Appendices

Erect House at Netherton Maggieknockater

September 2013

Appendices for Grounds of Appeal

Planning Application Ref No 13/00753/APP



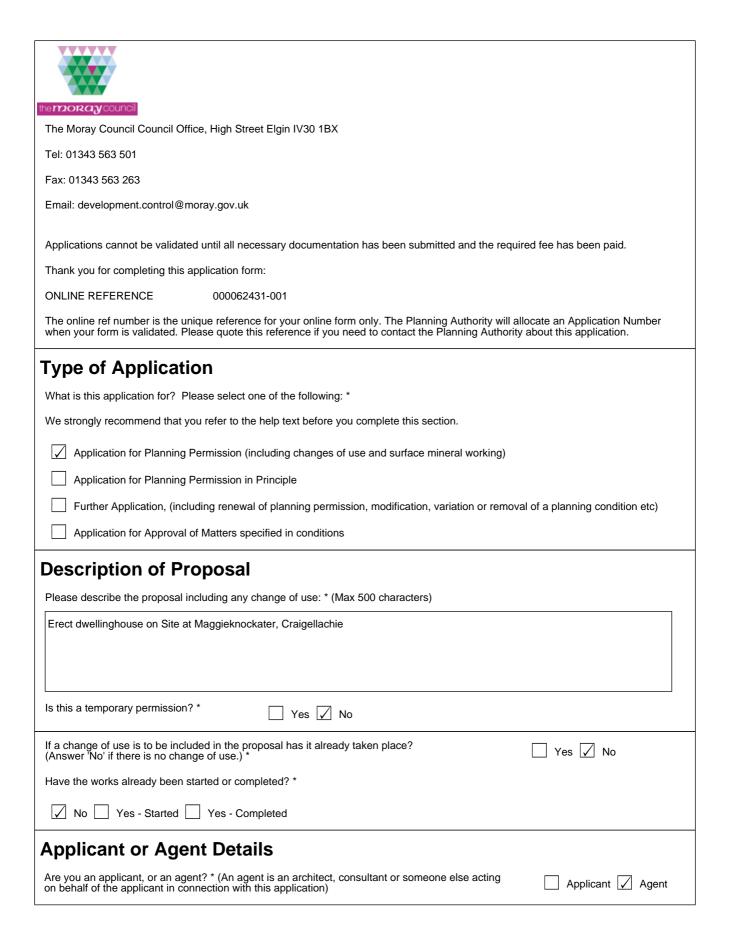
Prepared by grant and geoghegan enquiries@ggmail.co.uk 01343-556644

Appendices

- **Appendix 1** Copy of Planning Application
- **Appendix 2** Case officers Report of Handling for planning application
- **Appendix 3** Circular 4/2009 Development Management Procedures Extracts
- **Appendix 4** Moray Structure Plan 2007 Extracts
- **Appendix 5** Moray Local Plan 2008 Extracts
- **Appendix 6** Scottish Planning Policy Extracts
- Appendix 7 Planning Advice Note 72 (PAN 72) Housing in the Countryside Extracts

Appendix 1

Copy of planning application and refusal documents



Agent Details				
Please enter Agent details				
Company/Organisation:	grant and geoghegan	You must enter a Building Name or Number, or both:*		
Ref. Number:		Building Name:	Unit 4	
First Name: *	grant	Building Number:		
Last Name: *	and geoghegan	Address 1 (Street): *	Westerton Road Business	
Telephone Number: *	01343556644	Address 2:	Centre 4 Westerton Road South	
Extension Number:		Town/City: *	KEITH	
Mobile Number:		Country: *	UK	
Fax Number:		Postcode: *	AB55 5FH	
Email Address: *	joe@ggmail.co.uk			
Is the applicant an individual c	or an organisation/corporate entity?	*		
☐ Individual ☑ Organisa	ation/Corporate entity			
Applicant Details	S			
Please enter Applicant details				
Title:		You must enter a Building Noth:*	Name or Number, or	
Other Title:		Building Name:	Netherton	
First Name:		Building Number:		
Last Name:		Address 1 (Street): *	Maggieknockater	
Company/Organisation: *	Messrs James McCulloch	Address 2:	Craigellachie	
Telephone Number:		Town/City: *	ABERLOUR	
Extension Number:		Country: *	Moray	
Mobile Number:		Postcode: *	AB38 9RA	
Fax Number:				
Email Address:				

