

Letter to The Moray Council re Planning Application ref: 18/01568/APP  
Plot 1 Innesmhor, Findhorn Forres Moray IV36 3YL

I am appealing against the refusal of planning permission and request a review of my application on the following grounds.

1. Policy H3 & IMP1: during a previous application I was clearly told that the plot size of 397 square metres was sufficiently close to the 400sq.m guideline that it would not be a major block to development.
2. The 400sq. m. *included* access/parking. The 2015 rule was never communicated to me and as far as I can tell from simple observation, no other recent local build has had to abide by this rule, so it seems arbitrary / discriminatory.

The current design submitted to you addressed all previous comments;

3. The roof pitch was lowered in keeping with, and to match the gables of Innesmhor & The Whins, both built in the mid 1960s
4. My proposed house was relocated to be out of line of view of 159a & to not overlook /intrude on Innesmhor or the [REDACTED] hot tub / summerhouse which they located immediately hard up against our boundary some years ago.

#### Access: Parking

I travel mostly by bicycle and do not own a car (see below) so bring no extra pressure on the 'amenities' of the area. My intention was to fence the parking area once built, and to surface it with for dual purpose use as a quiet garden patio area. Moray Council claims to support the growth of Moray Carshare, of which I have been a member for over 5 years. I use 3 village-based cars, all of which are parked at specific locations nearby to my plot. I park at my property only to pick up / drop off and the parking area is situated to allow sufficient space for an emergency vehicle to park comfortably & reverse/pull out. To insist that every small studio style, 1-person dwelling must still include access & parking of a size applicable to a 3 / 4 bedroom house seems to completely contradict, undermine and disincentivise the whole carshare purpose & function.

5. The Planning dept. staff member who visited the property very briefly would not have realised that the fence surrounding the plot does not follow the plot boundary but is *significantly* smaller /shorter, erected primarily to protect young trees and a vegetable garden. The plot extends about .25 m - .5 m beyond the fence perimeter, to the far end of the shed, and a new fence will adjust this. So the plot's actual size may have been mis-perceived.
6. The plot is close to the conservation area, in which houses are traditionally densely placed, and adjacent to Innesmhor, which was originally on the smaller garden now reverted to.
7. You mention the 'character' of the area; I am largely responsible for the greener more attractive nature of this area which originally had smaller gardens/plots.

Local Context: Comparison with 3 other recent local applications of regulations: Please see the enclosed photographs of properties mentioned

Permission was granted for [REDACTED] to build 2 adjoined houses on a 1-cottage plot. Access was met by a turning circle, but there is no space for 2 parked cars - this requirement was not imposed on her design. The sizable garden, (with its iconic historic mature tree, one of only 2 in the village— for which no local consultation or financial compensation was required, despite its major role in local

(Photographs included)

biodiversity and bird populations) - ideal for a small family, is completely covered, leaving a minimal, less than 1m strip of earth along a short boundary.

This seems completely contrary to general UK & Scottish government avowed policies claiming to encourage ecological biodiversity, support affordable housing for growing families & local 1<sup>st</sup> time buyers and to ensure water capture to the water table & reducing unnecessary energy usage. Insurers insist on (polluting oil) heating & intense security lighting 2<sup>nd</sup> homes for months when uninhabited. It also contradicts your objection to my plan: it creates very cramped density and massively impacts adjacent properties. The entirely paved garden, a low-maintenance garden trend for holiday-homers currently sweeping the village, has impact on the local water table level & flood issues.

I understand another [REDACTED] resident [REDACTED], has also been granted permission to build on a small plot, (now for sale) replacing a modest, traditional half-house - potentially a small family home in a spacious, child-safe garden, with an over-sized house completely covering the garden, blocking all light, view and rear access for the adjacent traditional cottage, negatively impacting its financial value & habitability except as a part-time holiday / investment home.

[REDACTED] house 159a and its steep-roofed garages both exceeded the permitted heights by about 1m. The house was excessively large at the time, of a style & materials totally out of keeping with this area of mostly single story and partly timber /stone houses. The [REDACTED] family's 2 most recently built houses seem to be defining the future of this area for all other residents: this seems an arbitrary and biased decision.

Also I understand [REDACTED] was granted permission in 2012 for a Ukrainian log holiday cabin on his land immediately bordering my plot. How is this in keeping with the local character? The 'character of the area' you refer to - largely abandoned formerly 'midden' land used a dump for old furniture, high hummocks of gorse and marram, unable to be walked, has been improved and partly created by my landscaping, tree and shrub planting. The original plots were smaller than 400sq.m.

Since my plan has been refused, [REDACTED] intends to build on his land adjacent to my plot. My modest 1-2 person dwelling and bio-diverse kitchen-garden (restoring local indigenous shrubs & herbs lost in recent builds) I hope to continue to improve, is more like the original fishing village homes, not another 6 bedroom home no single or young locals can afford. Findhorn vernacular style is completely disregarded by the most recent builds of generic suburban housing.

I ask please that you reconsider my application in the light of all these factors.

Findhorn is at risk of dying as a real village; with no resident children growing up here or able to settle here as adults, no full school bus, struggling local shop, post office and pubs, in favour of a summer playground and cash-cow for absent part-time owner/investor-developers.

I have lived here for 22 years contributing to local culture, health care and economy. I used to teach on post-graduate architecture and planning courses, when the aesthetics and whole socio-ecological fabric of the community were seriously and carefully considered in planning decisions.

Thank you,

Yours sincerely,

Beverley A'Court [REDACTED]

17.06.19

Postscript:

I have become aware of the Dunelands planning application form38 more house in the dunes area and that previous development aims by Dunelands were advised against.

How can Moray Council refuse my application while granting this? a totally inappropriate ecologically destructive, financially motivated development which will bring more wealthy outside pensioner residents, create yet more 2nd homes, more vehicles, and destroy much of what makes life here healthy and brings visitors to this beautiful, natural area.

