

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

REFUSAL OF PLANNING PERMISSION

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

TO Mr Ian Gordon
32 Burnbank
Fochabers
Moray
IV32 7EQ

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 part of garden to use for burger van business at 32 Burnbank Fochabers Moray IV32 7EQ

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

Date of Notice: **23rd December 2011**

HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The 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, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to the adopted Moray Local Plan 2008 policy IMP1 for the following reasons:-

1. In relation to policy IMP1, the use and location of a burger van in the curtilage of a residential dwelling within a residential area would be incompatible with the area and it **would not be sensitively sited nor appropriate to the amenity**, appearance and character of the surrounding area. In addition, the resultant vehicular and pedestrian movements attracted to the site (including large groups of customers congregating at the site) **would be detrimental to the amenity of the adjoining occupiers and surrounding area.**

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Site Plan
		Location Plan
		Elevations
		Elevations

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

None.

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

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, The 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.

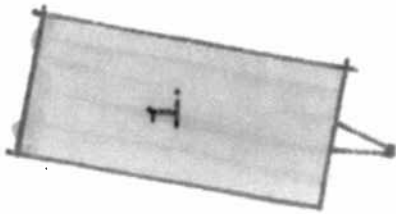
SITE PLAN

SCALE 1:100

EXISTING GARDEN WALL

SLOPE

EXISTING GRAVEL



2.

4.

EXISTING GRAVEL

3.

NO 32

wall

bitmac path

1. MOBILE BURSER VAN SET 1 METRE FROM BOUNDARY.

2. EXISTING METAL STORAGE CONTAINER RE-POSITIONED IN GARDEN AREA.

3. AREA FOR TWO GARAGE x 2.4 METRE PARKING BAYS.

4. ACCESS FOR TOWING VEHICLE.

Town & Country Planning
(Scotland) Act, 1987
as amended

REFUSED

Development Management
Environmental Services
The Moray Council

PATH

4.

EXISTING