Site Address	S Deta	ils							
Planning Authority:	N	Moray Council							
Full postal address of	the site (in	cluding postcode where	availabl	e):			•		
Address 1:				Address 5:					
Address 2:	Ī			Town/City/Set	tlement	:			
Address 3:	Ī			Post Code:					
Address 4:									
Please identify/describ	be the loca	ation of the site or sites.							
Site at Maggieknocka	iter								
Northing	845475			Easting		331678			
Pre-Application Discussion Have you discussed your proposal with the planning authority? * □ Yes ☑ No									
Site Area									
Please state the site a	rea:		2683.0	00					
Please state the meas	surement ty	/pe used:	F	lectares (ha) 🔽 So	quare M	letres (sq	.m)		
Existing Use)								
		ost recent use: (Max 500) charac	eters)					
Undeveloped land									
Access and	Parkiı	ng							
Are you proposing a new or altered vehicle access to or from a public road? *									
		on your drawings the po d also show existing foot						lighting the o	changes
Are you proposing any	changes	to public paths, public rig	hts of w	ay or affecting any p	ublic rig	ts of ac	cess? *	Yes	✓ No
If Yes please show on arrangements for conti	your draw inuing or a	ings the position of any a lternative public access.	affected	areas highlighting th	e chang	ges you p	ropose to n	nake, includi	ng
How many vehicle par site? *	king space	es (garaging and open pa	arking) c	currently exist on the	applicat	tion	0		
How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *									
Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).									

Water Supply and Drainage Arrangements	
Will your proposal require new or altered water supply or drainage arrangements? *	✓ Yes No
Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *	
Yes – connecting to public drainage network	
✓ No – proposing to make private drainage arrangements	
Not Applicable – only arrangements for water supply required	
What private arrangements are you proposing? *	
New/Altered septic tank.	
Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage	e treatment such as a reed bed).
Other private drainage arrangement (such as chemical toilets or composting toilets).	
What private arrangements are you proposing for the New/Altered septic tank? *	
Discharge to land via soakaway.	
Discharge to watercourse(s) (including partial soakaway).	
Discharge to coastal waters.	
Please explain your private drainage arrangements briefly here and show more details on your plans a 500 characters)	and supporting information: * (Max
New septic tank to soakaway	
Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *	✓ Yes ☐ No
Note: -	
Please include details of SUDS arrangements on your plans Selecting 'No' to the above question means that you could be in breach of Environmental legislation.	
Are you proposing to connect to the public water supply network? *	
✓ Yes	
No, using a private water supply	
No connection required	it (on on off oits)
If No, using a private water supply, please show on plans the supply and all works needed to provide i	it (on or oπ site).
Assessment of Flood Risk	
Is the site within an area of known risk of flooding? *	No Don't Know
If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment determined. You may wish to contact your Planning Authority or SEPA for advice on what information	t before your application can be n may be required.
Do you think your proposal may increase the flood risk elsewhere? *	✓ No Don't Know

Trees			
Are there any trees on or adjacent to the application site? *	•		✓ Yes No
If Yes, please mark on your drawings any trees, known pro if any are to be cut back or felled.	stected trees and their canopy	spread close to the propo	sal site and indicate
Waste Storage and Collection			
Do the plans incorporate areas to store and aid the collection	on of waste (including recyclin	ng)? *	Yes No
If Yes or No, please provide further details:(Max 500 chara	icters)		
To Local Authority requirements			
Residential Units Including Con	version		
Does your proposal include new or additional houses and/o	or flats? *	✓ Yes No	
How many units do you propose in total? *	1		
Please provide full details of the number and types of units statement.	on the plans. Additional info	mation may be provided i	n a supporting
All Types of Non Housing Devel	opment - Propo	sed New Floo	rspace
Does your proposal alter or create non-residential floorspace	ce? *	Yes 🔽 No	
Schedule 3 Development			
Does the proposal involve a form of development listed in S Planning (Development Management Procedure (Scotland	Schedule 3 of the Town and C l) Regulations 2008 *	Country Yes 🗸	No Don't Know
If yes, your proposal will additionally have to be advertised authority will do this on your behalf but will charge you a fea additional fee and add this to your planning fee.	in a newspaper circulating in e. Please check the planning	the area of the developme authority's website for ac	ent. Your planning dvice on the
If you are unsure whether your proposal involves a form of Guidance notes before contacting your planning authority.	development listed in Schedu	ule 3, please check the He	lp Text and
Planning Service Employee/Elec	cted Member Int	erest	
Is the applicant, or the applicant's spouse/partner, either a elected member of the planning authority? *	member of staff within the pla	nning service or an	Yes No
Certificates and Notices			
Certificate and Notice under Regulation 15 8 – Town and C Order 1992 (GDPO 1992) Regulations 2008	Country Planning (General De	velopment Management F	Procedure) (Scotland)
One Certificate must be completed and submitted along wit Certificate B, Certificate C or Certificate E.	th this application form. This is	s most usually Certificate	A, Form 1,
Are you/the applicant the sole owner of ALL the land? *			✓ Yes ☐ No
Is any of the land part of an agricultural holding? *			✓ Vac □ Na
			✓ Yes No

