to forward a copy to the owner for their retention.

We approved your application on the basis that we consider it has addressed all known issues relating to the application area, and demonstrates sustainable forest management in line with the principles of the UK Forestry Standard

Please note the felling approval period associated with this Felling Permission. If felling has not been completed by the end of this period, a new permission will be required.

If this application has been approved with conditions, and you do not agree with the stated conditions, then you may appeal our decision for these under section 68 of the Act. For more information please see our website or contact the issuing office.

Yours sincerely



Admin Officer

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation

S e Coilltearachd na h-Alba a' bhuidheann-ghnìomha aig Riaghaltas na h-Alba a tha an urra ri poileasaidh, taic agus riaghladh do choilltearachd

Permission to Fell Growing Trees

Permission Number:FPA-8678

To:



This Felling Permission authorises you under section 27 of the Forestry and Land Management (Scotland) Act 2018 to fell the trees described below and shown on the attached map.

This Permission expires on: 23-Dec-2022

Part 1: Felling

Name of Property:Cara Villa, Garmouth, IV32 7LE - Storm Arwen

Name of Wood:Cara Villa

Central Grid Reference: NJ339629

Nearest Town or Locality Name:Garmouth

Local Authority:Moray Council

Table 1: Felling Operations

Felling Site/Cpt	Type Of Operation	Species to be Felled	Marking Of Trees	Est. Area (ha)	Approx Age (years)	No of Trees	Est Volume (m3)	Thinning details (per ha) Pre	Thinning details (per ha) Post
1	CF - Clear Felling	Scots pine	n/a	0.26	45	80	40.00	-	-

Total Felling Area (ha) **0.26**

Total Volume (m3) **40.00**

Note: Operations in Table 1 represent the total felling to be carried out within the approval period and not approval per year.

Part 2: Conditions

1. Site Preparation Conditions

The land on which felling took place, or the agreed alternative area, must be cleared, drained and prepared, as required, to allow restocking as specified in Table 2.

2. Restocking Conditions

Table 2 below details the restocking specification for each of the felled areas.

You must restock all felled areas as detailed in Table 2. Restocking must be completed by 30-Jun-2025

Table 2: Restocking Operations

Felling Site/Cpt	Restocking Proposal	Species	% of Site	Area (Ha)	Density (stems/Ha)	Number of Trees	Alternative Restocking Site/Cpt(s)
1	RF - Replant felled area	Pedunculat e oak	50.0 0	0.13	1600	-	-
1	RF - Replant felled area	Silver birch	50.0 0	0.13	1600	-	-

3. Maintenance Conditions

For a period of 10 years from the restocking date the trees must be protected from all damage and weeded adequately to allow effective establishment.

Failures or losses must be replaced as necessary to maintain a stocking density not less than is specified in Table 2, evenly distributed across the site.

4. Other Conditions

All forestry operations carried out under this permission will be planned and implemented within the scope of the UK Forestry Standard.

You will provide a summary to Scottish Forestry of restocking carried out against this permission immediately after the works have been carried out, or by the restocking deadline in Part 2, whichever is sooner.

5. Additional Conditions

No additional conditions specified for this site.

Permission approved by: [REDACTED] - Senior Operations Manager Date: 23-Dec-2021

Grampian Conservancy
Scottish Forestry
Portsoy Road
Huntly
AB54 4SJ

0300 067 6210
grampian.cons@forestry.gov.scot
Conservator: James Nott

Additional Notes:

1. If a Tree Preservation Order is placed on any of the trees after this felling permission is issued, the consent of the Local Authority must be obtained before they are felled.
2. Others involved with the felling should be told about this felling permission e.g. by giving a copy of the permission and map to the person felling the trees. If the land is sold, the new owner should also be told about this felling permission.
3. Please refer to the agreed routes for timber haulage. The agreed routes map can be viewed on the Timber Transport Forum website (<http://timbertransportforum.org.uk/>). As many routes are subject to consultation or restrictions you should discuss and agree your haulage plans (routes and volumes) with the local authority in advance of commencing operations.
4. Under the Nature Conservation (Scotland) Act 2004 as amended by the Wildlife and Natural Environment (Scotland) Act 2011, anyone planning, permitting or carrying out forest operations or other activities in woodlands should be aware of their wildlife protection responsibilities.
5. Under the Water Environment and Water Services (Scotland) Act 2003, anyone planning, permitting, or carrying out forest operations or other activities in woodlands should be aware of their responsibilities for the protection and improvement of water quality and aquatic ecosystems. See <http://www.forestrywaterscotland.com/> for more information.
6. If you are to fell Larch within the P. ramorum Zone 1 (outside the Management Zone) or Zone 2 areas where you are within 10km of a known infection (which are indicated on the regularly updated map), you must contact your local Conservancy Office before you begin felling to find out if the stand needs to be inspected to confirm the presence or absence of Phytophthora ramorum. The inspection cannot be carried out until the trees are fully in needle.



7. Forestry can be dangerous. The Forest Industry is working together to raise the standards of health, safety and welfare in the work place. More information can be found at: <http://www.ukfisa.com/>

UK Timber Regulation

Due Diligence checklist for timber grown in Great Britain

This document is intended to help meet the obligations placed on "operators" to undertake a risk assessment when placing timber or timber products on the market, as defined under UK legislation governing timber legality. It outlines the risk factors associated with timber grown in Great Britain (see overleaf).

The details of the timber species, timber volume etc. are listed on the Felling Permission or Forest Plan.

Evidence of Lawful Harvesting

1. Felling Permission Ref No(s) or Statutory Plant Health Notice (SPHN) number	Date Approved
FPA-8678	Thu, 23 Dec 2021

(If the recipient of the felling permission, or SPHN is felling the timber but not directly placing it on the market then the due diligence form must be passed to the agent or company who are doing so).

