

Applicant Statement

We understand that planning law and policies exist to protect amenity, and that without them there would be a free-for-all. We respect this, and we take heart from the fact that in general, planning policies produce many more pluses than minuses.

However, the inflexible application of any rule can sometimes produce anomalous results, and we feel that in this case a rigid interpretation of Policy E8 (CPZ) is not producing a well-balanced outcome. Not all applications fall into neat, black and white solutions, and sometimes a little flexibility is needed in order to get the best outcome from a policy.

This site does not strictly meet the requirement of having an existing residential use, but it does indisputably have a previous residential use, as evidenced by the historic photographs submitted with our planning application. The previous house sat right on the foreshore, and part of the house walls still remain, but for us to recreate a house there would make no operational sense, being so far removed from the site entrance and unable to provide monitoring security. Also, that former site would now probably be deemed liable to coastal flooding, and a new house there would detract from the amenity of the beach area.

When this precedent of residential use on site is recognised, there seems less reason for refusing the current application.

We also wish to highlight the inherent contradiction between the theoretical policy objectives and the practical situation on the ground. We were permitted recently to have a restaurant and large storage sheds, presumably on the grounds that they are "temporary" and could be removed from the landscape if the golf course closed. The house is refused presumably because it would remain in the landscape if the golf course closed. But there is little sense in this distinction because even if the course closed, why would the new site owner choose to demolish a perfectly good restaurant building and an equally good storage shed? They may find alternative uses for the buildings, but no owner would choose to demolish them, and there are no legal obligations for them to do so.

Furthermore, we have successfully operated this facility for over 10 years, and wish to do so for many more years. If we did sell up, it would simply be bought by another golf operator happy to inherit a carefully designed and well-maintained course frequented by the local and wider community. In practical terms there is no realistic prospect of this course closing, so the text-book distinction being made by the policy has no basis in reality. All these buildings will remain in the landscape for their natural lifetime, irrespective of whether they are residential or otherwise.

There have been a total of three fires on this site, and the location is also a target for thieves. The business has experienced a number of thefts since 2010, the most recent being last June. An onsite presence is much more of a deterrent to potential criminals especially on a vulnerable coastal site like Covesea, being so isolated and set well away from the main road. Without someone living on site to provide security it does not make sense to invest in rebuilding the cafe/clubhouse. Despite suggestions to the contrary, CCTV is simply not adequate in this location. We have done all in our power to accommodate and adhere to policy's H7/E7 design requirements, but to protect the future viability and investment in the golf course and café the residential accommodation is essential, to prevent another devastating experience in the future

At enormous personal costs we have kept the facility to a high standard during the downturn since the fire in June 2014 and will endeavour to carry this on in the future. However our investment to date will be put into jeopardy if caretaker accommodation is not permitted. We believe that consent will secure the longevity of the business to which we are so committed.

With proper onsite security we can protect and enhance an established, well-developed golf course, we can maintain the growth of tourism in the local area, and not least of all, we can employ local people. We wish to sustain an exceptional tourist destination in Moray, and we are confident that we can do so with the support of Moray Council.

Mr & Mrs Burnett
11 July 2016