

## **ENVIRONMENTAL SERVICES**

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Our reference: DA/LRB195

Your reference: LR/LRB195

Mrs Lissa Rowan  
Legal and Democratic Services  
Moray Council  
High Street  
ELGIN  
IV30 1BX

24 January 2018

Dear Sir

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL  
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013  
NOTICE OF REVIEW: PLANNING APPLICATION 17/01515/APP HOUSE BUILD AND TEMPORARY  
SITING OF CARAVAN AT SPEYVIEW, DUNDURCAS, ORTON, FOCHABERS**

I refer to your letter dated 9 January 2018.

I respond on behalf of the Transportation Manager with respect to our observations on the applicant's grounds for seeking a review of the planning authority's decision to refuse the above planning application.

Transportation has reviewed the appellant's grounds for review and the associated documents, and submits the attached representation with associated documents in response.

Yours faithfully

**Diane Anderson**  
**Senior Engineer**

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## Local Review

LRB Ref 195

**Planning Application Reference 17/01515/APP House build and temporary siting of caravan at Speyview, Dundurcas, Orton, Fochabers**

### **Response from Transportation, Moray Council**

1. This document is in response to the Notice of Review and the Statement of Case submitted by Mr David Barclay and sets out observations by Transportation on the application and the grounds for seeking a review.
2. This review concerns planning application 17/01515/APP for the erection of a dwelling house and the temporary siting of a caravan during construction served by an access onto the B9015 Rothes-Kingston Road.
3. The Moray Local Review Board (MLRB) is advised that a previous planning application for a single house on the plot, application no. 14/01971/APP, was considered by a previous MLRB (Case 119) in July 2015. Transportation objected to planning application 14/01971/APP on road safety grounds and submitted a statement supporting the objection to the MLRB. However the MLRB upheld the request for review and granted planning permission, subject to conditions.
4. Transportation received the first consultation for planning application 17/01515/APP on 25 October 2017. A copy of the consultation response is attached (TMC01). This response objected to the planning application on road safety grounds.
5. Transportation's consideration of the site noted that whilst vegetation within the site had been cleared and the roadside fence line set back, there were remaining obstructions within the visibility splay out with the site and the road frontage boundary of the adjacent property to the north-east. The road verge along the site frontage is narrow. Beyond the site, to the north-east, the boundary bank/hedge for the adjacent property is up to the edge of the carriageway with no road verge. This boundary bank/hedge is higher than 1.0m above the level of the carriageway. Photographs are attached (TMC02).
6. The planning condition attached to permission 14/01971/APP is:

*Condition 1 Notwithstanding the submitted details, prior to any development works commencing:*

- i) A detailed drawing (scale 1:500 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 152 metres. With all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority, in consultation with the Roads Authority;*
- ii) The visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and*
- iii) Thereafter, the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26 metres above the level of the adjacent carriageway in accordance with the agreed schedule of maintenance.*

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## Local Review

LRB Ref 195

### Planning Application Reference 17/01515/APP House build and temporary siting of caravan at Speyview, Dundurcas, Orton, Fochabers

A copy of the Decision Notice for permission 14/01971/APP is attached (TMC03).

7. To date there is no evidence of negotiations with the neighbouring land owner(s) to make arrangements to provide the necessary visibility splay reaching a positive conclusion. This is borne out in the appellant's statement which confirms that whilst he has contacted the neighbouring landowner in the past he has not 'received any correspondence from him recently'.
8. A speed survey was undertaken on the B9015 Rothes-Kingston Road in November 2012 at a location some 28 metres to the west of the proposed access outside the property named Pine View, as indicated on the attached drawing (TMC04). The speed survey determined 85<sup>th</sup> percentile vehicle speeds of 50.6mph for eastbound traffic travelling towards Boat o' Brig and 51.0 mph for westbound traffic travelling towards Rothes. A full copy of the speed survey data is attached (TM05).
9. The observed vehicle speeds correspond to visibility splays with a 'y'-distance of 152 metres. Drawings showing the extent of the required visibility splay were submitted as part of the previous planning application 14/01791/APP and MLRB Case 119. A copy of the drawing previously submitted, which has been annotated to highlight the area of ground where obstructions to the required sightlines are present, is attached (TMC06). This annotated drawing, when viewed with the photographs (TMC02), illustrates the proximity of the obstructions on the third party land to the public road.
10. To the North East of the access, the extent of the visibility splay which could be achieved over land under the control of the appellant is only 78.8 metres (as illustrated on TMC06). The measurement of this visibility splay was taken to the centre of the eastbound running lane, which was an agreed compromise from the usual edge of carriageway. This distance that can be provided is approximately half of the required Stopping Sight Distance. This is not acceptable in terms of road safety on a rural road.
11. The appellant's statement suggests that a reduction in the existing speed limit could be pursued to make the site access safer. Scottish Government Circular 1/2006: Setting Local Speed Limits sets out the guidance for Roads Authorities to assess speed limits on roads for which they are responsible. In addition to this guidance the Scottish Government requested that all roads authorities formally reviewed the speed limits on all Class A and Class B roads in their area by the end of 2011.
12. Moray Council Transportation undertook this review and submitted a report to Economic Development and Infrastructure Committee on 1 November 2011 (Item 10 Speed Limit Review Update). This report, which was approved by the Committee, did not identify the need for a reduction in the speed limit on the B9015 at this location.
13. For the purpose of assessing whether a reduction of a speed limit to 30 mph can be pursued, the following criteria relating to frontage development and distance is considered:

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## Local Review

LRB Ref 195

### Planning Application Reference 17/01515/APP House build and temporary siting of caravan at Speyview, Dundurcas, Orton, Fochabers