Certificate Required The following Land Ownership Certificate is required to complete this section of the proposal: Certificate E **Land Ownership Certificate** Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 Certificate E I hereby certify that -(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. (2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants (1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application. (2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants. These People are: Name: Address: Date of Service of Notice: * (3) - I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other agricultural tenants and *have/has been unable to do so -Notice of the application has been published in: On: Signed: grant and geoghegan On behalf of: Messrs James McCulloch

27/04/2013

✓ Please tick here to certify this Certificate. *

Date:

Checklist - Application for Planning Permission Town and County Planning (Scotland) Act 1997 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid. a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? Yes No Not applicable to this application b) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? * Yes No V Not applicable to this application Town and County Planning (Scotland) Act 1997 The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 c) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, have you provided a Design and Access Statement? * Yes No V Not applicable to this application d) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2008) have you provided a Design Statement? * Yes No V Not applicable to this application e) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? * Yes No V Not applicable to this application f) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary: Site Layout Plan or Block plan. Elevations. ✓ Floor plans. ✓ Cross sections. Roof plan. Master Plan/Framework Plan. Landscape plan. Photographs and/or photomontages. Other.

Provide copies of the following do	cuments if applicable:	
A copy of an Environmental State	ement. *	Yes V N/A
A Design Statement or Design an	d Access Statement. *	Yes N/A
A Flood Risk Assessment. *		Yes N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	Yes N/A
Drainage/SUDS layout. *		Yes N/A
A Transport Assessment or Trave	el Plan. *	Yes N/A
Contaminated Land Assessment.	*	Yes N/A
Habitat Survey. *		Yes N/A
A Processing Agreement *		Yes V N/A
Other Statements (please specify). (Max 500 characters)	
Declare - For Appl	ication to Planning Authority	
I, the applicant/agent certify that t plans/drawings and additional info	his is an application to the planning authority as described in this prmation are provided as a part of this application .	form. The accompanying
Declaration Name:	grant and geoghegan	
Declaration Date:	27/04/2013	
Submission Date:	27/04/2013	
Payment Details		
Cheque: BANK, 000000001		
		Created: 27/04/2013 00:34



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

REFUSAL OF PLANNING PERMISSION

[Speyside Glenlivet]
Application for Planning Permission

TO Messrs James McCulloch c/o Grant And Geoghegan Unit 4 Westerton Road Business Centre 4 Westerton Road South Keith AB55 5FH

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:-

Erect house on Site At Maggieknockater Craigellachie Moray

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

Date of Notice: 24th June 2013

HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

(Page 1 of 3) Ref: 13/00753/APP

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 would be contrary to policies H8 and IMP1 in the Moray Local Plan for the following reasons :
 - (i) The proposal would not be sympathetic to the character of the surrounding area or integrate in the landscape setting. The site is in an elevated, open roadside location, would appear as sporadic development unrelated to the settlement pattern and hence would be overtly prominent.
 - (ii) Further such intrusive development would be encouraged.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference Version	Title
013/00138/01	Site plan
013/00138/010	Sections C and D
013/00138/02	Block plan
013/00138/03	Location plan
013/00138/04	Elevations (1)
013/00138/05	Elevations (2)
013/00138/06	Ground floor plan
013/00138/07	First floor plans
013/00138/08	Section plan
013/00138/09	Sections A and B

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

None.

(Page 2 of 3) Ref: 13/00753/APP

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 appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of appeal should be addressed to the Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callander Road, Falkirk, FK1 1XR. This form can be obtained and may also be downloaded and/or submitted online from www.eplanning.scotland.gov.uk

If permission to develop land is refused or granted subject to conditions whether by the planning authority of by the Scottish Ministers, 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.