OR

2. Forest Management Plan Ref No (s)	Date Approved

Senior Operations Manager, Scottish Forestry

Date:
Thu, 23 Dec 2021

3. In absence of felling permission, or SPHN or forest plan:
Where the timber came from :
Name & Address of Supplier/Land Owner:
Reason the timber does not derive from an approved felling permission or a forest plan:

Certification: If the timber is independently certified enter the certificate number below:

--

Additional Risk Factors: If there are any factors (not covered overleaf) that indicate a risk that the timber could be illegally harvested, enter these below with an explanation of how that risk has been mitigated.

Factor	Means of Mitigation

Declaration by the operator: I declare that the timber referred to above is grown in Great Britain. I have identified any additional risk factors and the action taken to mitigate that risk, and I have no reason to believe that there are further risks of the timber being illegal.

Signed:

Dated:

Further guidance on timber regulations can be found at:

<https://www.gov.uk/guidance/trading-timber-imports-and-exports-from-1-january-2021>

The timber described overleaf was produced from forests in Scotland, part of Great Britain, where the following risk factors apply.

1. **Illegality** - Forests in Scotland are regulated by Scottish Forestry, an executive agency of the Scottish Government. The incidence of illegal felling in Scotland is low, estimated at much less than 1% of the timber volume harvested.
2. **Governance** - Great Britain is ranked highly for good governance in independent assessments, such as The Worldwide Governance Indicators project (funded by The World Bank). Moreover forestry proposals in Great Britain are available for comment and Great Britain is well served by bodies from civil-society that contribute specialist knowledge and opinion to the assessment of forestry proposals.
3. **International Perspective** - There is no UN Security Council ban on timber exports from Great Britain and Great Britain is not associated with or designated as a source of 'conflict timber', both of which are key international indicators of illegality.
4. **Forest Regulation** - Scotland has specific forest laws (principally, The Forestry and Land Management (Scotland) Act 2018) which convey powers to regulate forestry activities, control felling, administer woodland grants and to manage state forests. The Forestry Commission issued a revised UK Forestry Standard (UKFS) in 2017 which provides a benchmark against which forestry is regulated and is explicit in terms of legal requirements and the assurances of legality and sustainability that can be given by the process of forest regulation. Scottish Forestry are the competent authority with respect to Forestry (Environmental Impact Assessment) (Scotland) Regulations 2017. The Forestry Commission reports on behalf of the United Kingdom the sustainability of UK/Great Britain forests in the Global Forest Resources Assessment and Forest Europe indicators and compiles annual statistical information. Scottish Forestry contributes to this reporting. These various sources of information indicate that forests in Scotland, part of Great Britain/UK, are managed on a sustainable basis.
5. **Endangered Timber Species** - There are no endangered timber species present in Great Britain.
6. **Assessment of UK grown timber by the certification schemes** - The two major international certification schemes, FSC and PEFC, have assessed Great Britain as being of low risk in terms of their "Controlled Wood" and "Avoidance of Controversial Sources" respectively. This allows up to 30% of non-certified home grown timber to enter supply chains. Approximately 80% of timber coming to the market in Great Britain has been independently certified as coming from well managed forests. This is in addition to the regulatory processes outlined above.

Notes for completion of form

The person who first places timber / timber products on the market or uses them is defined as an 'Operator' under the Regulation:

If you are a landowner, harvesting and selling the trees, then complete this form and keep it with the felling permission/forest plan or other details (as appropriate) together with details of the contract for sale of the timber.

If you are buying the timber 'standing' and harvesting the trees, then complete this form, ask for a copy of the felling permission or forest plan approval from the owner and keep this form together with details of the contract for purchase of the timber.

It is important to keep a record for at least 5 years, as required by the legislation, of timber sales and purchases.





www.gmsforestry.com

Client: [REDACTED]

Project: **Cara Villa**

Title: **Restocking**

Scale: 1:1250 @A4

Drawn By: [REDACTED]

Date: 22 Dec 2021

Drawing No: 2

Alternative Restocking Map(s)

4 June 2024

Project No: 315458

Drainage Assessment:
New Garage at Cara Villa, Beulah, Garmouth IV32 7LE

Prepared for:



Contents Amendment Record

This report has been issued and amended as follows:

Revision	Description	Date	Signed
1.0	First Issue	4 June 2024	G Mackintosh

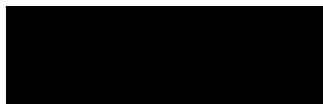


Acknowledgement

This report has been prepared for the sole and exclusive use of Mr Richard Scott in accordance with the scope of work presented by Mabbett & Associates Ltd (Mabbett) via email dated 25 March 2024. This report is based on information and data collected by Mabbett. Should any of the information be incorrect, incomplete or subject to change, Mabbett may wish to revise the report accordingly.

This report has been prepared by the following Mabbett personnel:

MABBETT & ASSOCIATES LTD



Gary Mackintosh, BSc
Principal Engineer

This report has been reviewed and approved by the following Mabbett personnel:



David Clark, BSc (Hons)
Project Manager and Environmental Consultant

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Section 1.0 Introduction

Mabbett & Associates Ltd (Mabbett) was commissioned by [REDACTED] to undertake an assessment of the surface water management options for a garage to be built at Cara Villa, Beluah, Garmouth, IV32 7LEat or about NGR NJ 34049 62990.