- 20 or more houses (on one of both sides of the road); and
  - A minimum length of 600 metres.
14. The length of the cluster of 10 dwelling houses which act as frontage development at this location on the B9015 is approximately 250 metres, which does not meet the necessary criteria to lower the speed limit.
15. The appellant's statement also suggests the introduction of 'no overtaking' road markings on the public road to the north-east of the site. Chapter 5 of the Traffic Manual states in paragraph 5.4 that:
- 'having regard to the road width required by buses and goods vehicles, particularly on bends, double line markings should not normally be used where the carriageway is less than 6.1m wide; a warning line should be used instead.'*
- The width of the road to the north-east of the site varies from 5.6 to 6.1 metres. 'Warning line' road markings have already been installed at this location.
16. The final suggestion made by the appellant is to relocate the access to this site to the 'opposite end of my land'. As no drawing has been submitted to support this suggestion, Transportation interprets the 'opposite end of my land' as being the eastern extremity of the site. However any access at the eastern extremity of the site would be closer to the obstructions on the third party land and the available visibility splay to the north-east would be significantly less than the 78.8 metres available from an access at the western extremity of the site over within the land under the appellant's control.
17. Visibility splays for private accesses onto the public road are required to ensure that there is adequate inter-visibility between vehicles on the public road and a vehicle at the private access onto the public road. If a development involves the formation of a new vehicular access onto the public road where visibility is severely restricted by adjacent hedges/trees/walls/embankment/buildings/obstructions and would be likely to give rise to conditions detrimental to the road safety of road users, the development is contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.
18. Visibility splays relate to the visibility available to a driver at or approaching a junction in both directions. It is related to the driver's eye height, object height above the road, distance back from the main road known as the 'x' distance and a distance along the main road known as the 'y' distance. The 'y' distance is related either to a) the design speed of the road and a corresponding 'stopping sight distance' or b) in some circumstances may be based on observed '85<sup>th</sup> percentile vehicle speeds'. For a single house in the countryside the 'x' distance is 2.4m, measured from the edge of the public carriageway along the centre-line of the proposed private access.

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## Local Review

### LRB Ref 195

#### Planning Application Reference 17/01515/APP House build and temporary siting of caravan at Speyview, Dundurcas, Orton, Fochabers

19. A detailed description of the relevance and consideration of visibility splays is attached (TMC07) which is an extract from The Moray Council document Transportation Guidelines for Small Developments in the Countryside (TRSDC). TRSDC approved at the Economic Development & Infrastructure Committee on 3 March 2016.
20. The issue of control over required visibility splays is not unique to this particular development proposal. An example of an appeal to The Scottish Government submitted to the previous LRB 119 is attached (TM08). In this example the appellant was unable to secure suitable control over third party land where a hedge restricted the visibility splay. The Reporter dismissed the Appeal.
21. There is no evidence to indicate that the necessary visibility splay can be provided.
22. Transportation, respectfully, requests the MLRB to uphold the decision by the appointed officer. In particular on the grounds that Moray Local Plan Policy T2: Provision of Road Access is not satisfied.

Transportation

24 January 2018

#### Documents

|       |  |
|-------|--|
| TMC01 | Transportation Consultation Response dated 8 November 2017   |
| TMC02 | Site Photographs   |
| TMC03 | MLRB Decision Notice Case 119 Planning Application 14/01971/APP  |
| TMC04 | Drawing showing Location of Speed Survey and Visibility to the West  |
| TMC05 | B9015 Speed Survey Data – conducted outside cottage named Pine View at County Houses, Orton  |
| TMC06 | Annotated Drawing showing Location of Obstructions on Third Party Land within the Required Visibility Splay to the North East  |
| TMC07 | Extract on Visibility Splays from Transportation Requirements for Small Developments in the Countryside  |
| TMC08 | Appeal Decision Notice for development with access onto the public road with restricted visibility where appellant does not have control over full visibility splay. |

# Consultation Request Notification

|   |   |
|---|---|
| Planning Authority Name                               | <b>The Moray Council</b>  |
| Response Date   | <b>8th November 2017</b>  |
| Planning Authority Reference                          | <b>17/01515/APP</b>   |
| Nature of Proposal (Description)                      | <b>Site temporary caravan at</b>  |
| Site  | <b>Speyview Dundurcas<br/>Orton<br/>Roths<br/>Fochabers<br/>Moray<br/>IV32 7QF</b>  |
| Site Postcode   | <b>N/A</b>  |
| Site Gazetteer UPRN                                   | <b>000133050968</b>   |
| Proposal Location Easting                             | <b>330381</b>   |
| Proposal Location Northing                            | <b>851485</b>   |
| Area of application site (Ha)                         | <b>m<sup>2</sup></b>  |
| Additional Comment                                    |   |
| Development Hierarchy Level                           | <b>LOCAL</b>  |
| Supporting Documentation URL                          | <a href="http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OX6SD7BG0D800">http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=OX6SD7BG0D800</a> |
| Previous Application                                  | <b>14/01971/APP<br/>11/00700/APP<br/>07/01860/OUT</b>   |
| Date of Consultation                                  | <b>25th October 2017</b>  |
| Is this a re-consultation of an existing application? | <b>No</b>   |
| Applicant Name  | <b>Mr David Barclay</b>   |
| Applicant Organisation Name                           |   |
| Applicant Address                                     | <b>Speyview Dundurcas<br/>Orton<br/>Roths<br/>Fochabers<br/>Moray<br/>IV32 7QF</b>  |
| Agent Name  |   |
| Agent Organisation Name                               |   |
| Agent Address   |   |
| Agent Phone Number                                    |   |
| Agent Email Address                                   | <b>N/A</b>  |
| Case Officer  | <b>Maurice Booth</b>  |
| Case Officer Phone number                             | <b>01343 563274</b>   |
| Case Officer email address                            | <b>maurice.booth@moray.gov.uk</b>   |
| PA Response To  | <b>consultation.planning@moray.gov.uk</b>   |

## NOTE:

If you do not respond by the response date, it will be assumed that you have no

comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No:** 17/01515/APP

**Site temporary caravan at Speyview Dundurcas Orton Rothes Fochabers for Mr David Barclay**

I have the following comments to make on the application:-

**Please**

- |   |                                     |
|---|-------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <input checked="" type="checkbox"/> |
| (b) I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal            | <input type="checkbox"/>            |
| (c) I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/>            |
| (d) Further information is required in order to consider the application as set out below                                 | <input type="checkbox"/>            |

#### Background

This application is for the siting of a temporary caravan to be used as a residence. The caravan is already present on site and appears to be occupied. Works have taken place to form a new access onto the public road. This site was the subject of a previous applications 11/00700/APP and 14/01971/APP for the erection of a new dwelling to which transportation objected on road safety grounds.

