

The Architecture Studio

The Orchard, Ashfield, Garmouth, Moray, IV32 7LF

Clerk to the Local Review Body,
Legal and Democratic Services,
Moray Council,
Council Offices,
High St.,
Elgin,
IV30 1BX

3rd March 2014

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING (SCHEME OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008.**

**NOTICE OF REVIEW: PLANNING APPLICATION 10/01385/APP – EXTEND
PLANNING CONSENT FOR ERECTION OF HOUSE AND GARAGE ON SITE
AT THE ORCHARD, ASHFIELD, GARMOUTH, MORAY, IV32 7LF.**

I refer to your letter and enclosures of 18th February advising of the receipt of a representation from the Transportation Manager re the above, to which I respond as follows.

1. The Transportation Manager's report refers to "*a fence line that is present behind the existing hedge*" and states that "*the majority of the boundary fence for this property lies behind the hedge*". Both statements are misleading and the latter is totally incorrect. I put up a fence about twenty-five years ago – behind the hedge because it was easier to do it that way – to contain livestock, namely my daughter's pony, in the field that is the application/appeal site. There is not much left of it now. It ran along and inside the southern boundary of the site for approximately 30m to link up with another, more substantial fence to the east, which runs north/south and along which there is also a hedge. The latter forms the eastern boundary of the application/appeal site. A strainer post at the south, roadside end of this fence is clearly visible. There is no fence to the east of the strainer, just a continuation of the hedgerow that forms the south boundary of the application/appeal site. Both combine to form the southern, roadside boundary of my property known as The Orchard and both are in my ownership.
2. I note all references to policies/rules/regulations governing new accesses onto a public road, included in the report, and accept that they have been put in place for the safety of road users. However, this not a new access and there has not been a single accident at the junction of the existing access road and the public road in the forty-two years I have resided at The Orchard.

Contd.

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As the Transportation Manager's report states, it is possible to apply a degree of flexibility in some instances. I am aware that some degree of flexibility has already been applied in this case but suggest, respectfully, that it could be stretched a little further in order to retain at least part of the hedgerow at its current height – it is a big feature in this area when in bloom and with fruit on the trees. I wish to suggest a compromise, namely that the hedge forming the south boundary of the application/appeal site be reduced in height to no more than 1m above the level of the carriageway and the remaining section to the east be managed and maintained on a regular basis. In the words of Ms Anderson, the Transportation officer who dealt with the planning application originally, in an internal e-mail to the case officer: *"This maintenance would include the cutting back of the hedgerow beyond the boundary of The Orchard when it begins to overhang the road verge. If the applicant can provide an agreement with the adjacent landowner for the applicant to cut back their hedge on a regular basis to maintain the splay then I would withdraw my objection and return a positive response with conditions."* Whilst this statement reflects some misunderstanding of the ownership situation, namely that both Ms Anderson and the Planning case officer appeared to think that the hedge to the east of the application/ appeal site belonged to some other, third, party, there is no dubiety about Ms Anderson's stated willingness to accept the retention of the hedge in its entirety provided it can be cut back on a regular basis.

The Transport Manager's report in response to the appeal states that cutting back the hedge *"would still leave it lying within the sightlines for the access onto the public road. This would not be acceptable."* This statement is in direct contradiction with Ms Anderson's, which clearly indicates conditional acceptance of such a proposal.

I ask, respectfully, that the members of the Moray Local Review Body give consideration to my request and allow condition one to be removed and replaced with another condition that would allow partial retention of the hedgerow as described above.

Yours faithfully,



Stuart Matthew.

Encl.

1. Site plan showing appellant's proposals.
2. E-mail from Planning case officer dated 28th April 2010 quoting Transportation case officer's response to the application and indicating conditional acceptance to the retention of the hedge.

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