1.1 Introduction to Surface Water Treatment

With regard to surface water treatment and dispersal, Regulation 3.6 of the Building (Scotland) Regulations 2004, as reproduced below, states that:

Every building and hard surface within the curtilage of a building, must be designed and constructed with a surface water drainage system that will:

- (a) ensure the disposal of surface water without threatening the building and the health and safety of the people in and around the building; and*
- (b) have facilities for the separation and removal of silt, grit and pollutants.*

Section 3.6.3 of the Technical Handbook provides methods of discharging surface water that, if employed, would meet the requirements of the authorities.

With regard to SEPA's requirements, General Binding Rule (GBR) 10, in pursuance of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, states that the provision of a sustainable urban drainage system (SUDS) is required unless the discharge arises from a single house or if the discharge is to be made to coastal waters. GBR10 and the relevant associated rule is outlined overleaf.

SEPA and Building Regulations require that infiltration systems (soakaways) are located at least:

- 50m from any spring, well or borehole used as drinking water supply
- 10m horizontally from any watercourse (including any inland and coastal waters, permeable drain (including culvert), road or railway
- 5m from a building or boundary

Section 2.0 Site Information and Ground Conditions

2.1 Existing Ground Conditions

Trial pits were excavated by a mechanical digger on 14th September 2023 by Fairhurst Consulting Engineers to assess the existing soils and their suitability for the use of sub surface soakaways.

The trial pits were excavated to a depth of 2.0m. The existing soils consist of 450mm Topsoils with some roots and rootlets overlying fine medium brown sands with occasional rounded stones turning to medium brown orange sands and medium/large rounded stones to the depth of the excavations.

There was no evidence of contamination or water table present within the trial pits.

2.2 Flood Risk

The SEPA Flood Map identifies the site as being at very low risk of flooding. The proposed development lies out with any areas of potential pluvial and fluvial flooding during a 1 in 200year event.

2.3 Infiltration Testing

Infiltration testing was carried out in full accordance with BRE digest 365 and the results can be found in the table below:

Infiltration Test Hole No	Pit Dimensions (w/l)	Test Zone (mgb)	Infiltration Rate (m/s)
INF01	1.2m x 1.2m	1.0m – 2.0m	1.67×10^{-4} (0.6 m/hr)

Section 3.0 Surface Water

3.1 Minimum System Requirements

In pursuit of compliance with Regulation 3.6 of the Building (Scotland) Regulations 2004, Section 3.6.3 of the Technical Handbook provides methods of discharging surface water that, if employed, would meet the requirements:

- (a) *a SUD system designed and constructed in accordance with clause 3.6.4;*
- (b) *a soakaway constructed in accordance with:*
 - *clause 3.6.5;*
 - *the guidance in BRE Digest 365, 'Soakaway Design', or*
 - *National Annex NG 2 of BS EN 752-4: 1998;*
- (c) *A public sewer provided under the Sewerage (Scotland) Act 1968;*
- (d) *An outfall to a watercourse, such as a river, stream or loch or coastal waters, that complies with any notice and/or consent by SEPA, or*
- (e) *If the surface water is from a dwelling, to a storage container with an overflow discharging to either of the 4 options above.*

The area to be drained consists of the roof of the garage.

3.2 Recommendation - Surface Water

Mabbett recommends that a new standard stone filled surface water soakaway be installed to manage the runoff from the roof of the garage.

The surface water calculations within Appendix 2 detail the requirement and suitability of a soakaway with dimensions of 4m x 2.5m x 1.2m below the invert of the inlet. The sizing has been based on a contributing area of 240m² (Roof with extra over) for a 1:30year event with 37% allowance for climate change.

The soakaway details have been included within Appendix 3.

Section 4.0 Disclaimer

The content of this assessment is for internal use only and should not be distributed to third parties unless under the expressed authority of our client. The designs, recommendations and outline proposals shall remain the property of Mabbett & Associates Ltd and shall not be plagiarised in any form without authority to do so. The comments and recommendations stipulated are solely those expressed by Mabbett & Associates Ltd, and both parties understand that the comments and recommendations expressed are not binding. Mabbett & Associates Ltd confirms that reasonable skill, care, and diligence have been applied and that any design element has been carried out using verifiable and approved reference documentation. No responsibility shall be assumed by Mabbett & Associates Ltd for system failure as a result of incorrect installation work by contractors assigned by the client or incorrect or inappropriate implementation of Mabbett & Associates Ltd's recommendations.