A previous speed survey indicated that a visibility splay of 152 metres (equating to an 85<sup>th</sup> percentile speed of 50.9mph) would be required to the north-east at the access onto the public road. The visibility splay is presently obstructed by trees/vegetation and passes over third party land.

Despite the previous applications, there has to date been no indication that control can be gained of the land required to secure the visibility splay which corresponds to the observed vehicle speeds where it falls outwith the road verge and the development site, through either ownership or agreement with the third party land owner.

#### **Reason(s) for objection**

The proposed development, if permitted, would involve the use of a vehicular access onto B9015 Rothes-Kingston Road where visibility is restricted by the adjacent trees, hedges and vegetation, and would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Plan policies T2 Provision of Access and IMP1 Development Requirements.

**Contact:** DA/AG

**email address:** [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)

**Consultee:** TRANSPORTATION

**Date** 8 November 2017



|                           |   |
|---------------------------|---|
| <b>Return response to</b> | <b>consultation.planning@moray.gov.uk</b> |
|---------------------------|---|

Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

## TMC 02



Photograph showing setting back of fenceline along site frontage (November 2017).



## Photographs to be viewed with TMC06



PHOTOGRAPH A

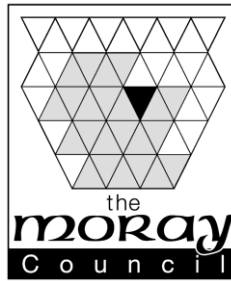


PHOTOGRAPH B





PHOTOGRAPH C



## THE MORAY COUNCIL LOCAL REVIEW BODY

### DECISION NOTICE

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Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR119
  - Site address: Speyview, Dundurcas, Orton
  - Application for review by Mr John Cadenhead, c/o Grant and Geoghegan, against the decision of an Appointed Officer of The Moray Council.
  - Planning Application 14/01971/APP for erection of house and garage at Speyview, Dundurcas, Orton
  - Unaccompanied site inspection carried out by the MLRB on 24 April 2015
  - Date of decision notice: 02 July 2015
- 

### Decision

The MLRB agreed to uphold the request for review and grant planning permission, subject to the conditions appended to this decision notice.

#### 1. Preliminary

- 1.1 This Notice constitutes the formal decision of the MLRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The above application for planning permission was considered by the MLRB at the meeting held on 30 April 2015.
- 1.3 The Review Body was attended by Councillors C. Tuke (Chair), G. Coull (Deputy Chair), J. Allan and K. Reid.

#### 2. Proposal

- 2.1 This is an application for planning permission to erect house and garage at Speyview, Dundurcas, Orton.

#### 3. MLRB Consideration of Request for Review

- 3.1 There was submitted a 'Summary of Information' report setting out the reasons for refusal, together with copies of the Report of Handling, Notice of Review, Grounds for Review and supporting documents.

- 3.2 The MLRB agreed that it had sufficient information to determine the request for review.
- 3.3 regard to the unaccompanied site inspection carried out on 24 April 2015, Mr K. Henderson, Planning Adviser, advised that Members were shown the site where the proposed development would take place.
- 3.4 The Planning Adviser advised the MLRB that the application had been refused on the grounds that it was contrary to Policies T2 and IMP1 of the Moray Local Plan 2008 because, in terms of servicing the site and road safety implications and the absence of evidence to demonstrate control over all the land within the visibility splay area to ensure the required splay can be provided and maintained, a safe and suitable access onto the public road has not been provided and the development would involve the use of an access onto the B9015 Rothes-Kingston Road where visibility is severely restricted by adjacent hedges/trees and would likely give rise to conditions detrimental to the safety of other road users.
- 3.5 Referring to the Applicant's Grounds for Review, the Planning Adviser advised that the Applicant had stated their belief that the proposal complies with all of the relevant policies relating to design, parking and drainage and that the sole reason for refusal relates to Policy T2 upon which the application was refused. The Applicant noted that the visibility splay being sought by the Transportation Department was 152m and involves a small sliver of land over two adjacent plots to the north-east of the site. They advised that the owner of the land immediately to the north-east of the site has not been willing to discuss or provide any agreement relating to the provision and maintenance of the part of the visibility splay which affects his land.
- 3.6 The Applicant stated that the review should be determined on the basis of the visibility splay which can be provided out with third party land and this extends to 78.8m, as was determined during the course of the previous planning application in 2011 and the case to be heard by the MLRB. They advised that, in addition to the views of consultees, material considerations such as planning history and relationship of the site to the surroundings should have to be taken into account in relation to the interpretation of policy.
- 3.7 Noting that the site has been subject to previous planning consents that were approved, under similar policies to the current development plan, for a single dwelling in 2002, followed by two dwellings in 2007, the Applicant advised that on both occasions the visibility available was accepted and was not a requirement for any third party land. They stated that the proposal relates to a long established group of 9 houses where the existing access arrangements appear to function without the need for any obvious mitigation measures and expressed their opinion that the standard of visibility available to the north-east of the proposed site compares favourably to other existing plots within the grouping of the site.
- 3.8 The Chair reminded the MLRB that it was within their powers to apply suspensive conditions to any application that they were minded to approve.
- 3.9 In response, Councillor Coull queried whether the MLRB could grant planning permission subject to the submission of the required visibility splay. The Chair

noted that the only objection was from the Transportation Department and that he would support a suspensive condition in relation to the submission of a visibility splay to the satisfaction of the Transportation Department.

- 3.10 The Legal and Planning Advisers advised that a suspensive condition can be applied to any planning permission as long as it meets the condition test. In relation to the case being considered, the Legal and Planning Advisers expressed their opinion that a suspensive condition would not satisfy the reasonableness element of the test as the Applicant had been unable to demonstrate any control over third party lands which would be required to meet the visibility splay.
- 3.11 The Planning Adviser also advised that the Applicant was seeking a decision based on a reduced visibility splay.
- 3.12 The Chair, having had the opportunity to visit the site and consider the Applicant's Grounds for Review, stated that by setting a suspensive condition relating to a visibility splay, the MLRB would be agreeing that while the application did not comply with Policy T2 of the Moray Local Plan 2008 in its current form, it had the potential to do so if future negotiations with third party landowners proved successful. He acknowledged the comments by the Legal and Planning Advisers regarding the reasonableness element of the test but contended that, although the ground in question was not in the ownership of the Applicant, it was not unreasonable for them to enter into negotiations with the said owners to provide the required visibility splay.
- 3.13 Accordingly, the Chair moved that the appeal be upheld and planning permission be granted, subject to standard conditions and a suspensive condition that a visibility splay, achieving the requirements of Policy T2, be submitted to the satisfaction of the Transportation Department. This was seconded by Councillor Coull.
- 3.14 There being no one otherwise minded, the MLRB agreed to uphold the appeal and grant planning permission, subject to standard conditions and a suspensive condition that a visibility splay, achieving the requirements of Policy T2, be submitted to the satisfaction of the Transportation Department.