(Page 3 of 3) Ref: 13/00753/APP

Maggleknackater site referred to in application Drawing No. **Drawing Title** Scale at A3 Date: 1:2500 april 13 013/00138/03

location plan

Site at Maggieknockater



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

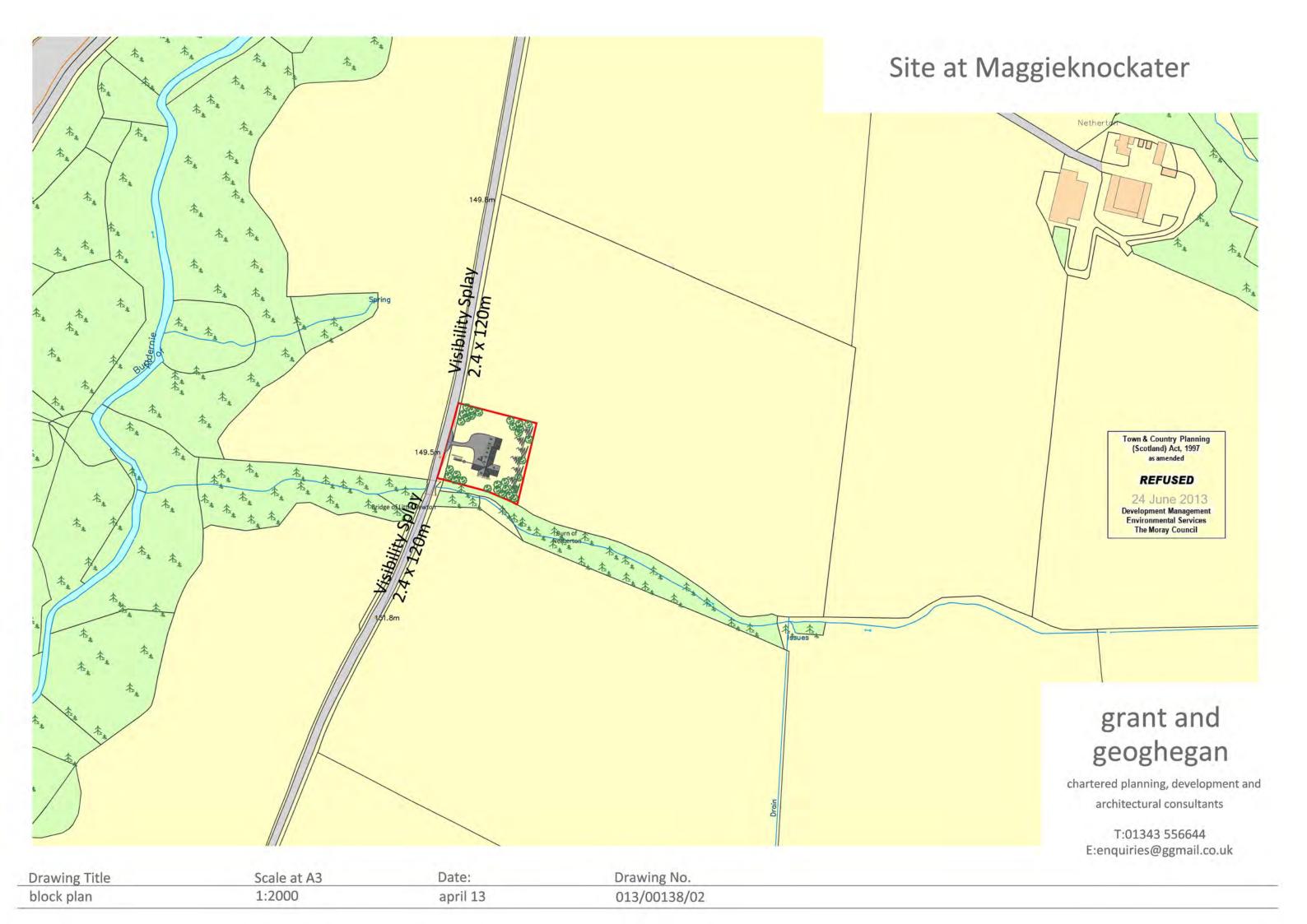
REFUSED

24.06.2013

Development Management Environmental Services The Moray Council

grant and geoghegan

chartered planning, development and architectural consultants



Site at Maggieknockater Land under control of applicant Datum = 197.25m (base of strainer) Town & Country Planning (Scotland) Act, 1997 8.0x2.5m access lay by to Proposed mixture of native woodland and Moray Council shrub species containing Transportation specification REFUSED Ash, Birch, Rowan and to be surfaced in butuminous 24 June 2013 Development Management Whitebeam to cover 25% macadam **Environmental Services** of site area The Moray Council Land under control of applicant 149.5 Site Boundary (new fenceline) Datum = 197.25m (fencepost) Bridge of Little Newton Site Boundary grant and (existing fenceline) geoghegan Burn of chartered planning, development and architectural consultants Netherton T:01343 556644 E:enquiries@ggmail.co.uk Drawing No. **Drawing Title** Scale at A3 Date:

013/00138/01

1:500

april 13

site plan

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

REFUSED

24.06.2013

Development Management
Environmental Services
The Moray Council

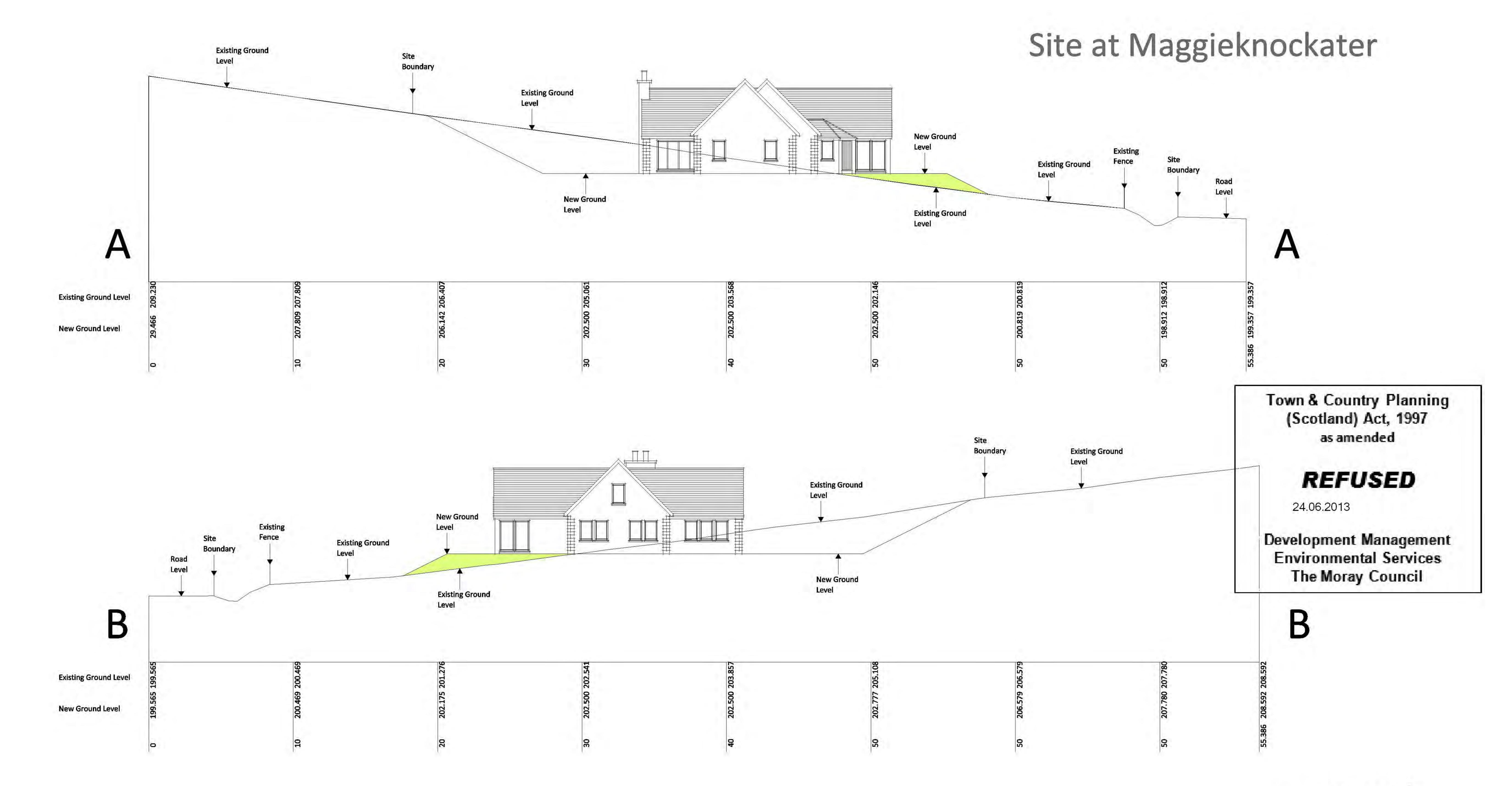
Site at Maggieknockater

grant and geoghegan