Section 5.0 References

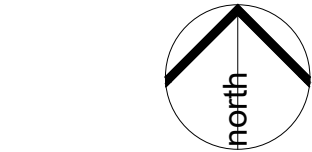
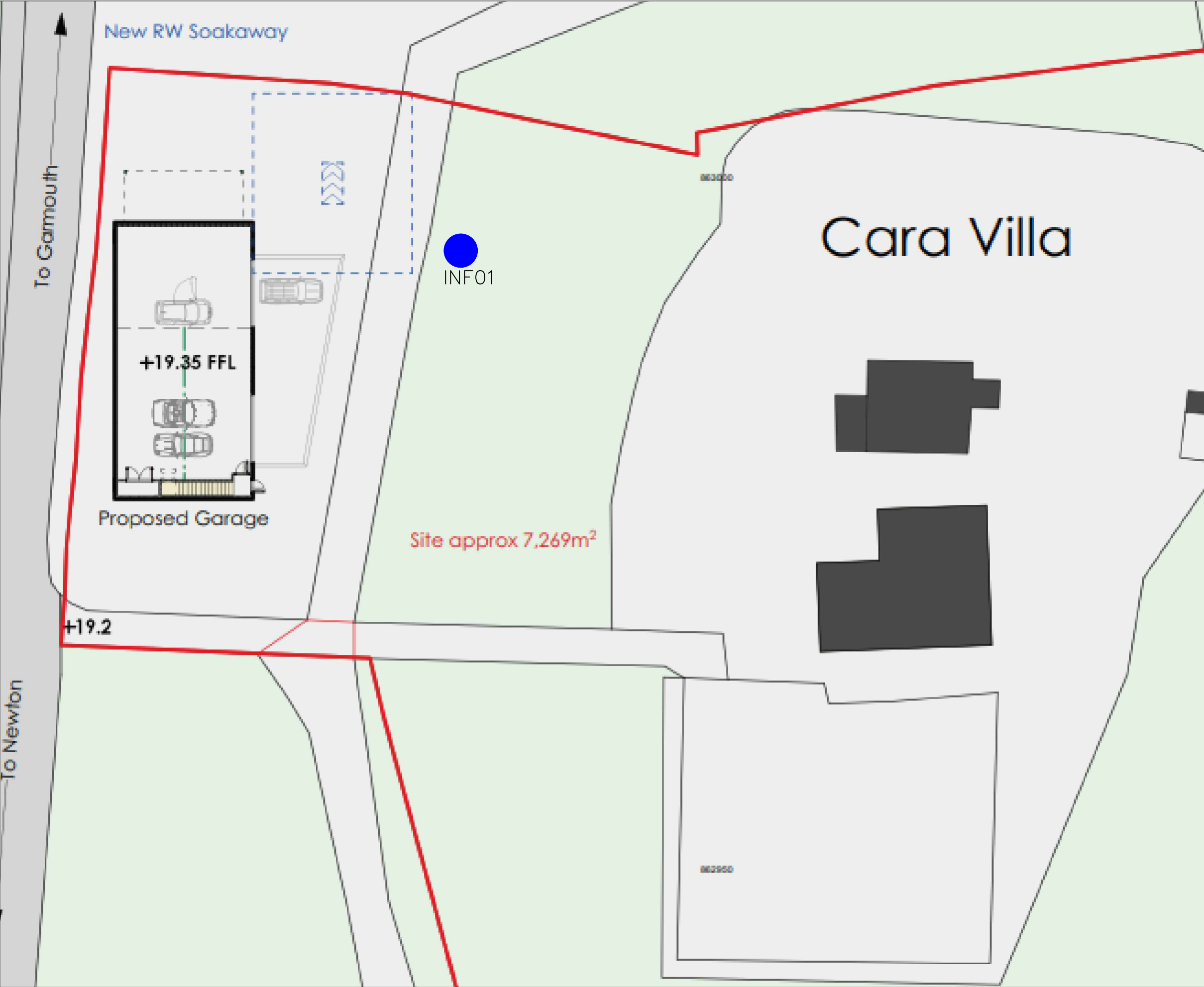
Building (Scotland) Regulations 2004

The Scottish Building Standards: Technical Handbook 2019: Domestic

The Water Environment (Controlled Activities) (Scotland) Regulations 2011

SEPA: The Water Environment (Controlled Activities) (Scotland) Regulations 2011 - A Practical Guide)
Version 9.3, June 2023.

Appendix 1: Site Plan and Approximate Test Hole Location



Rev.	Description	Drawn	Date
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Mabbett®

Planning | Design | Environment | Engineering | Safety

Willow House
Stoneyfield Business Park
Inverness IV2 7PA
Tel: 01463 237229
www.mabbett.eu



Client
Mr and Mrs Seely

Project
New Garage
Cara Villa, Beluah
Garmouth IV32 7LE

Drawing
Site Plan
Test Hole Location

Status
Issue

Scale	NTS	Sheet	A3
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Drawn	GM	Check	DC	Date	04/06/24
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Drawing No:	315458 PL01	Rev	X
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Appendix 2: Surface Water Soakaway Calculations



Design Settings

Rainfall Methodology	FSR	Maximum Time of Concentration (mins)	30.00
Return Period (years)	30	Maximum Rainfall (mm/hr)	50.0
Additional Flow (%)	0	Minimum Velocity (m/s)	1.00
FSR Region	Scotland and Ireland	Connection Type	Level Soffits
M5-60 (mm)	14.000	Minimum Backdrop Height (m)	0.200
Ratio-R	0.300	Preferred Cover Depth (m)	1.200
CV	0.750	Include Intermediate Ground	✓
Time of Entry (mins)	5.00	Enforce best practice design rules	✓

Nodes

Name	Area (ha)	T of E (mins)	Cover Level (m)	Depth (m)
One	0.024	5.00	100.000	2.000

Simulation Settings

Rainfall Methodology	FSR	Analysis Speed	Normal
FSR Region	Scotland and Ireland	Skip Steady State	x
M5-60 (mm)	14.000	Drain Down Time (mins)	240
Ratio-R	0.300	Additional Storage (m³/ha)	20.0
Summer CV	0.750	Check Discharge Rate(s)	x
Winter CV	0.840	Check Discharge Volume	x

Storm Durations

15	30	60	120	180	240	360	480	600	720	960	1440
----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	------

Return Period (years)	Climate Change (CC %)	Additional Area (A %)	Additional Flow (Q %)
30	37	0	0

Node One Soakaway Storage Structure

Base Inf Coefficient (m/hr)	0.00000	Invert Level (m)	98.000	Depth (m)	1.200
Side Inf Coefficient (m/hr)	0.60000	Time to half empty (mins)	46	Inf Depth (m)	
Safety Factor	2.0	Pit Width (m)	2.500	Number Required	1
Porosity	0.30	Pit Length (m)	4.000		

Other (defaults)

Entry Loss (manhole)	0.250	Entry Loss (junction)	0.000	Apply Recommended Losses	x
Exit Loss (manhole)	0.250	Exit Loss (junction)	0.000	Flood Risk (m)	0.300

