

Dear Sir/Madam

I would like to give you a background about myself. I moved up from Clackmannanshire after purchasing this land in Morayshire. I have put everything I have into this piece of land and moved all of my possession's onto it. When I bought the land it had planning permission on it for a house to be built but I later found out that there were complications.

The problem was that there was a tree and a hedge on the land on the opposite side of the road to my entrance, if these were to be cut down then the planning would be approved. I have contacted Mr Mounting who owns the ground that the hedge and tree sit on about getting them taking down at my expense but I haven't received any correspondence from him recently.

When I moved here I started working for Morayshire council and started living on a caravan on the site and then had a visit from the assessors so I could start paying my council tax which started on the 1<sup>st</sup> of July 2017. I received a letter from the law enforcement officers regarding the caravan and was advised to submit a planning application for the caravan. In November 2017 I put planning in for a caravan to be on the site which came to £500 as requested.

I spoke to Harry Gordon (law enforcement officer) and explained that the planning had been refused and that Morayshire council will be making me homeless. I have erected a fence across the entrance of the ground as the issue was access coming in and out of the drive. I have been 100% cooperative with Moray council and the planners making all of the changes to the ground that they requested and this still has not been fitting to get the planning approved.

These are my suggestions to Moray council to make access to the site safer are as follows.

1. The current speed limit on the road is 50MPH, this is a built up area with street lights on both sides of the road, is it possible to lower the speed limit on this section of road which would not only make access in and out of my land safer it would make access for everyone else in the village safer.
2. The markings on the road could be changed to a solid no overtaking line from 152 meters from the entrance to the land.
3. Would it be possible to move the entrance to the opposite end of my land to make it safer.

I have been informed that I would still be able to build a house on the land that won't have vehicle access due to the restriction. I find this strange that I'm not allowed to live on the plot of land in a caravan while I start with the build. Most new build houses have a caravan on site to live on during the building process.

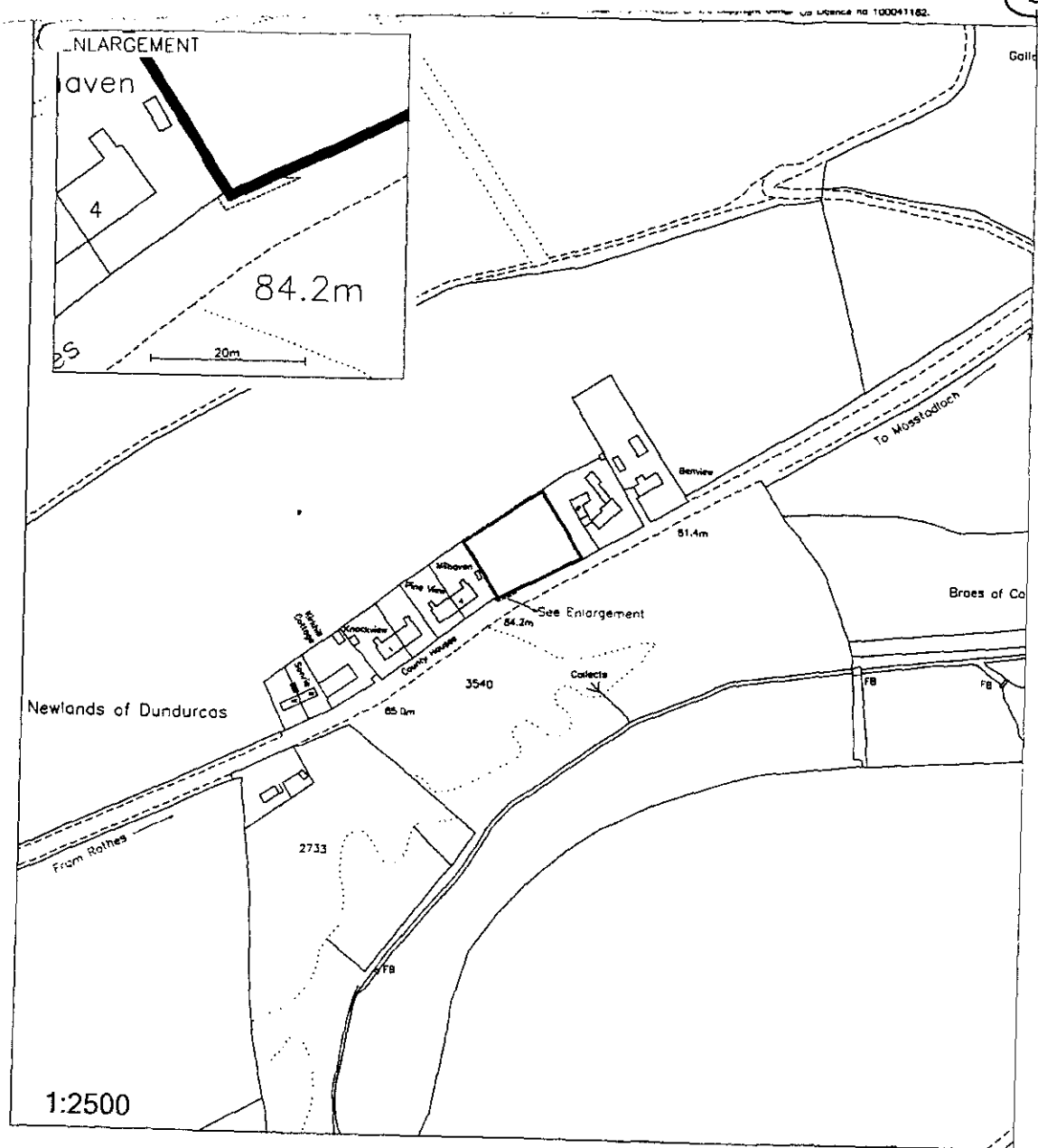
I am struggling to understand the decision that I am to be evicted in four week time when you are allowed up to three months to appeal the decision. If I am to be evicted then why do I have to clear my possessions of the land in which I own. I am hoping for a positive resolution to this problem as I am cooperating fully with the council and complying with all of their requests