Primary reason given for refusal: Over-development/Site too small

My plot, historically part of one of the old village middens, is close to the conservation area, in which houses are traditionally densely placed, but with small highly cultivated, biodiverse gardens. My plot is adjacent to Innesmhor, which was originally, like Wyken Cottage opposite, on a smaller plot now reverted to.

The size of my proposed house – which could have been even smaller if Moray council allowed tiny house or small eco-friendly, minimal-resource-consuming mobiles on such plots – covers far less, proportionally, of its plot than a number of recent builds in the village and its rejection seems completely discriminatory. Other cottages in the conservation area have been allowed to 'develop', build holiday-home cabins and extensions close to original buildings, completely covering garden areas, increasing the original density. It therefore seems very discriminatory to claim my small house on its significant plot is over-development on a too small plot.

Comparison with 3 other recent local applications of regulations: Please see the photographs sent with my original application and prints of properties mentioned.

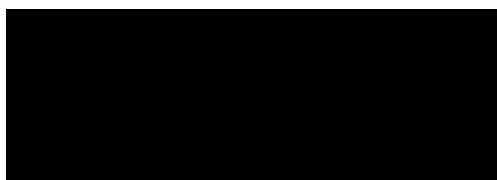
Example: Permission was granted for [REDACTED], at plot no. 110, to build 2 adjoined houses on a 1-cottage plot. This contradicts your objection to my plan: it creates very cramped density and massively impacts adjacent properties. The entirely paved garden, a low-maintenance garden trend for holiday-homers currently sweeping the village, has impact on the local water table level & flood issues.

I understand another [REDACTED] resident, my friend and neighbour [REDACTED], has also been granted permission to build on a small plot, in the nearby lane no. 133 (now for sale) .His plan replaces a modest, traditional half-house - potentially a small single person /couple or family home in a spacious, child-safe garden, with an over-sized house completely covering the garden, blocking all light, view and rear access for the adjacent traditional cottage, negatively impacting its financial value & habitability except as a part-time holiday / investment home. The cottage at 133 was capable of restoration, is inside the conservation area but was intentionally allowed to decay over 28 years and planning permission granted for a completely inappropriate building to replace it for financial gain, with no respect again for the historical garden area or for the need for *small*, single person \ small affordable family accommodation in the area. I regard this as short-term planning but for current purposes, primarily I do not understand how this could be acceptable but my modest plans refused.

There seems to be a consistent planning policy bias to support large houses as 2<sup>nd</sup> homes or for wealthy incomers.

Access / Parking

1. Policy H3 & IMP1: during a previous application I was clearly told that the plot size of 397 square metres was sufficiently close to the 400sq.m guideline that it would not be a major block to development, once a few adjustments were made to my design/materials – all which conditions were met & accepted. The current design submitted to you addressed all previous comments;



- i. Roof pitch, originally designed to resemble traditional village half-houses / net stores, was lowered in keeping with, and to match the gables of Innesmhor, Wyken and The Whins, built in the 1960s
  - ii. My proposed house was relocated to be out of line of view of 159a & to not overlook /intrude on Innesmhor or the [redacted] hot tub / summerhouse which they located immediately hard up against our boundary some years ago.
2. The 400sq. m. *included* access/parking. The 2015 rule was never communicated to me and as far as I can tell from simple observation, no other recent local build has had to abide by this rule, so it seems arbitrary / discriminatory. This policy, applied only to this one lane, based on the most recent buildings seems arbitrary and exceedingly biased. Access @ new build no. 110 has been met by a turning circle, but there is no space for 2 parked cars - this requirement was not imposed on her design.

Carshare

I travel mostly by bicycle and do not own a personal car (see below) so I bring no extra pressure on the 'amenities' of the area. My intention was to fence the parking area once built, and to surface it for dual purpose use as a quiet garden patio area but easily allowing space for 2 cars and emergency vehicle access.

Moray Council claims to support the growth of Moray Carshare, of which I have been a member for over 5 years. I use 3 village-based cars, all of which are parked at specific locations nearby to my plot. I park at my property only to pick up / drop off and the parking area is situated to allow sufficient space for an emergency vehicle to park comfortably & reverse/pull out. To insist that every small studio style, 1-person dwelling must still include access & parking of a size applicable to a 3 / 4 bedroom house seems to completely contradict, undermine and disincentivise the whole carshare purpose & function.

Character of the Area:

The definition of 'the area' of my plot seems completely arbitrary and favours the most recent large buildings erected, in generic suburban housing style and materials, not in the prevailing style or historical nature of this part of the village and prevailing village centre vernacular. A terraced property close to my plot had been permanently occupied and a creative, picturesque, biodiverse garden created. The house was sold several years ago and became a holiday home – all the planted areas and young trees were removed, leaving a bare area and ugly exposed oil tank.

My planned house and its garden resembles the many small, traditionally well cultivated small homes and plots throughout the back lanes of Findhorn. The neighbouring bare lawn, the eradication of all wild plants trees & shrubs around no 159a & 159 c is the exception, and 2<sup>nd</sup> investment home-style should surely not be the deciding criterion influencing all future planning permissions.

Ecological Impact, Climate Emergency & Biodiversty

My modest 1-2 person dwelling and bio-diverse kitchen-garden (restoring local indigenous shrubs & herbs lost in recent builds) which I continue to improve, is more like the original fishing village homes, not another 4 bedroom home no single or young locals can afford. Findhorn vernacular

style and ecology seem completely disregarded by the recent builds. My plot is still being created but has a small plot of organic vegetables, native trees which I planted and aims to foster biodiversity and restore many local plant species lost during recent housing development. Refusal of my plan seems particularly sad for the area, which I have observed to be losing species year by year.

Example: The sizable garden at no.110, (with its iconic historic mature tree, one of only 2 in the village– for which no local consultation or financial compensation was required, despite its major role in local biodiversity and bird populations) - ideal for a small family, is completely covered, leaving a minimal, less than 1m strip of earth along a short boundary.

This seems completely contrary to general UK & Scottish government avowed policies claiming to encourage ecological biodiversity, local food production/kitchen gardening, support for affordable housing for growing families & local 1<sup>st</sup> time buyers and to ensure water capture to the water table & reducing unnecessary energy usage.