Rainfall

Event	Peak Intensity (mm/hr)	Average Intensity (mm/hr)	Event	Peak Intensity (mm/hr)	Average Intensity (mm/hr)
30 year +37% CC 15 minute summer	233.120	65.965	30 year +37% CC 120 minute summer	69.521	18.372
30 year +37% CC 15 minute winter	163.593	65.965	30 year +37% CC 120 minute winter	46.188	18.372
30 year +37% CC 30 minute summer	158.607	44.880	30 year +37% CC 180 minute summer	54.101	13.922
30 year +37% CC 30 minute winter	111.303	44.880	30 year +37% CC 180 minute winter	35.167	13.922
30 year +37% CC 60 minute summer	110.420	29.181	30 year +37% CC 240 minute summer	43.168	11.408
30 year +37% CC 60 minute winter	73.360	29.181	30 year +37% CC 240 minute winter	28.680	11.408

Rainfall

Event	Peak Intensity (mm/hr)	Average Intensity (mm/hr)	Event	Peak Intensity (mm/hr)	Average Intensity (mm/hr)
30 year +37% CC 360 minute summer	33.404	8.596	30 year +37% CC 720 minute summer	19.685	5.276
30 year +37% CC 360 minute winter	21.713	8.596	30 year +37% CC 720 minute winter	13.230	5.276
30 year +37% CC 480 minute summer	26.576	7.023	30 year +37% CC 960 minute summer	16.343	4.304
30 year +37% CC 480 minute winter	17.656	7.023	30 year +37% CC 960 minute winter	10.826	4.304
30 year +37% CC 600 minute summer	21.940	6.001	30 year +37% CC 1440 minute summer	12.041	3.227
30 year +37% CC 600 minute winter	14.991	6.001	30 year +37% CC 1440 minute winter	8.093	3.227



Mabbett & Associates Ltd
Unit 2 Horizon Scotland
Forres Enterprise Park
Forres

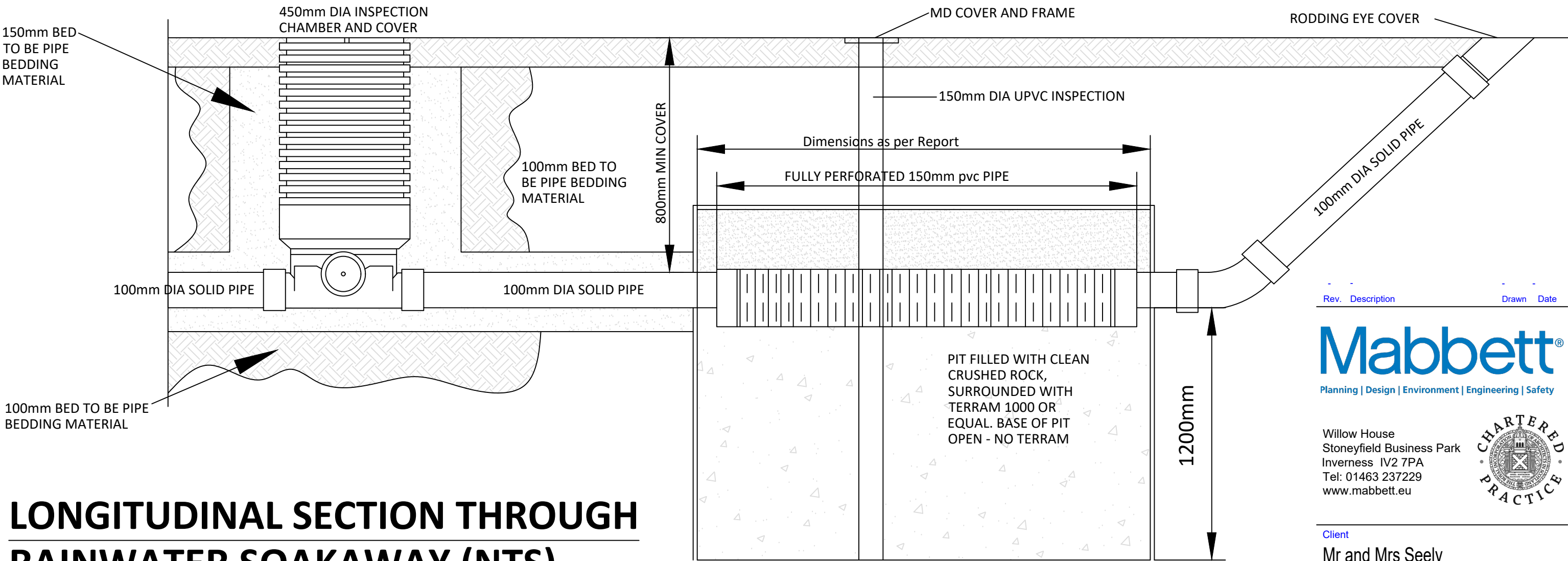
File:
Network: Storm Network
Gary Mackintosh
04/06/2024

Page 3
Cara Villa
Beluah
Garmouth IV32 7LE

Results for 30 year +37% CC Critical Storm Duration. Lowest mass balance: 100.00%

Node Event	US Node	Peak (mins)	Level (m)	Depth (m)	Inflow (l/s)	Node Vol (m³)	Flood (m³)	Status
60 minute winter	One	46	99.170	1.170	4.0	3.7909	0.0000	OK
Link Event		US Node		Link	Outflow (l/s)			
(Upstream Depth)								
60 minute winter		One		Infiltration	1.3			

Appendix 3: Surface Water Soakaway Details



LONGITUDINAL SECTION THROUGH RAINWATER SOAKAWAY (NTS)

Rev. Description Drawn Date

Mabbett

Planning | Design | Environment | Engineering | Safety

Willow House
Stoneyfield Business Park
Inverness IV2 7PA
Tel: 01463 237229
www.mabbett.eu



Client
Mr and Mrs Seely

Project
New Garage
Cara Villa, Beluah
Garmouth IV32 7LE

Drawing
Surface Water Soakaway
Construction Details

Status
Issue

Scale NTS Sheet A3

Drawn GM Check DC Date 04/06/24

Drawing No: 315458 PL02 Rev X

DRAINAGE STATEMENT

Erection of New Garage & Workshop
At Beulah, Garmouth: 240008

INTRODUCTION:

This Drainage Statement has been prepared by CM Design Architectural & Planning Consultants in response to recent changes in Moray Council Policy, which seek to steer development away from areas at risk of flooding and to ensure that any new development does not impact upon flooding issues in Moray.