**Paul Nevin**  
**Senior Solicitor (Property & Contracts)**  
**Legal Adviser to the MLRB**

## **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

### **Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)**

#### **Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. 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 V of the Town and Country Planning (Scotland) Act 1997.



## Condition

1. Notwithstanding the submitted details, prior to any development works commencing:
  - (i) a detailed drawing (scale 1:500 which shall also include details to demonstrate control of the land) showing the visibility splay 2.4 metres by 152 metres, with all boundaries set back to a position behind the required visibility splay, and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority, in consultation with the Roads Authority;
  - (ii) the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
  - (iii) thereafter, the visibility splay shall be maintained at all times free from any obstruction exceeding 0.26 metres above the level of the adjacent carriageway in accordance with the agreed schedule of maintenance.

**Reason:** To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road.

# The Moray Council

## NOTIFICATION OF INITIATION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Planning Application Reference No:

Date issued:

I hereby give notice that works as detailed under the above planning application will commence on:

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

### THE FOLLOWING INFORMATION MUST BE PROVIDED:

1. Name and address of person carrying out the development:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The full name and address of the landowner, if a different person:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Where a site agent is appointed, their full name and contact details:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The date of issue and reference number of the grant of planning permission:

\_\_\_\_\_  
\_\_\_\_\_

Please return this form, duly completed to: - The Moray Council  
Development Management  
Development Services  
Environmental Services Department  
Council Office,  
High Street  
Elgin IV30 1BX

Or email to: - [development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)

## **IMPORTANT**

**It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.**

**Please complete and return this form.**

# **The Moray Council**

## **NOTIFICATION OF COMPLETION OF DEVELOPMENT**

**Section 27B Town and Country Planning (Scotland) Act 1997**

**Planning Application Reference No:**

**Date issued:**

I hereby give notice that works as detailed under the above planning application will be completed on: .....

Signed: ..... Date: .....

Please return this form, duly completed to: - The Moray Council  
Development Management  
Development Services  
Environmental Services Department  
Council Office  
High Street  
Elgin IV30 1BX

Or email to: - [development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)

### **IMPORTANT**

**It is important that the Environmental Services Department is advised when the development has been completed as failure to do so may result in enforcement action be taken.**

**Please complete and return this form.**

# TMC 04

AMENDED PLANS

Spey View, Dundurcas, Orton

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

**REFUSED**

10/12/2014

Development Management  
Environmental Services  
The Moray Council

50.6mph  
eastbound

51.0mph  
westbound

- Verge
- Fenceline
- Road Edge
- Wall
- Gate
- GY  
+  
Gully
- LP  
●  
Lamp Post
- Hedge
- Tree



Visibility Splay crosses third party land

Drawing Title  
south visibility

Scale at A3  
1:500

Date:  
september 14

Drawing No.  
014/0646/07

grant and  
geoghegan

chartered planning, development and  
architectural consultants

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

DO NOT SCALE

# TMC 05

B9015 Newlands of Dundurcas

grid ref 330344,851447

Summarised Speed Data. Survey carried out between 30th October 2012 and 7th November 2012. Radar located outside cottage named Pine View