chartered planning, development and architectural consultants

T:01343 556644 E:enquiries@ggmail.co.uk

Drawing TitleScale at A3Date:Drawing No.section plan1:500april 13013/00138/08



grant and geoghegan

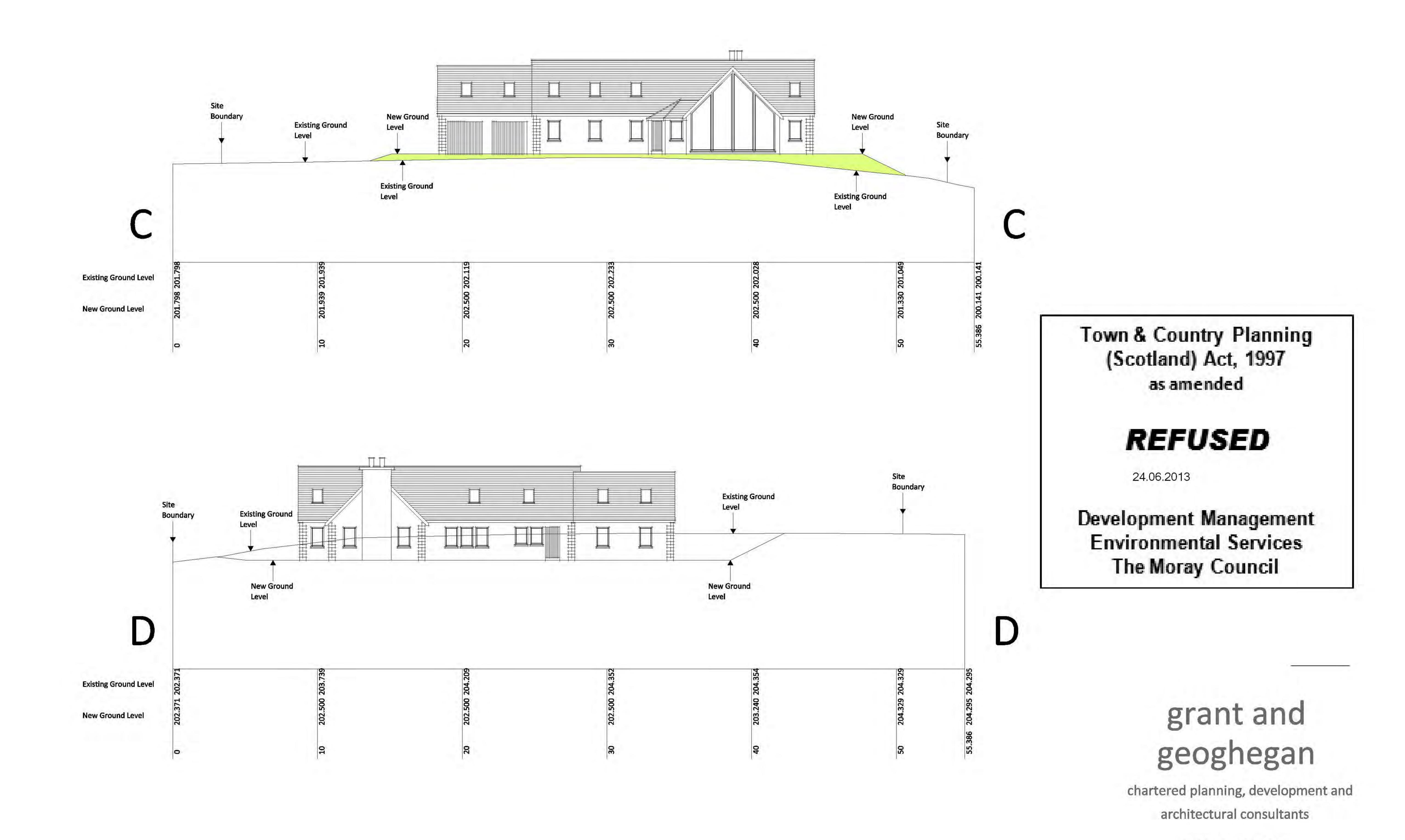
chartered planning, development and architectural consultants