National Planning Framework 4 (NPF4) requires Planning Authorities to take into account Flood risk when considering new development. This Drainage Statement confirms there to be no flood risk issues on the application site whatsoever.

This statement has been prepared in line with the National Planning Framework 4 (NPF4) dated Feb 2023.

SITE DESCRIPTION:

The proposed site is situated on land West of Beulah, Garmouth. The site represents a wooded area of garden with the total site equating to approximately 7,269m².

The SEPA Flood Maps have been consulted which indicate that there is **no risk of flooding**.

A basic site level survey has also been carried out demonstrating how the site gently slopes North to South on well-draining grounds.

The proposed development is to erect a Garage and Workshop within the grounds of the existing House. All services are within the Site.

SITE CONDITIONS:

The site is believed to have good infiltration rates based on a walkover survey and the presence of the adjacent property. There have been no excavation or percolation tests carried out at this stage. A report by Mabbett will follow once the necessary survey and tests have been undertaken.

DRAINAGE DESIGN:

Rain water will be dealt with by means of a private surface water soakaway, within the site, and sited a minimum of five meters from both the Garage and any site boundary. There is ample space within the site for this to be achieved.

All soakaways will inevitably be designed by a qualified engineer and will conform to Technical Standard handbook design and ensure that the Post-development runoff rate does not exceed the pre-development runoff rate or increase the risk of

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The Generator Quay House
The Gallery, Kings Wharf
Exeter
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PLANNINGCONSULTANCY
ARCHITECTURALDESIGN
PROJECTMANAGEMENT
RENEWABLECONSULTANCY

Friday 2nd April 2021

flooding risk through any discharge to a receiving watercourse. A copy of this report will be submitted in due course.

We trust this Drainage Statement alleviates any flooding concerns in the meantime.

Sincerely yours,

Sincerely yours,

MIRIAM DUNCAN

ARCHITECTURAL TECHNICIAN

MIRIAM@CMDSIGN.BIZ

REPORT OF HANDLING

Ref No:	24/01517/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Change of use of ancient woodland to garden ground and erect a domestic garage/workshop at Beulah Garmouth Fochabers Moray		
Date:	14.01.2025	Typist Initials:	LMC

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

CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Contaminated Land	08/10/24	No Objections.
Transportation Manager	11/10/24	No Objections subject to conditions.
Moray Flood Risk Management	15/10/24	No Objections.

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
NPF1 - Tackling the Climate	N	Complies
NPF2 - Climate mitigation and adaptation	N	Complies
NPF3 - Biodiversity	N	Complies
NPF4 - Natural Places	Y	
NPF5 - Soils	N	Complies
NPF6 - Forestry, woodland and trees	Y	
NPF7 - Historic assets and places	N	Complies
NPF13 - Sustainable transport	N	Complies
NPF14 - Design, quality and place	Y	
NPF15 - Local living	N	Complies
NPF16 - Quality homes	Y	
NPF22 - Flood risk	N	Complies
NPF23 - Health and safety	N	Complies
PP1 Placemaking	N	Complies

PP2 Sustainable Economic Growth	N	Complies
PP3 Infrastructure and Services	N	Complies
DP1 Development Principles	Y	
EP1 Natural Heritage Designation	N	Complies
EP2 Biodiversity	N	Complies
EP3 Special Landscape Areas	Y	
EP7 Forestry Woodland and Trees	Y	
EP12 Management and Enhancement Water	N	Complies
EP13 Foul Drainage	N	Complies
EP14 Pollution Contamination Hazards	N	Complies

REPRESENTATIONS

Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

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 National Planning Framework 4 (NPF4) and Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

The main planning issues are considered below:

Proposal

The application seeks planning permission to change the use of an area of ancient woodland to domestic garden ground and erect a domestic garage/workshop.

The proposed garage would measure approx. 20m x 10m x 7.5m (to the roof ridge). The building would comprise a cuboid shape with a pitched roof and large box dormer on the front roof plane. Two roller shutter doors, and an access door are also proposed on the front with a 'lorry port' to be attached to the north elevation. The accommodation will be across two floors with space for cars on the ground floor and a workshop and store on the first floor.

The garage is proposed to be finished in rendered blockwork walls and a steel profile roof.

Site

The site sits to the west of an existing dwellinghouse (separated by a private access track) and is approx. 756sqm. The existing dwellinghouse is 'Beulah', Garmouth. The dwelling was erected in the late 1990s under 96/02088/FUL and 95/01560/FUL.

The site for the garage did not form part of the original site boundary for the dwelling when approved in 1996 and 1997. As such the site remains designated Ancient Woodland. The site was felled approx. 4 years ago and has been replanted with a small number Silver Birch, Scots pine, holly and beech.

The site is also within the Lower Spey and Gordon Castle Special Landscape Area.

The site lies adjacent to but not within an area of medium risk of river flooding as per the SEPA flood maps.

Policy Assessment

Ancient Woodland and Tree Removal (NPF4 Policy 6, MLDP 2020 Policy EP7)

NPF4 Policy 6(b) Development proposals will not be supported where they will result in any loss of ancient woodland.