| to B9103 Speeds | Total<br>Vol. | 85th<br>%ile | Mean<br>Ave. | Std.<br>Dev. | Bin 1<br><26Mph | Bin 2<br>26-<31 | Bin 3<br>31-<36 | Bin 4<br>36-<41 | Bin 5<br>41-<46 | Bin 6<br>46-<51 | Bin 7<br>51-<56 | Bin 8<br>56-<61 | Bin 9<br>61-<66 | Bin 10<br>66-<71 | Bin 11<br>71-<76 | Bin 12<br>76-<81 | Bin 13<br>=>81 |
|-----------------|---------------|--------------|--------------|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|----------------|
| 00:00           | 3             |              | 47.1         | 3.9          | 0               | 0               | 0               | 0               | 0               | 2               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| 01:00           | 2             |              | 41.5         | 3.6          | 0               | 0               | 0               | 0               | 1               | 0               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| 02:00           | 2             |              | 47.7         | 4.2          | 0               | 0               | 0               | 0               | 0               | 0               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| 03:00           | 0             |              | 40.7         |              | 0               | 0               | 0               | 0               | 0               | 0               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| 04:00           | 6             |              | 41.2         | 9.9          | 0               | 1               | 1               | 0               | 0               | 0               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| 05:00           | 11            | 53.4         | 48.1         | 5.2          | 0               | 0               | 0               | 1               | 2               | 4               | 3               | 0               | 0               | 0                | 0                | 0                | 0              |
| 06:00           | 35            | 49.2         | 42.9         | 6.7          | 0               | 0               | 4               | 8               | 11              | 6               | 3               | 0               | 0               | 0                | 0                | 0                | 0              |
| 07:00           | 51            | 51.1         | 44.4         | 7.8          | 1               | 0               | 5               | 10              | 13              | 13              | 4               | 3               | 0               | 0                | 0                | 0                | 0              |
| 08:00           | 61            | 51.2         | 44.8         | 6.9          | 0               | 0               | 3               | 14              | 18              | 15              | 8               | 2               | 0               | 0                | 0                | 0                | 0              |
| 09:00           | 45            | 50           | 42.8         | 7.1          | 0               | 0               | 4               | 12              | 16              | 7               | 5               | 0               | 0               | 0                | 0                | 0                | 0              |
| 10:00           | 48            | 49.7         | 42.2         | 7.6          | 0               | 1               | 6               | 14              | 12              | 8               | 4               | 0               | 0               | 0                | 0                | 0                | 0              |
| 11:00           | 37            | 48.9         | 42.4         | 8            | 1               | 0               | 2               | 8               | 13              | 8               | 1               | 1               | 0               | 0                | 0                | 0                | 0              |
| 12:00           | 48            | 49.6         | 43           | 7.2          | 1               | 1               | 4               | 12              | 14              | 10              | 3               | 1               | 0               | 0                | 0                | 0                | 0              |
| 13:00           | 55            | 51.1         | 44.2         | 7.3          | 0               | 0               | 3               | 14              | 16              | 12              | 5               | 3               | 0               | 0                | 0                | 0                | 0              |
| 14:00           | 60            | 50.7         | 44.1         | 7.4          | 0               | 1               | 3               | 11              | 18              | 16              | 7               | 1               | 0               | 0                | 0                | 0                | 0              |
| 15:00           | 60            | 49.8         | 43.1         | 7.7          | 2               | 2               | 3               | 12              | 20              | 14              | 4               | 2               | 0               | 0                | 0                | 0                | 0              |
| 16:00           | 75            | 52.8         | 45           | 7.2          | 0               | 0               | 5               | 14              | 22              | 17              | 9               | 3               | 0               | 0                | 0                | 0                | 0              |
| 17:00           | 79            | 49.8         | 43.5         | 6.4          | 0               | 0               | 6               | 20              | 28              | 16              | 7               | 3               | 0               | 0                | 0                | 0                | 0              |
| 18:00           | 46            | 51.2         | 44.2         | 7.4          | 0               | 0               | 4               | 12              | 12              | 10              | 5               | 2               | 0               | 0                | 0                | 0                | 0              |
| 19:00           | 22            | 51           | 43.4         | 8.9          | 1               | 0               | 2               | 4               | 6               | 5               | 3               | 0               | 0               | 0                | 0                | 0                | 0              |
| 20:00           | 18            | 53.8         | 46.8         | 6.5          | 0               | 0               | 0               | 3               | 5               | 5               | 4               | 1               | 0               | 0                | 0                | 0                | 0              |
| 21:00           | 15            | 50           | 43.7         | 6.7          | 0               | 0               | 0               | 3               | 5               | 3               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| 22:00           | 9             |              | 39.8         | 8.6          | 0               | 0               | 0               | 2               | 2               | 0               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| 23:00           | 4             |              | 46.1         | 7.7          | 0               | 0               | 0               | 0               | 0               | 0               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| Totals          |               |              |              |              |                 |                 |                 |                 |                 |                 |                 |                 |                 |                  |                  |                  |                |
| 12H,7-19        | 664           | 50.5         | 43.8         | 6.7          | 6               | 6               | 49              | 154             | 200             | 146             | 62              | 21              | 0               | 0                | 0                | 0                | 0              |
| 16H,6-22        | 754           | 50.6         | 43.8         | 6.7          | 7               | 6               | 54              | 172             | 227             | 165             | 72              | 23              | 0               | 0                | 0                | 0                | 0              |
| 18H,6-24        | 767           | 50.5         | 43.8         | 6.7          | 7               | 6               | 54              | 174             | 229             | 166             | 72              | 23              | 0               | 0                | 0                | 0                | 0              |
| 24H,0-24        | 791           | 50.6         | 43.9         | 6.7          | 7               | 7               | 55              | 175             | 232             | 172             | 75              | 23              | 0               | 0                | 0                | 0                | 0              |
|                 |               |              |              |              |                 |                 |                 |                 |                 |                 |                 |                 |                 |                  |                  |                  |                |
| Am              | 07:30         |              | 04:45        |              | 11:00           | 10:30           | 09:45           | 10:00           | 08:30           | 07:45           | 08:15           | 08:15           | 07:15           | 07:45            |                  |                  |                |
| Peak            | 62            |              | 48.2         |              | 2               | 2               | 6               | 14              | 21              | 17              | 8               | 3               | 1               | 0                |                  |                  |                |
|                 |               |              |              |              |                 |                 |                 |                 |                 |                 |                 |                 |                 |                  |                  |                  |                |
| Pm              | 16:45         |              | 20:15        | 21:45        | 12:15           | 15:30           | 16:30           | 16:45           | 16:45           | 16:45           | 16:00           | 16:00           | 16:00           | 19:00            |                  |                  |                |
| Peak            | 88            |              | 47           | 9.3          | 2               | 2               | 7               | 21              | 31              | 18              | 10              | 4               | 1               | 0                |                  |                  |                |