The ecological impact of 2<sup>nd</sup>/3<sup>rd</sup>/ investment homes in Findhorn seems to be completely overlooked. The many 2<sup>nd</sup> homes in the area around my plot are empty for many consecutive months, yet insurers insist on (noticeably air-polluting) oil heating and intense, invasive, light-polluting security lighting, all wasting precious energy resources, for which we all end up paying. The systematic felling of mature trees marked as 'significant' on Moray Council's own plans, the destruction of all shrub, fruit trees, native herbs, edible plants and flower beds in favour of 'low maintenance' paved, deck & gravel areas, has noticeably reduced the number & variety of birds, butterflies & insects in the area. There seems no care, concern or incentives to encourage Findhorn homeowners to act in more ecologically responsible ways. To refuse my application as a long-term permanent resident for a humble, unostentatious home here seems again to disregard all publicly promoted ecological and housing aims.

Since my plan has been refused, [REDACTED] has made clear he intends to build on his land adjoining my plot

I ask please that you reconsider my application in the light of all these factors. Thank you.

[REDACTED]

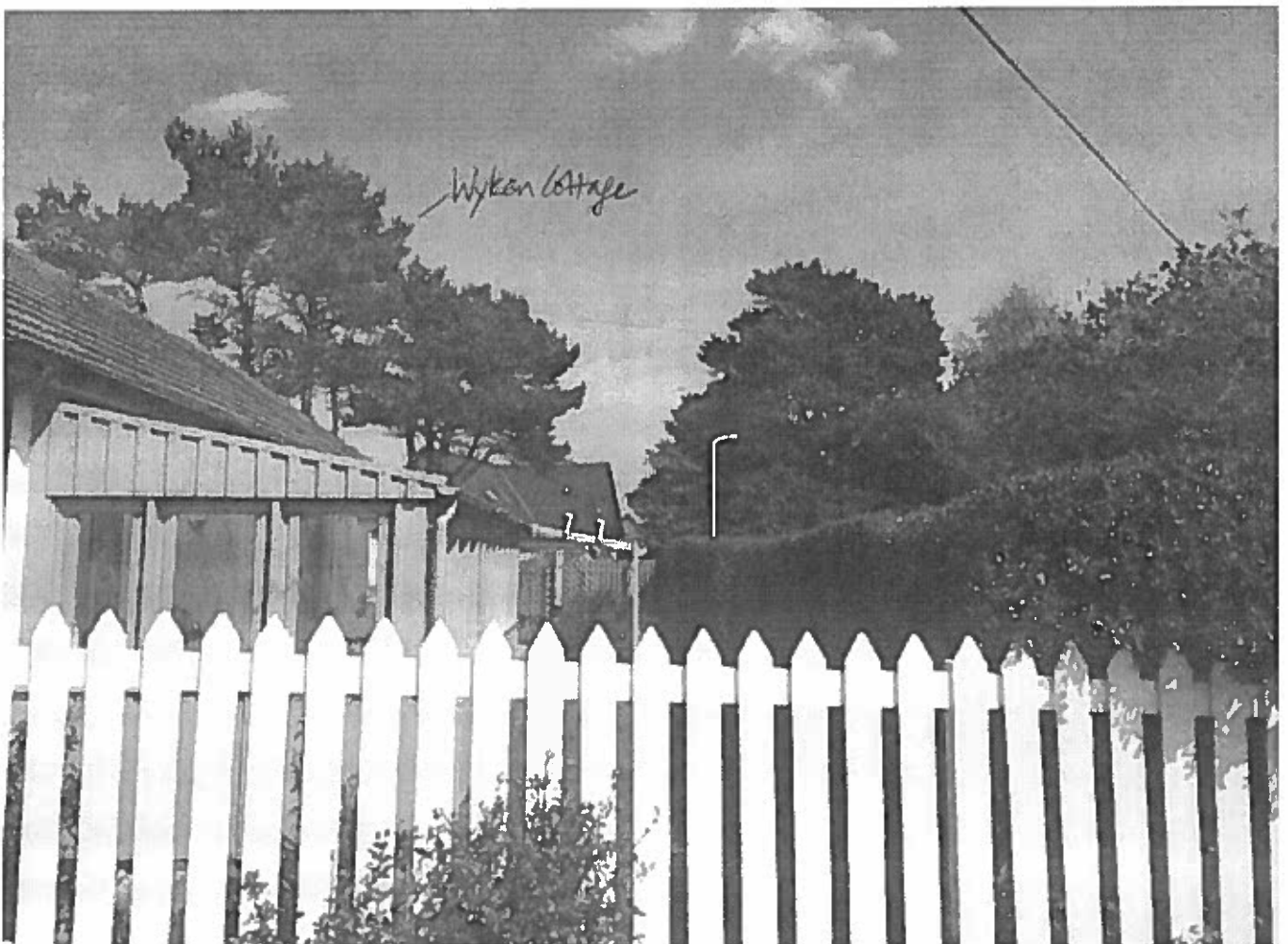
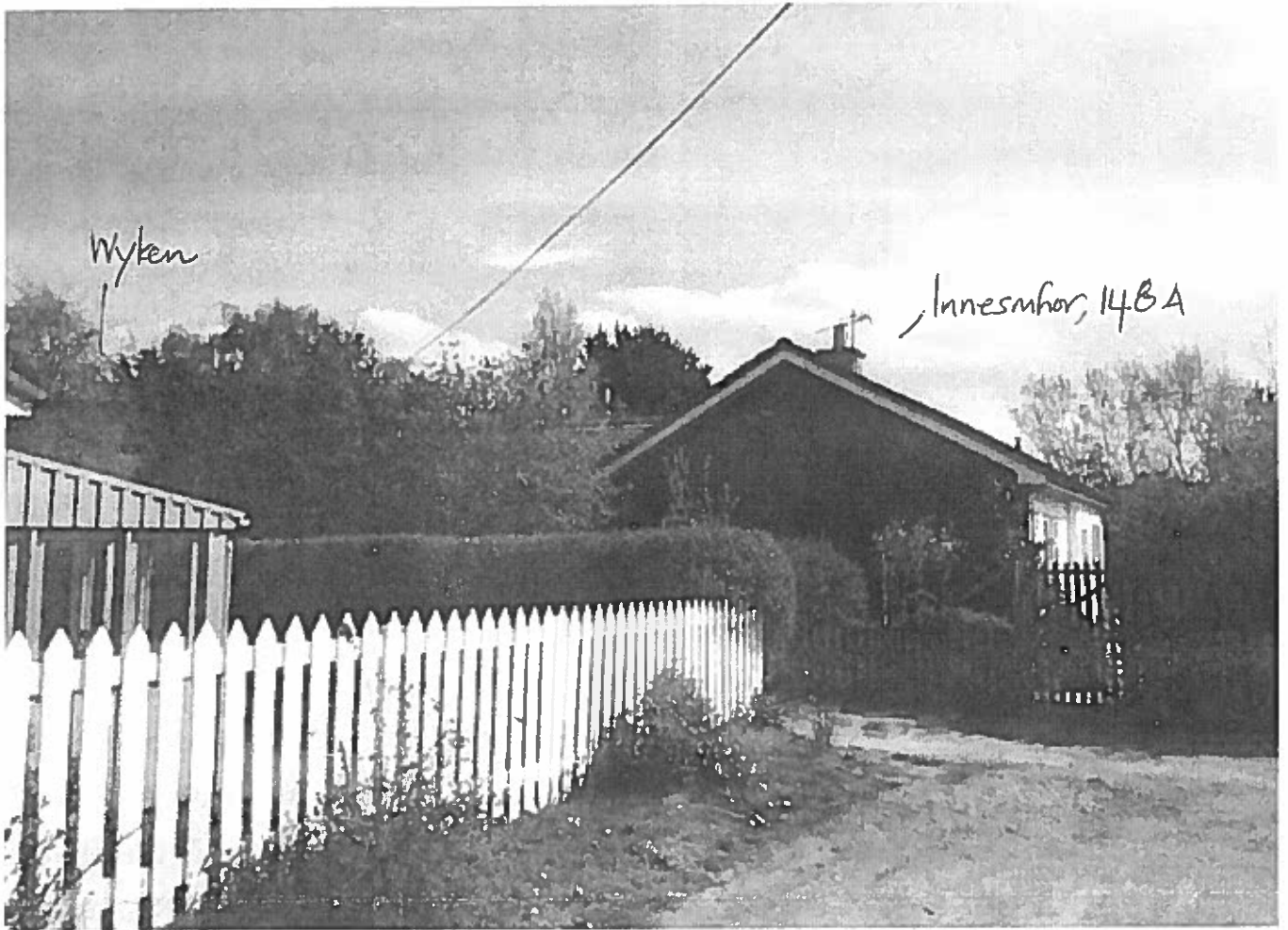
[REDACTED]