If all else fails is there an option for part 5 of the town country planning (Scotland) act 1997.

Kind regards

David Barclay

17/DISIS/APP



# grant and geoghegan

planning · development and architectural consultants

The Legal & Democratic Services Department  
Moray Council  
Council Offices  
High Street  
ELGIN  
IV30 1BX

**For the attention of Darren Westmacott**

18 March 2015

Dear Sir,

**Town & Country Planning (Schemes of Delegation & Local Review Procedure) (Scotland) Regulations 2008**

**Notice of Review: Planning Application 14/01971/APP – Erect house and garage at Spey View, Dundurcas, Orton**

We refer to your letter of 16 March 2015 regarding the above Notice for Review and have the following comments on the representations submitted by:

- Moray Council Transportation Manager
- Stephen Bowie
- Ann Wardlaw

## **Transportation Manager – The Moray Council**

For the most part the comments of the Transportation Manager refer to the background to the application, policies and related supplementary guidance which have already been dealt with in the Grounds for Review.

The Grounds for Review make it clear that the proposal relates to a gap site within a long established group of 9 houses, 2 of which are located to the North East of the plot with the remaining 7 to the South West. With the exception of the property at the South West end of the group all of the remaining houses have vehicular accesses onto the public road. Information submitted with the Grounds for Review (Appendix 8) demonstrates that the standard of visibility achievable from the plot under review is consistent with that achievable at a number of the other existing properties in the group of houses containing the site.

There is nothing to suggest that the access arrangements of the existing properties are fundamentally flawed or hazardous requiring any mitigation, for example there is no reduced speed limit, solid white lines down the centre of the road or evidence of difficulties for residents such as mirrors opposite the accesses to assist entrance and exit. There are also street lights running along the entire length of the existing group of properties.

5

Although the Transportation Manager has referred to policies and standards he has not provided any evidence to refute the position advanced in the Grounds for Review; that there is nothing to suggest that the access arrangements for the existing group of properties is fundamentally flawed or hazardous. Indeed this is underlined by the comments of the Transportation Manager in paragraph 11 where he states that a review of speed limits undertaken by the Council, and reported to the Economic Development and Infrastructure Committee on 1 November 2011, did not identify the need for a reduction in the speed limit on the B9015 at this location. The Transportation Manager has also acknowledged in paragraph 18 that the accesses serving the existing properties are all longstanding.

It should also be noted that the first two photographs (A & B) provided by the Transportation Manager in his latest comments relate to a point at the North East end of the site, this is not the location of the proposed access. The third photograph (C) provided by the Transportation Manager shows the proposed location of the access at the South West end of the site and shows two strainer posts interfering with visibility. These are on ground controlled by the applicant and can be removed which can be ensured by planning conditions.

**Comments by Stephen Bowie and Ann Wardlaw**

Ann Wardlaw confirms that she does not oppose a house on the site but is concerned about the impact of having any large vehicles parked in front of her house whilst the proposed house is under construction. Construction management practices would ensure that this is not the case and this is a common issue requiring management on any site beside properties with existing accesses.

A similar point is made by Stephen Bowie.

It should also be noted that unlike the existing properties referred to by Ann Wardlaw and Stephen Bowie the proposed site can accommodate a turning area within the plot so that vehicles can enter and leave the site in a forward gear.

**Conclusions**

The consistency of the access arrangements for the proposed plot with those of the existing group of houses within which the site is located, and the lack of any evidence by the Transportation Manager to show that these accesses are fundamentally flawed or hazardous are material planning considerations.

It is requested that the Review be allowed on the basis of the Grounds previously submitted and the above comments and that planning permission be granted subject to conditions as appropriate.

Yours faithfully,

A black rectangular box redacting the signature of Neil Grant.

Neil Grant