EP7 requires that proposals must retain healthy trees and incorporate them within the proposal unless it is technically unfeasible to retain these. Where trees exist on or bordering a development site, a tree survey, tree protection plan and mitigation plan must be provided with the planning application if the trees or trees bordering the site have the potential to be affected by development and construction activity. This means that the removal of trees will only be permitted where key infrastructure such as pipes, power lines, access, etc. are required to facilitate the development and it has been satisfactorily demonstrated by the applicant that this cannot be achieved in any other way and the main element of the design has incorporated healthy trees into the proposal. The MLDP2020 Supplementary Guidance states that the removal of trees will only be Policy EP7 also requires that where it is technically unfeasible to retain trees compensatory planting on a one for one basis must be provided within the site.

As outlined the site is on an area of ground designated Ancient Woodland and the proposals seek to change the use of this area of ground to domestic garden ground and erect a domestic garage/workshop. NPF4 Policy 6 does not support the loss of any ancient woodland. A tree survey has been submitted which outlines that the site was felled around 4 years ago and has been replanted with around 30 young silver birch, some Scots pine, holly and beech. These trees are between 30cm and 100cm and are in good health. Whilst the report states that the trees could be transplanted to a new woodland creation site, the change of use of the ground to domestic garden ground would result in the permanent loss of an area of ground designated Ancient Woodland. It is also noted that Ancient Woodland comprises not only trees but the ground vegetation and soils in which trees sit. As a result, the proposals would fail to comply with NPF4 Policy 6 due to the permanent loss of woodland which would occur.

Whilst a tree survey has been submitted, the trees are deemed to be healthy as per the tree survey submitted and the proposal to remove the trees from the site (albeit with the potential to transplant the trees to a new site and create a new woodland) to form the new garage would not comply with MLDP 2020 Policy EP7 as it is not considered technically unfeasible to retain the trees (i.e. the removal is not required for key infrastructure such as pipes, power lines, access etc) in line with policy EP7. The proposal would therefore fail to comply with EP7 on tree removal.

Siting and Design (NPF4 Policies 4, 14, 16, MLDP 2020 Policies DP1, EP3)

NPF4 Policy 14 and DP1 together set out the need for the scale, density and character to be appropriate to the surrounding area to create a sense of place, integrated into the surrounding landscape with no adverse impact upon neighbouring properties in terms of privacy, daylighting, or overbearing loss of amenity. DP1 also states that pitched roofs are preferred to flat roofs and box dormers are not acceptable.

NPF4 Policy 16 Quality Homes requires householder development proposals to not have a detrimental impact on the character or environmental quality of the home or surrounding area in

terms of size, design, and materials and to not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing, or overlooking.

The site is within the Lower Spey and Gordon Castle Special Landscape Area. As such NPF4 policy 4 requires development in local landscape designations to not have significant adverse effects on the integrity or qualities of that area. Policy EP3 requires development proposals within SLAs to not prejudice the special qualities of the designated area set out within the Local Landscape Designation Review, adopt the highest standards of design in accordance with policy DP1 and other relevant policies, minimises adverse impacts on the landscape and visual qualities the area is important for.

The Local Landscape Designation Review refers to the Lower Spey and Gordon Castle SLA and mentions woodlands of beech, pine and birch as a consistent feature and key quality of the area. The review also states that the landscape is sensitive to the loss of mature woodlands and trees.

The proposed garage is large and is considered an inappropriate scale and bulk for the proposed site which would sit in an exposed location adjacent to the public road and remote from the parent dwelling. Whilst the building is proposed as for domestic use only, the sheer scale and remoteness to the main dwelling would result in the building being read as a standalone unit and not part of the main group of buildings at Beulah. It is further noted that the applicant's supporting statement outlines that the future intention may be to subdivide the house and garage, to allow the applicant to downsize.

As such the proposed large-scale garage in this location, remote to the main parent dwelling, in a prominent location adjacent to the main road and the resultant loss of trees and ancient woodland would be considered an unacceptable development for this location as it would have a detrimental impact on the rural wooded character of the area and would prejudice the special qualities which the Special Landscape Area is set out for and as such is considered to fail to comply with NPF4 Policies 4, 14 and 16 and MLDP 2020 Policies DP1 and EP3.

In terms of design, the garage would include a large, glazed box dormer on the front elevation. MLDP 2020 Policy DP1 states that box dormers are not acceptable. When coupled with the inappropriate scale and bulk of the garage, the proposed box dormer is considered an unacceptable design feature for the proposed building and would fail to comply with Policy DP1

In terms of any amenity impacts, although the garage is large, it would not be considered to give rise to an unacceptable loss of light, overshadowing or loss of privacy to any neighbouring property, given the orientation and location of the building which would be set back from other dwellings within the vicinity. However this would not override the aforementioned objections and the application will be refused.

To summarise, the proposal to change the use of the existing area of Ancient Woodland and to erect a garage/workshop is considered unacceptable and the application will be refused. The proposals would result in the loss of an area of Ancient Woodland and the removal of healthy trees from the site which fails to comply with both NPF4 Policy 6 and MLDP 2020 Policy EP7. The proposed garage is also considered to be an unacceptable scale and design for the site and would fail to comply with NPF4 Policies 4, 16 and MLDP 2020 Policies DP1 and EP3.

Climate Change, Biodiversity and Soils (NPF4 Policies 1, 2, 3 and 5)

Notwithstanding the aforementioned objections with regard to tree removal and the loss of ancient woodland, the proposals are not considered to have an unacceptable impact in terms of climate change and soil disturbance and it is not necessary to seek formal biodiversity enhancement on a proposal of this nature and therefore the proposal is deemed to comply with NPF4 Policies 1, 2, 3 and 5.