My proposed plan @ the Plot would be at this level of density/proximity,  
characteristic of much of the village.





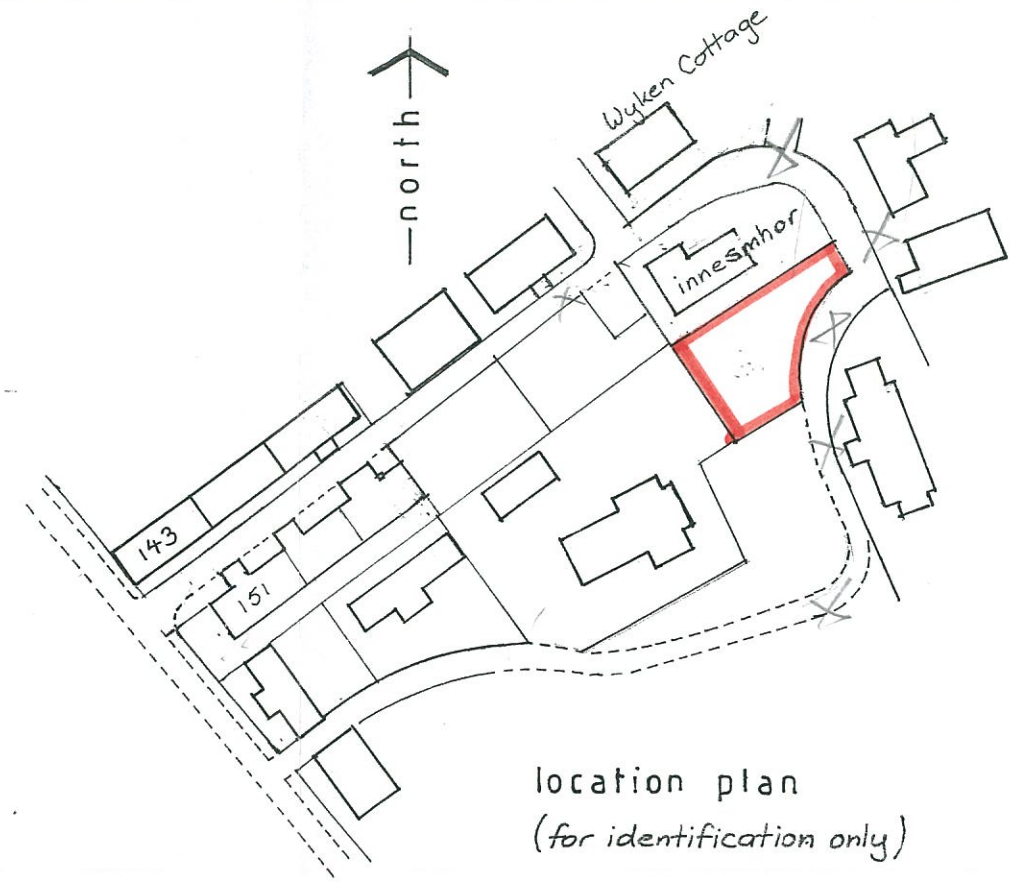
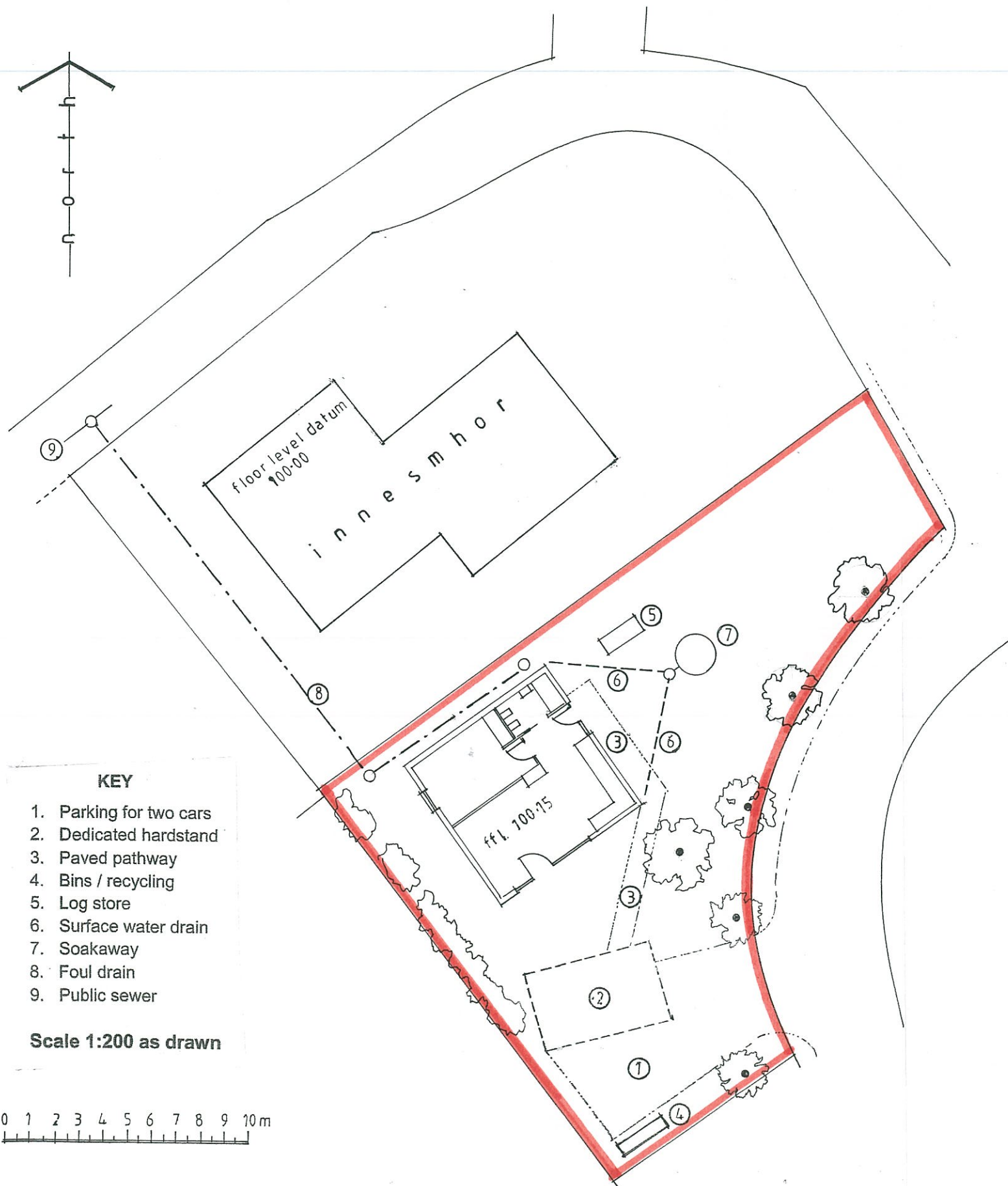
Innesmhor



Rear of Wykon



new house adjacent to Innesmhor  
site plan



location plan  
(for identification only)

0 10 20 30 40 m  
scale 1:1000

KEY

- 1. Parking for two cars
- 2. Dedicated hardstand
- 3. Paved pathway
- 4. Bins / recycling
- 5. Log store
- 6. Surface water drain
- 7. Soakaway
- 8. Foul drain
- 9. Public sewer