Drawing Title	Scale at A3	Date:	Drawing No.	
sections C and D	1:250	april 13	013/00138/010	

Site at Maggieknockater

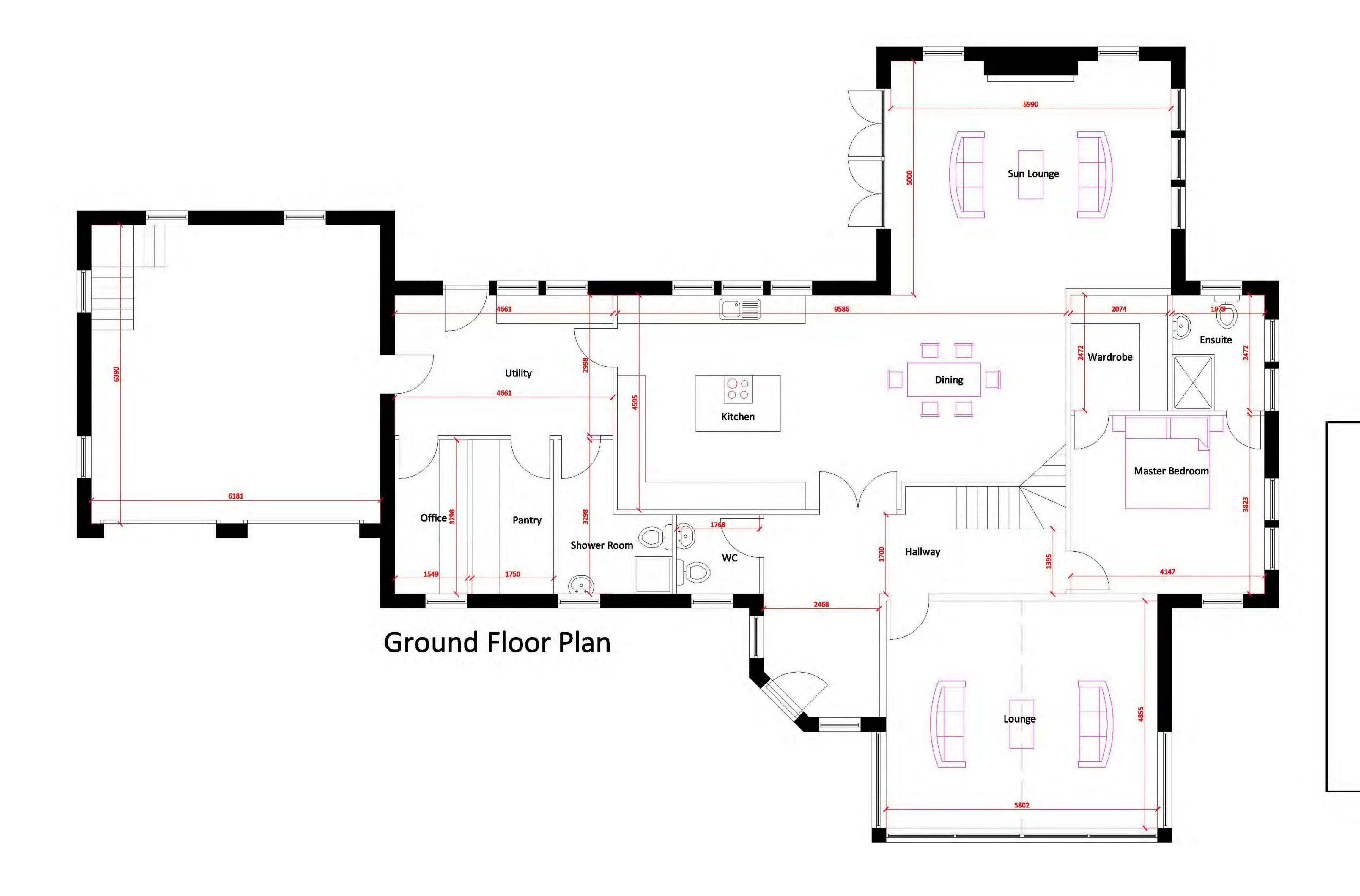
T:01343 556644

E:enquiries@ggmail.co.uk



Drawing TitleScale at A3Date:Drawing No.sections A and B1:250april 13013/00138/09