| to Rothses speeds | Total<br>Vol. | 85th<br>%ile | Mean<br>Ave. | Std.<br>Dev. | Bin 1<br><26Mph | Bin 2<br>26-<31 | Bin 3<br>31-<36 | Bin 4<br>36-<41 | Bin 5<br>41-<46 | Bin 6<br>46-<51 | Bin 7<br>51-<56 | Bin 8<br>56-<61 | Bin 9<br>61-<66 | Bin 10<br>66-<71 | Bin 11<br>71-<76 | Bin 12<br>76-<81 | Bin 13<br>=>81 |
|-------------------|---------------|--------------|--------------|--------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|----------------|
| 00:00             | 4             |              | 38.2         | 4.7          | 0               | 0               | 0               | 1               | 0               | 0               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| 01:00             | 2             |              | 37.5         | 9.1          | 0               | 1               | 0               | 0               | 0               | 0               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| 02:00             | 2             |              | 38           | 4.5          | 0               | 0               | 2               | 0               | 0               | 0               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| 03:00             | 1             |              | 40.7         |              | 0               | 0               | 0               | 0               | 0               | 0               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| 04:00             | 6             |              | 42.6         | 9.1          | 0               | 0               | 0               | 0               | 0               | 1               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| 05:00             | 25            | 54.4         | 45           | 9.1          | 0               | 1               | 3               | 2               | 5               | 5               | 4               | 2               | 0               | 0                | 0                | 0                | 0              |
| 06:00             | 47            | 52.5         | 44.9         | 7.2          | 0               | 1               | 3               | 10              | 14              | 10              | 4               | 4               | 0               | 0                | 0                | 0                | 0              |
| 07:00             | 90            | 54.7         | 45.8         | 9.1          | 1               | 2               | 8               | 14              | 19              | 18              | 18              | 6               | 1               | 0                | 0                | 0                | 0              |
| 08:00             | 78            | 52.4         | 44.4         | 8.1          | 2               | 1               | 4               | 14              | 18              | 19              | 11              | 3               | 0               | 0                | 0                | 0                | 0              |
| 09:00             | 48            | 51.3         | 44.1         | 8.5          | 1               | 2               | 2               | 7               | 13              | 12              | 4               | 2               | 0               | 0                | 0                | 0                | 0              |
| 10:00             | 55            | 50.4         | 42.8         | 7.9          | 1               | 1               | 6               | 13              | 16              | 9               | 6               | 1               | 0               | 0                | 0                | 0                | 0              |
| 11:00             | 57            | 51.1         | 43.1         | 8.5          | 1               | 1               | 7               | 13              | 16              | 9               | 5               | 1               | 0               | 0                | 0                | 0                | 0              |
| 12:00             | 55            | 51.5         | 42.3         | 9.4          | 3               | 2               | 6               | 12              | 12              | 10              | 6               | 1               | 1               | 0                | 0                | 0                | 0              |
| 13:00             | 55            | 49.8         | 42.3         | 8.6          | 2               | 3               | 6               | 14              | 15              | 11              | 4               | 2               | 0               | 0                | 0                | 0                | 0              |
| 14:00             | 62            | 52           | 42.8         | 9.2          | 2               | 4               | 7               | 14              | 16              | 10              | 6               | 4               | 0               | 0                | 0                | 0                | 0              |
| 15:00             | 64            | 48.7         | 40.9         | 8.1          | 3               | 4               | 9               | 14              | 18              | 11              | 4               | 1               | 0               | 0                | 0                | 0                | 0              |
| 16:00             | 63            | 50.4         | 42.6         | 8.9          | 2               | 4               | 6               | 14              | 19              | 10              | 7               | 1               | 0               | 0                | 0                | 0                | 0              |
| 17:00             | 62            | 49.9         | 42.4         | 8.4          | 1               | 4               | 7               | 14              | 18              | 12              | 6               | 1               | 0               | 0                | 0                | 0                | 0              |
| 18:00             | 33            | 49.6         | 41.5         | 8.6          | 2               | 1               | 5               | 8               | 10              | 5               | 4               | 0               | 0               | 0                | 0                | 0                | 0              |
| 19:00             | 28            | 50.4         | 43.8         | 8.4          | 0               | 1               | 3               | 4               | 8               | 8               | 2               | 0               | 0               | 0                | 0                | 0                | 0              |
| 20:00             | 13            | 49           | 42.1         | 8.9          | 1               | 0               | 1               | 2               | 4               | 2               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| 21:00             | 12            | 52.7         | 45.3         | 7.7          | 0               | 0               | 1               | 0               | 2               | 4               | 2               | 0               | 0               | 0                | 0                | 0                | 0              |
| 22:00             | 11            | 49.6         | 42.6         | 7.1          | 0               | 0               | 2               | 2               | 2               | 3               | 1               | 0               | 0               | 0                | 0                | 0                | 0              |
| 23:00             | 7             |              | 42.8         | 7.3          | 0               | 0               | 2               | 0               | 1               | 1               | 0               | 0               | 0               | 0                | 0                | 0                | 0              |
| Totals            |               |              |              |              |                 |                 |                 |                 |                 |                 |                 |                 |                 |                  |                  |                  |                |
| 12H,7-19          | 722           | 51           | 42.8         | 8.1          | 20              | 29              | 72              | 152             | 188             | 135             | 80              | 24              | 2               | 0                | 0                | 0                | 0              |
| 16H,6-22          | 822           | 50.9         | 42.9         | 8            | 21              | 31              | 81              | 168             | 216             | 160             | 88              | 28              | 2               | 0                | 0                | 0                | 0              |
| 18H,6-24          | 840           | 50.9         | 42.9         | 8            | 21              | 31              | 85              | 170             | 219             | 164             | 89              | 28              | 2               | 0                | 0                | 0                | 0              |
| 24H,0-24          | 880           | 51           | 43           | 8            | 21              | 33              | 89              | 174             | 224             | 171             | 93              | 30              | 2               | 0                | 0                | 0                | 0              |
| Am                | 07:30         |              | 07:00        |              | 07:30           | 07:15           | 07:00           | 08:00           | 06:30           | 07:30           | 07:15           | 06:30           | 07:15           | 08:30            | 09:30            |                  |                |
| Peak              | 90            |              | 45.8         |              | 4               | 3               | 8               | 15              | 19              | 22              | 19              | 7               | 2               | 1                | 0                |                  |                |
| Pm                | 16:30         |              | 20:45        | 15:45        | 15:30           | 13:45           | 15:15           | 16:45           | 15:15           | 16:15           | 12:15           | 14:00           | 13:30           | 16:00            | 12:00            | 20:30            |                |
| Peak              | 67            |              | 45.5         | 9.5          | 3               | 4               | 10              | 18              | 19              | 12              | 6               | 4               | 1               | 1                | 0                | 0                |                |



# TMC 06



**DO NOT SCALE**



## 5.6 Visibility Splays

- 5.6.1 A well-designed access is important for the safety and convenience of all road users - those proceeding on the public road as well as those using the access. Proposals for a new access or the intensification of use of an existing access will normally have a number of requirements to promote safety and avoid excessive delay
- 5.6.2 Transportation will object to proposals likely to prejudice road safety.
- 5.6.3 Transportation will also raise an objection to the creation of an access and/or visibility splays, unless the applicant is able to demonstrate control or the reasonable prospect of acquiring control of any land likely to be the subject of a condition relating to the provision of any such access and/or visibility splays.
- 5.6.4 Good visibility is essential to enable drivers emerging from the minor road (Private Access/Development Access) to see and be seen by drivers proceeding along the priority road (Public Road)