Scale 1:200 as drawn

0 1 2 3 4 5 6 7 8 9 10 m

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

**REFUSED**

19.03.2019

Development Management  
Environmental Services  
The Moray Council

23 JAN 2019

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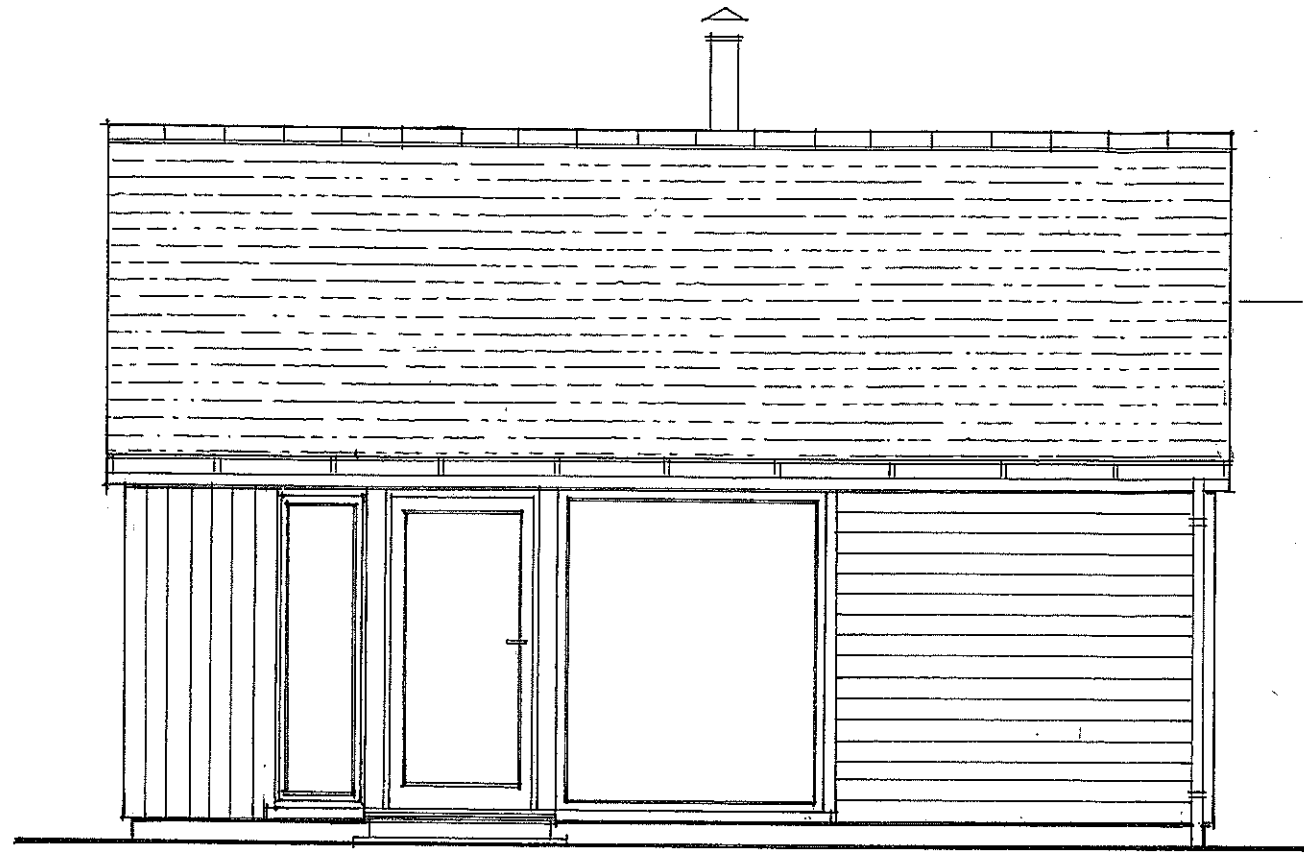