Drainage (DP1, EP12, EP14, NPF4 Policy 22)

A Drainage Assessment has been submitted which outlines that any surface water from the developments will be directed to a new standard stonefilled soakaway. Ground testing and calculations have been undertaken to confirm ground suitability. Moray Flood Risk Management have been consulted and have raised no objections. As such the proposed drainage arrangements are deemed acceptable in terms of NPF4 Policy 22 and DP1, EP12 and EP14.

This does not override the aforementioned objections with regard to the loss of ancient woodland, loss of healthy trees and an unacceptable building scale and design and as such the application will be refused.

Should the application be approved as part of any future appeal, the implementation of the drainage design would be required to be controlled by condition on any final consent.

Conclusion

The application will be refused as the proposals would result in the loss of an area of Ancient Woodland and the removal of healthy trees from the site which fails to comply with both NPF4 Policy 6 and MLDP 2020 Policy EP7. The proposed garage is also considered to be an unacceptable scale and design for the site and would fail to comply with NPF4 Policies 4, 14, 16 and MLDP 2020 Policies DP1 and EP3.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
24/00414/APP	New detached garage workshop for domestic use at Beulah Garmouth Fochabers Moray IV32 7LE			
	Decision	Withdrawn	Date Of Decision	09/07/24
23/01716/APP	Alter and extend dwellinghouse at Beulah Garmouth Fochabers Moray IV32 7LE			
	Decision	Permitted	Date Of Decision	24/11/23

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan No Premises	07/11/24	
PINS	Departure from development plan No Premises	07/11/24	

DEVELOPER CONTRIBUTIONS (PGU)

Status	N/A
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DOCUMENTS, ASSESSMENTS etc. *

** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?

YES

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

Document Name: Drainage Assessment (dated 04/06/2024, ref: 315458)

Main Issues: Outlines ground testing and calculations undertaken to confirm suitability for a surface water soakaway.

Document Name: Drainage Statement

Main Issues: Outlines that site is not at risk of flooding and it is proposed to dispose of surface waters via a surface water soakaway.

Document Name: Tree Survey - Groves Forestry, September 2024

Main Issues: Outlines details of a Tree Survey undertaken of the site which states that the woodland is recorded as ancient semi-natural woodland.

States that the land where the garage is to be built has an area of 0.09ha, it was formally part of a Scots pine plantation, planted around 1970. The site was felled approx. 4 years ago and has been replanted with a small number of Scots pine as well as larch, rowan and sycamore.

Document Name: Scottish Forestry Letter (dated 23/12/2021)

Main Issues: Outlines details of a Felling Permission which includes restocking operations required to be undertaken by June 2025.

Document Name: Supporting Statement

Main Issues: Outlines reason for purchase of property. Confirms proposed use of garage as domestic for cars and potential to subdivide from main property in future. Also discusses woodland designation of ground.

Finally discusses compensatory planting which would be undertaken for trees to be removed from site.

Document Name: Letter of Support

Main Issues: Letter outlining support for application.

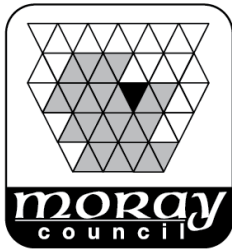
Document Name:	Additional Supporting Statement (dated 27th November 2024)
Main Issues:	<p>Accepts that site is within an area of designated Ancient Woodland.</p> <p>Outlines details of compensatory planting which could be undertaken</p> <p>Outlines that proposed design could be altered if unacceptable</p> <p>Again, outlines that site was deemed suitable due to remote location from dwellinghouse as intention may be to subdivide house and garage in future, if permitted.</p>
Document Name:	2nd Additional Supporting Statement (dated 30th November 2024)
Main Issues:	<p>Outlines details of existing garage which may have been original cottage and outlines that it is not fit for purpose and becomes inundated during periods of heavy rainfall.</p>

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

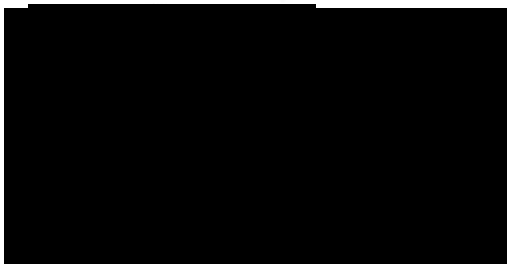


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Change of use of ancient woodland to garden ground and erect a domestic garage/workshop at Beulah Garmouth Fochabers Moray

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

Date of Notice: **15 January 2025**



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 proposals are contrary to National Planning Framework 4 and Moray Local Development Plan (2020) for the following reasons:

1. The proposed change of use an area of Ancient Woodland to domestic garden ground is unacceptable as it would result in the loss of an area of designated Ancient Woodland which is not supported by NPF4 Policy 6.
2. The proposed garage would result in the removal of healthy trees from the site which would fail to comply with MLDP 2020 Policy EP7 which only permits the removal of healthy trees where it is technically unfeasible to retain these.
3. The garage is considered an unacceptable scale and design for the prominent roadside location and would not be read alongside the main dwellinghouse which is set on the opposite side of an existing private access road, resulting in a detrimental impact on the rural wooded character of the area. The garage would contain a large box dormer which is not permitted by policy DP1. The proposals would also prejudice the special qualities of the Special Landscape Area and would therefore fail to comply with NPF4 Policies 4, 14, 6 and MLDP 2020 Policies DP1 and EP3.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
240008.SEELY.02PP	A	Proposed garage/workshop details
240008.SEELY.04PP		Location and part site plan
240008.SEELY.03PP		First Floor 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 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.