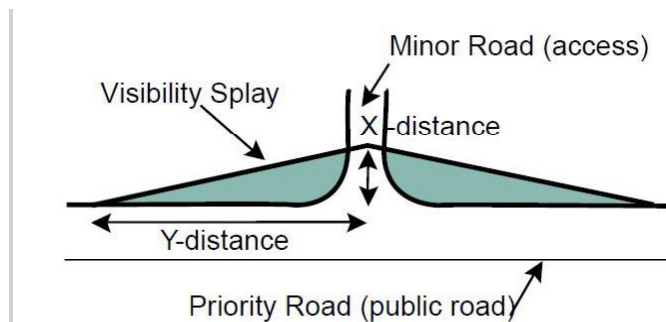


Figure 3: Visibility Splays

- 5.6.5 The x-distance is measured along the centre-line of the minor road from the edge of the running carriageway of the priority road. The y-distance is measured along the near edge of the running carriageway of the priority road from the centre-line of the minor road. Where the access is on the outside of a bend, an additional area will be necessary to provide splays which are tangential to the road edge

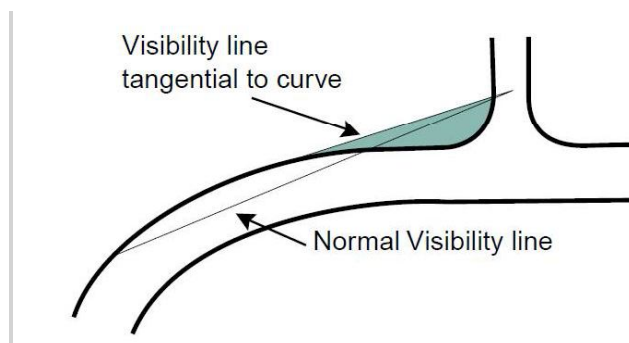


Figure 4: Visibility Splays for Access on Outside of Bend



- 5.6.6 In the case of a new access, x- and y- distances must be adjusted as necessary to allow for any planned road improvements.
- 5.6.7 Forward visibility as shown in Figure 5 is also required to provide inter-visibility between vehicles using the minor road and those proceeding along the priority road. In particular, a vehicle waiting on the priority road to turn right into the access must be able to see oncoming traffic and be seen by following traffic. Forward visibility depends on the same factors as y-distance.

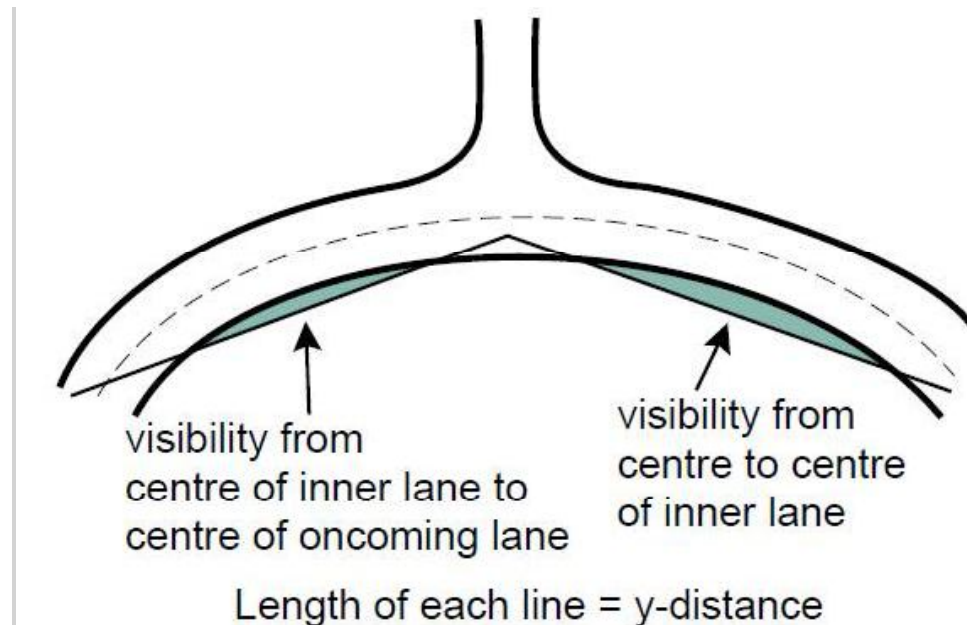


Figure 5: Forward Visibility Requirements

- 5.6.8 The size of the visibility splay depends on the speed limit or observed vehicle speeds on the public road. It is necessary to consider the driver's line of vision, in both the horizontal and vertical planes, and the stopping distance of the vehicle. Where the applicant does not provide observed vehicle speed data, the speed limit will normally be used.
- 5.6.9 The distance along the public road, Y distance, is the distance the driver needs to see along the road edge (see table below). This is measured from the centre line of the access to the location on the road of the approaching vehicle, which varies depending on the speed of approaching traffic. The faster the approaching vehicles, the longer the distance required to see and be seen.
- 5.6.10 The distance back from the public road, X distance, is shown in the table below. The distance varies according to the number of dwellings. The distance is taken from the edge of the carriageway back along the centre line of the private access.

5.6.11 The visibility splay must be assessed between minimum driver's eye line 1.05 metres above the road up to a height 2m above the road and to objective points at the end of the Y distance normally between 0.6m and 2m above the carriageway surface. The assessment must consider obstructions to visibility within the visibility splay including the horizontal and vertical topography in between i.e. hidden dips and crests along the road and any large utilities or other infrastructure already in the area between these points.

5.6.12 For situations with more complex circumstances, such as vertical and horizontal alignment issues, a detailed topographical survey may be requested to ensure the vertical and horizontal zones can be clearly ascertained and any necessary modifications identified.

5.6.13 The following table shows the Y and X values based on speed limit values.

|                     |   |     |     |     |
|---------------------|---|-----|-----|-----|
| Speed Limit         | 30  | 40  | 50  | 60  |
| Y Distance (metres) | 90  | 120 | 160 | 215 |
| X Distance (metres) | Single dwelling = 2.4m; > 1 dwelling = 4.5m |     |     |     |

5.6.14 The y values shown are based on the speed limit of the public road. It may be possible to reduce y values if actual traffic speeds are provided. This should be based on survey data gathered over a minimum duration of one week at locations to be agreed with the Moray Council.

5.6.15 The access, lay-by and visibility splay (both those beside the minor road and those required for forward visibility) must be established before building work commences, to ensure a safe access for builders and tradesmen.