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Town & Country Planning  
(Scotland) Act, 1987  
as amended

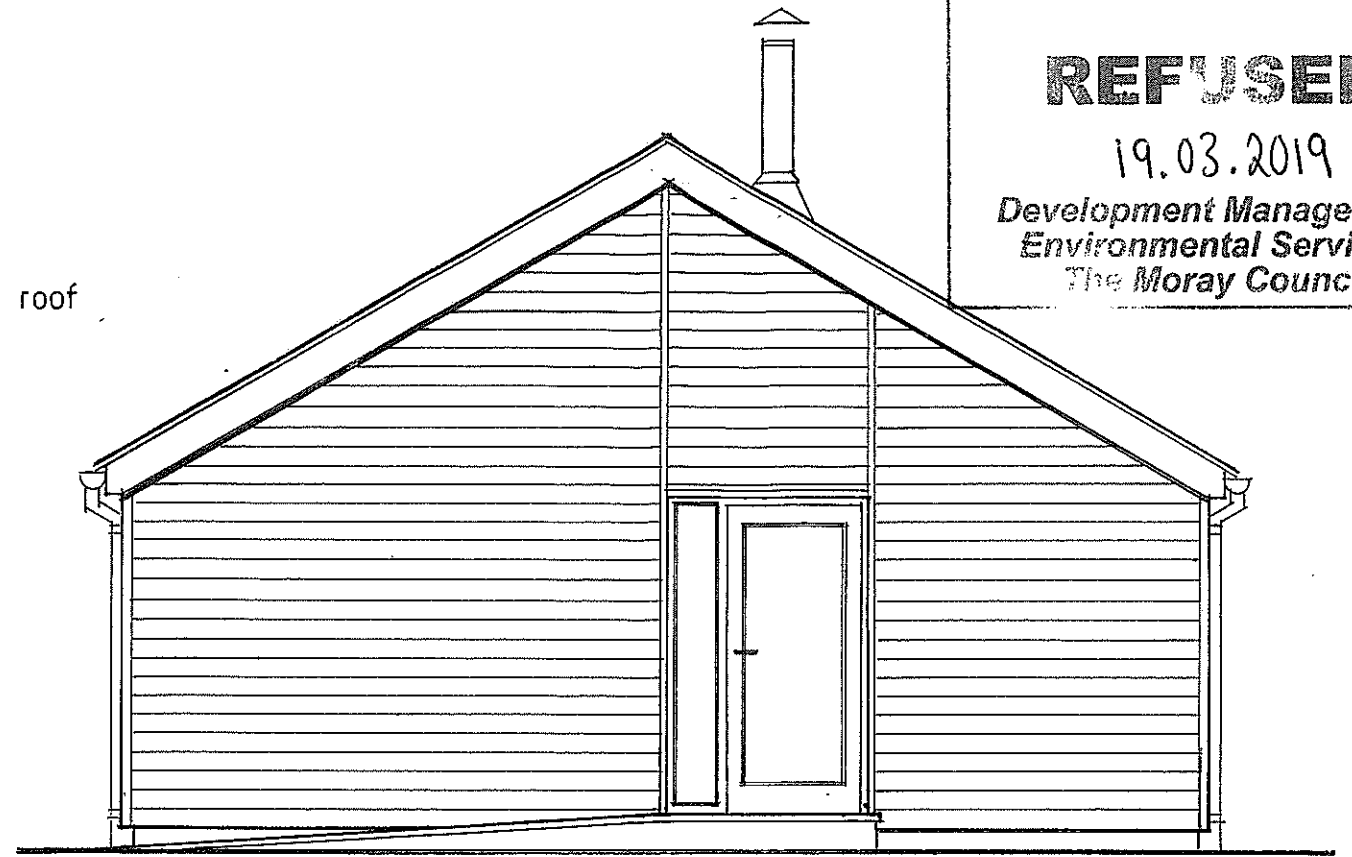
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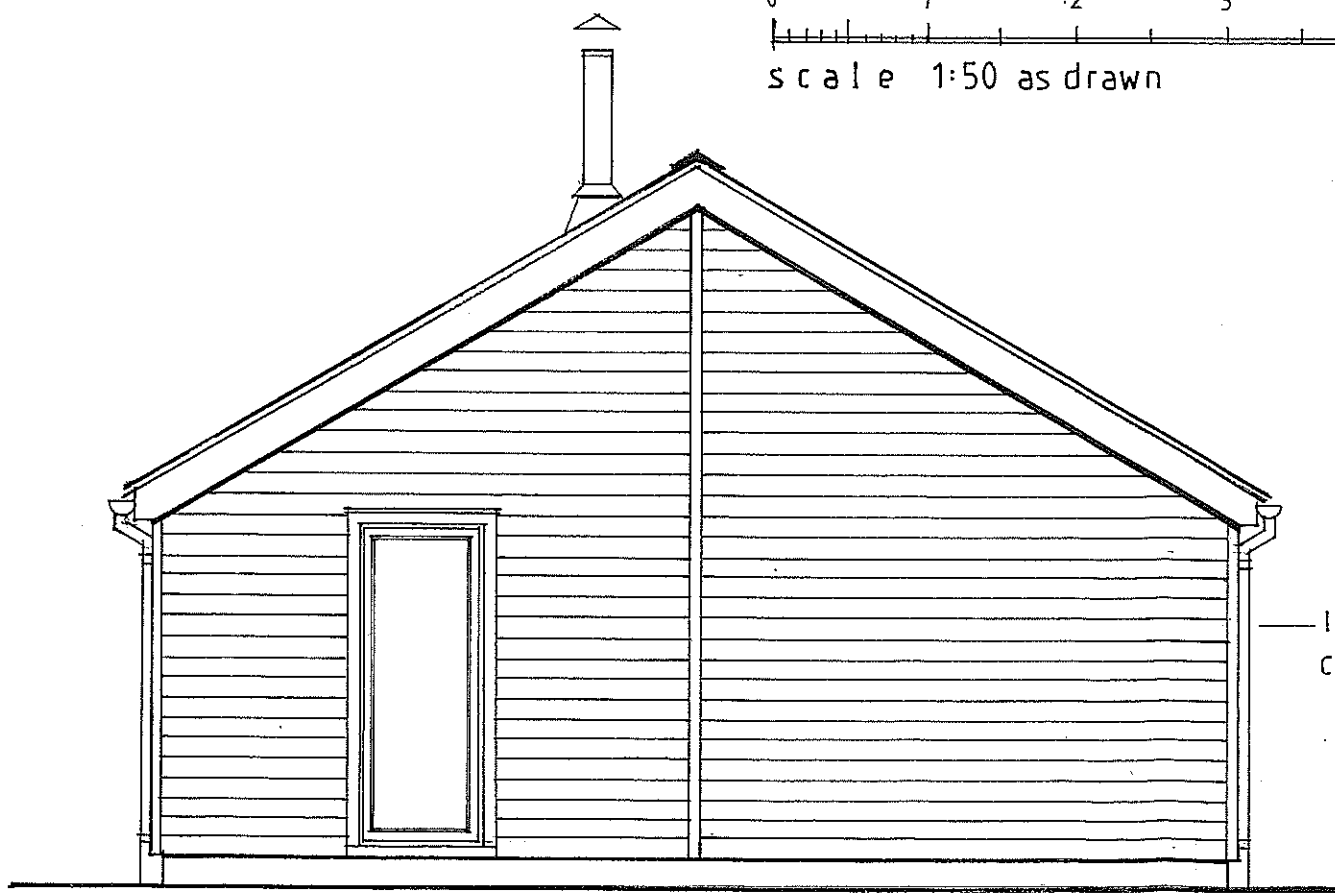