Site at Maggieknockater



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

REFUSED

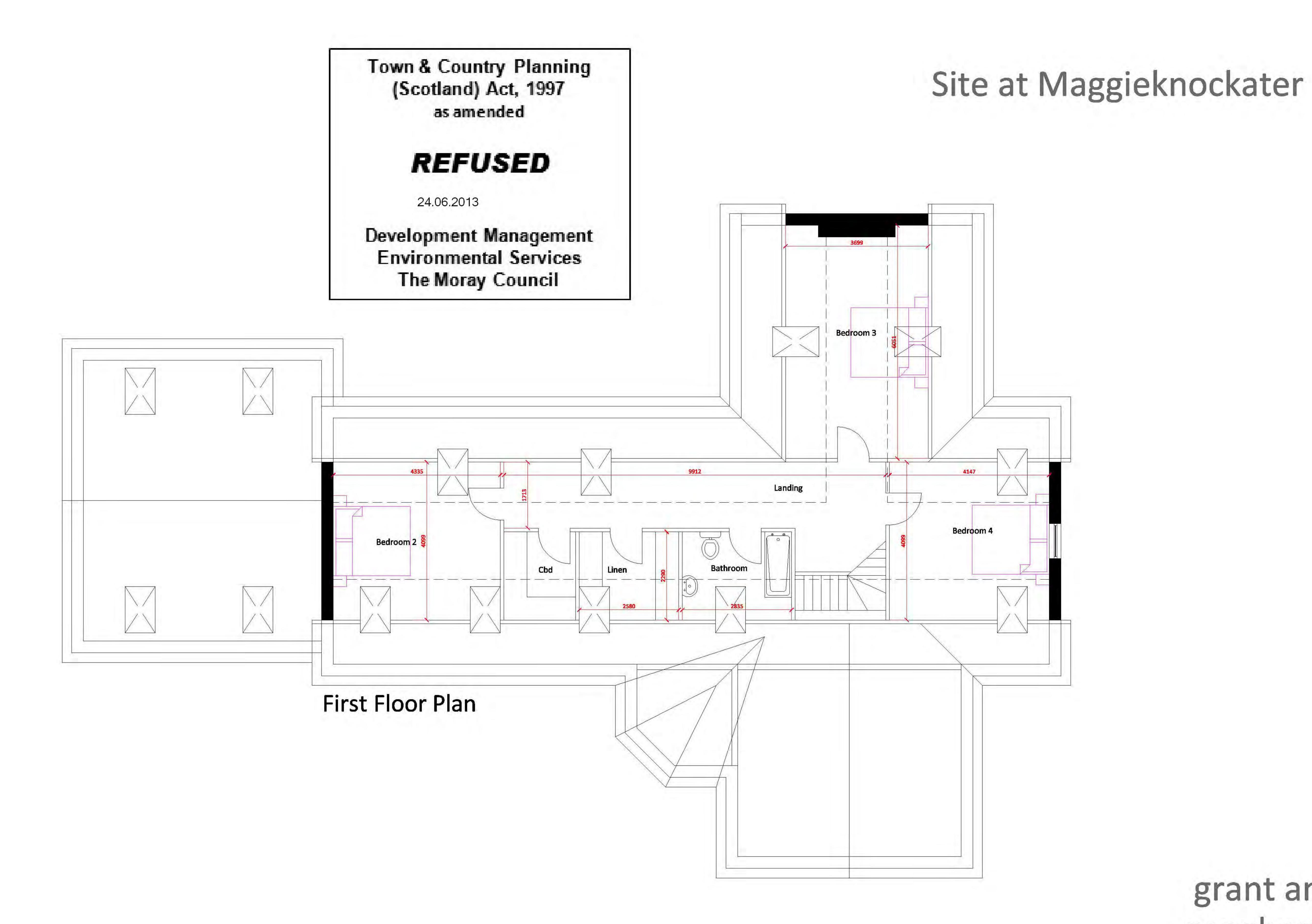
24.06.2013

Development Management
Environmental Services
The Moray Council

grant and geoghegan

chartered planning, development and architectural consultants

Drawing Title	Scale at A3	Date:	Drawing No.	
ground floor plans	1:100	april 13	013/00138/06	



grant and geoghegan

chartered planning, development and architectural consultants

Drawing Title	Scale at A3	Date:	Drawing No.	
first floor plans	1:100	april 13	013/00138/07	

Site at Maggieknockater



Drawing TitleScale at A3Date:Drawing No.elevations (2)1:100april 13013/00138/05

E:enquiries@ggmail.co.uk