## **5.7 Providing and Maintaining Visibility Splays**

5.7.1 When submitting a planning application it is necessary for the applicant to demonstrate that they have, and can maintain control over the visibility splay area. The applicant will have responsibility for the maintenance of unobstructed sight lines over the visibility splay area. If the visibility splay area includes any neighbouring land then the applicant will need to discuss this with the landowner and make arrangements to satisfy the requirement to demonstrate adequate control for the lifetime of the development.

- 5.7.2 Applicants should give careful consideration to the Trees and Development Supplementary Guidance. Applicants should note that there is a presumption against the felling/removal of trees purely to form an access/visibility. For the avoidance of doubt the visibility splay is an essential feature required for achieving the Moray Local Development Plan Policy T2 Provision of Road Access.  
<http://www.moray.gov.uk/downloads/file100519.pdf>
- 5.7.3 There may be circumstances when the developer wishes to locate the private access on or near a bend in the road. The outside of a bend is the safest option. The extent of the visibility splay must be clearly identified.
- 5.7.4 If there is no alternative arrangement other than to locate the access on the inside of a bend, the applicant must be fully aware of the extent of the area which will be affected by the visibility requirements which they must demonstrate that they have, and can maintain control over, and which must be kept free of obstructions such as buildings, trees shrubs and long grass or other vegetation. In these circumstances early consultation with Transportation officers is recommended.
- 5.7.5 Once provided, visibility splays must be retained and kept clear. In this regard it will be helpful for trees and shrubs to be planted at least 3m to the rear of the visibility splay to allow for future growth.
- 5.7.6 Any boundary walls/fences must be set back to a position behind the required visibility splays.
- 5.7.7 To reduce the impact of an access on the countryside, its location and design must be carefully considered and existing access, including lanes, should be used where possible.
- 5.7.8 Transportation will not introduce a speed limit or warning signage simply to facilitate a new access.
- 5.7.9 Reductions in visibility standards will not be permitted simply because the applicant does not control the required visibility area or does not have a reasonable prospect of bringing it under his control
- 5.7.10 If a dwelling access is located near a junction, visitors might park their vehicles on the priority road and obstruct junction visibility. To reduce this risk, dwelling accesses should not normally join a priority road within the y-distance of a junction.

## Appeal Decision Notice

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Decision by Malcolm Mahony, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/250/2021
- Site address: Langlees, Backmuir of Pitfirrane, Lundin Rd, Crossford
- Appeal by Mr and Mrs Wylie against the decision by Fife Council
- Application for planning permission 09/01207/WFULL dated 22 May 2009 refused by notice dated 31 July 2009
- The development proposed: conversion of former agricultural building to dwellinghouse
- Date of site visit by Reporter: 21 January 2010

Date of appeal decision: 15 February 2010

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### Decision

I dismiss the appeal and refuse planning permission.

### Reasoning

1. The determining issue in this appeal is road safety at the junction between the access road to the site and Lundin Rd.
2. The proposal satisfies the council's housing and design policies and there has been no objection to any matter other than that of road safety.
3. The precise wording of policy T5 of the Dunfermline and The Coast Local Plan is for the council's Transportation Development Guidelines to apply "in" all new developments rather than at nearby junctions. That wording is perhaps unfortunate, but strictly speaking the result is that this policy is not applicable to the appeal case. However, that does not mean that the guidelines should not carry substantial weight in instances such as this. Good practice for any proposed development includes assessment of impacts at road junctions outwith the site.
4. A narrow private access road serves the existing dwelling at Langlees and the adjoining brick built, largely redundant agricultural building which is proposed for conversion to a 3 bedroom dwellinghouse. The access road also serves 3 other dwellings. It is hard surfaced, including near the junction with Lundin Rd.



5. Lundin Rd connects the village of Crossford to the A907 road on the outskirts of Dunfermline. Because of these connections and proximity to the urban area, the road can be expected to (and in my brief experience does) carry a reasonable amount of traffic for its type. It is a winding country road subject to the national speed limit. At various points, road signs and road markings indicate bends and advise traffic to go slowly. Hedges and other roadside features tend to reduce forward visibility.

6. Because the geometry of the road is likely to reduce vehicles speeds to around 40mph, the roads authority was prepared to accept a reduction in its standard for this junction to 2.5m by 110m in each direction. The authority then agreed with Mr and Mrs Wylie's agent that visibility from the junction in a northerly direction was acceptable in relation to that standard. In a southerly direction, however, both sides have agreed that visibility falls short of the standard. The hedge along the adjacent field boundary restricts visibility to some 2.5m by 65m by the Transport Officer's measurement. The agent's measurement is 2.5m by 75m. Mr and Mrs Wylie have been unable to secure suitable control over the land where the hedge runs in order to improve that level of visibility.

7. Although the additional traffic which would be generated by erecting one more house on the access road would be limited, it would make an already seriously substandard junction (whichever of the above visibility measurements is taken) less safe.

8. The appellants say that they intend to live in the new house in order to be on hand for Mr Wylie's parents in Langlees, because his father suffers from health problems. That, they say, would reduce the additional traffic over the present situation where they are visiting regularly. I am sympathetic to Mr and Mrs Wylie's situation, but the erection of a new house and its effect on road safety has to be considered in the long term rather than in relation to current family arrangements, which may change. I am not persuaded that the suggestion of an occupancy condition would be appropriate, or that it would reduce the additional traffic to an acceptable level.

9. I am informed that about 15 years ago, Langlees used to be a chicken farm. At that time large lorries would use the access and junction on a regular basis. The agent claims the junction performed satisfactorily at that time. However, I consider that the junction must be assessed in relation to current circumstances.

10. I acknowledge that the proposal would bring about the beneficial use of the redundant building. I note the argument that permission could incorporate a condition to require the proper maintenance of the present visibility splay for the benefit of all users. But that would be difficult to enforce and would not address the substandard dimensions of the splay. I also note the absence of recorded road accidents near the junction, but I am aware that not all incidents are reported or recorded, and consider it would be unsound to wait for accidents to demonstrate an already obvious shortcoming. The agent has suggested that additional road signage could be put in place to warn of the junction. But such warnings should be a last resort for an existing hazard rather than to deal with new development

which would accentuate the problem. Therefore, having carefully assessed these points, I consider that they are insufficient to offset or over-ride the clear potential harm to road safety in this location.

*This is a true and certified copy as issued to parties on 15 February 2010*

MALCOLM MAHONY  
Reporter