south east

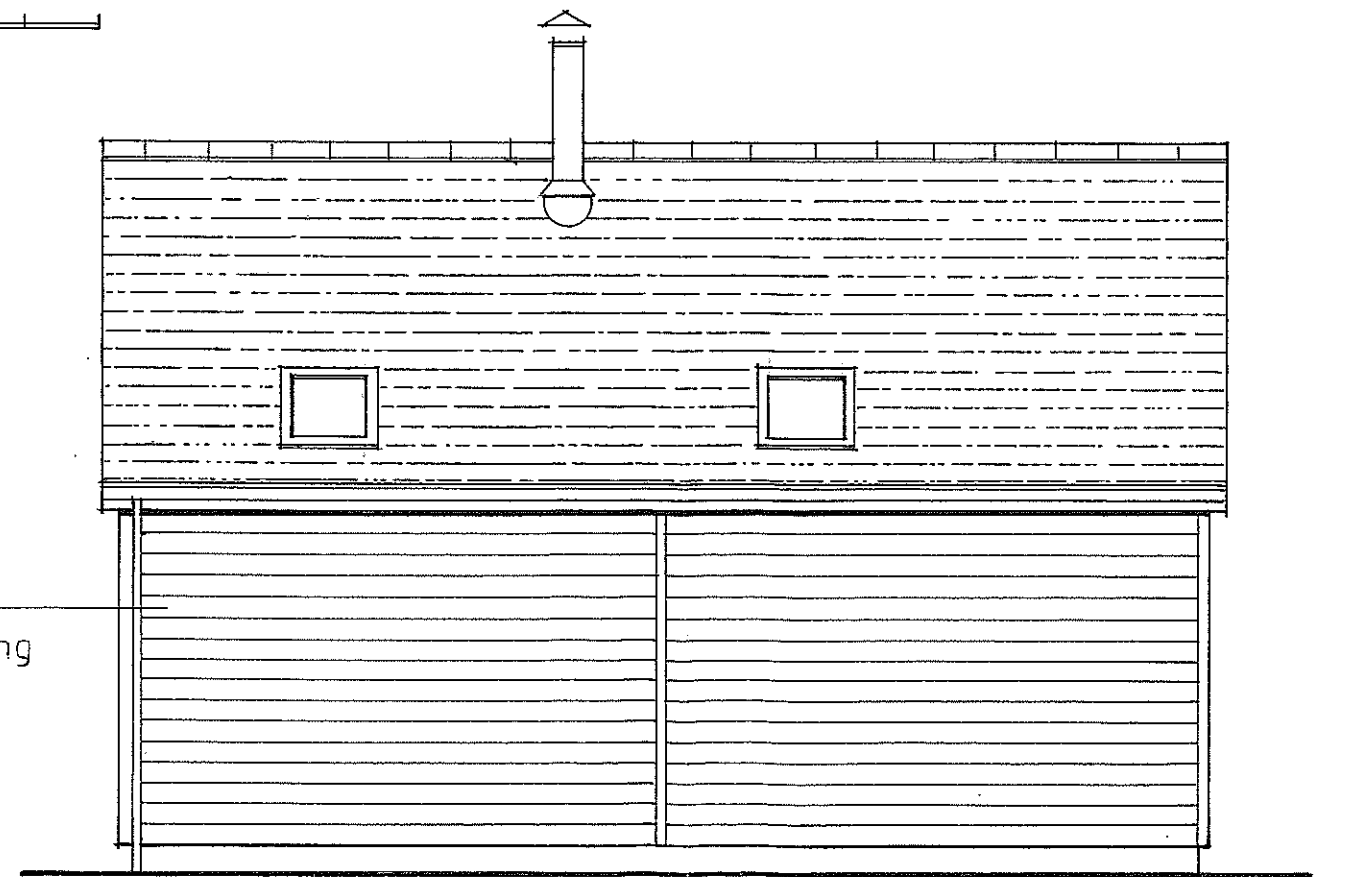


north east

0 1 2 3 4 5  
scale 1:50 as drawn



south west



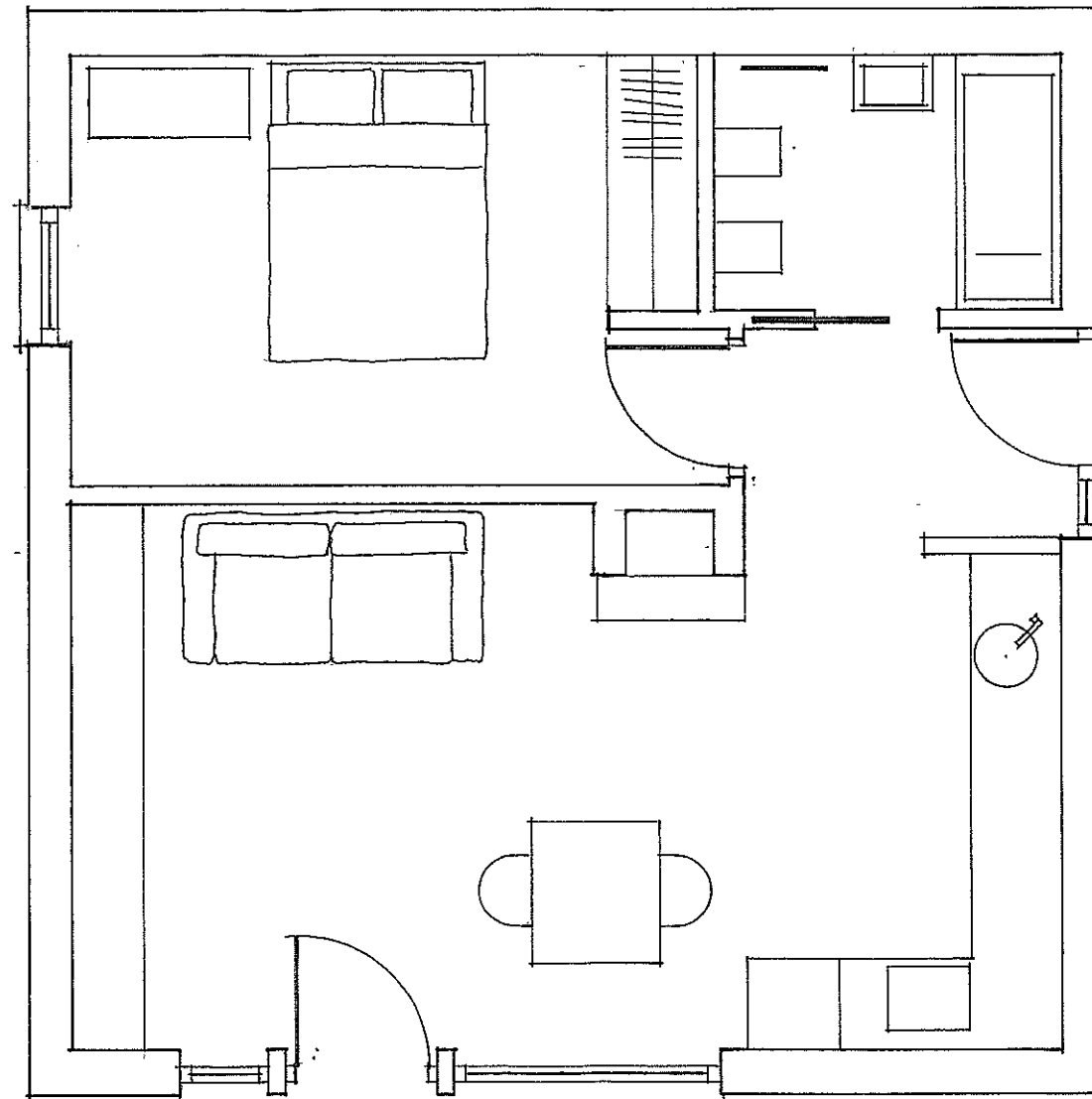
north west

12 DEC 2018  
18/01568/APP  
2



n e w h o u s e a d j a c e n t t o I n n e s m h a y

f l o o r p l a n

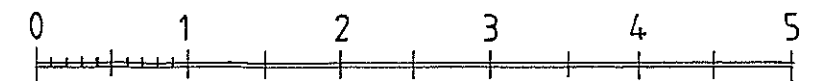


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scale 1:50 as drawn

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3