

13 Tamdhu Distillery Cottages  
Knockando  
Aberlour  
Moray  
AB38 7RU  
21.05.19

Dear Sir/Madam,

I am writing in relation to our recent planning application, which was declined on the grounds of being located in a restricted build area or 'hot spot'. I hoped, if I may, to give you some background information about ourselves and why this planning application is of great importance to us.

Both my husband and I have lived and worked in Moray almost all of our lives (although I moved here from Wales when I was 3 years old). Indeed, I have been a loyal and hardworking employee of Moray Council since 2005. We briefly moved to Aberdeenshire to rent a property with land for our horses but it was very remote and we decided to move back in 2010, after 18 months away from the area, to be nearer both our families, as we were expecting our first child. My husband returned to work at Tamdhu Distillery in 2012 after being made redundant during the mothballing of the site in 2010, and remains there still, and is now Assistant Manager. This role includes a Distillery cottage where we have lived since 2012. It has served us well but with having two young girls and very little storage space, with little opportunity to upgrade or develop the property, we are finding that we have outgrown this home. We also want to ensure long term security as when Mr Whitecross eventually retires, we will have to leave this property, and getting onto the housing ladder in our 60s isn't favourable. Furthermore, in his role as Assistant Manager of the distillery here at Tamdhu, Mr Whitecross is 'on call' every other week and needs to be able to get to the site quickly, should we move elsewhere. Our girls are also very happy and settled at the local Playgroup/Nursery and Primary School, and are therefore near their friends and activities, so we really need to stay in this area.

In addition to the above points, we also own the land in the proposed planning application, and have done for around 5 years now. This land was only ever intended to be home to our horses, for grazing. These horses are a huge amount of work and involve at least 2 visits a day (when everything is going well with our poorly pony), for around an hour each visit minimum, just to do the day to day care required, not including the exercising of them. One of the four horses suffers with insulin resistance (Similar to type 2 diabetes in humans) and cushing's disease, making him very susceptible to the potentially fatal condition called 'laminitis'. He has to have a very special diet and management regime, alongside lifelong medication, with very limited grass intake/turnout time, lots of exercise, and he needs to be monitored closely. This would be much easier if he was essentially in an

adjoining field to our house in terms of travel time and fuel costs, but with him being so sensitive it would also be of great benefit to be able to monitor him as carefully as he requires, particularly at times of illness flare ups. I have a lot of tack and equipment stored at the field, as well as the high value (both monetary and sentimentally) of my horses and I do worry about security, with us being four miles away. Our neighbours are great, and we get on very well, but they are not equestrians themselves and can't be expected to keep an eye on the place 24/7. In the winter months it can be a huge worry when the roads are bad in snowy conditions, meaning that we are sometimes driving in treacherous conditions to get to them, and also have to take water with us from home quite often as we have no mains water and the water collection that we have from the rain water off the shelter roof, freezes. This is another reason we are not only tied to the area, but would really benefit from having a house on site.

We attempted to buy a property in the village of Archiestown only last year, in order to be closer to our horses, a little closer to my work but still in the vicinity of Mr Whitecross's place of work and the kids' school. It appeared to tick most of the boxes, but unfortunately, we had to pull out of the purchase at the last minute, much to our financial and emotional loss, due to our solicitor finding that the house deeds were inaccurate and not really rectifiable, without involving the other three neighbours' solicitors in the small cul-de sac where the house was located. The seller of the property was not willing to even try to rectify this. In short, part of our land was situated behind a large retaining wall, and in the neighbour's garden. There was pipework that could not be sourced, shared rights of the properties drive way and responsibilities placed upon the new owners that were unreasonable, only due to being the last property of the group to be sold. After talking to several local friends who live in Archiestown already, I am led to believe that this is fairly typical of the village. As a result we decided to pursue building our own property, on our own land in order to ensure everything was done 'right', and to avoid this problem again.

We, nor our architect had heard of the 'Hotspot' areas and restricted building of dwelling houses in certain locations across Moray, which is obviously our error. Whilst I completely understand why the Council would wish to ensure that the outskirts of country villages do not become over populated, I am disappointed to see that no houses have been approved since this came in in 2017, however in other restricted build areas such as Birnie for example, there have been at least a few planning applications passed. In the particular area that we are hoping to build there really have been very few new builds over the years we have been here, even before the new restrictions came into place and it certainly isn't overpopulated with such sites. Further along the road, not far from Macallan there seems to be huge houses going up left right and centre; some of which are massive and can be seen from miles away, however these are not in the restricted zone.

We have gone to great expense and taken a lot of time to ensure that our proposed house is in keeping with the countryside area; not too big or extravagant, and isn't anything more than a decent sized family home. The access is already present and it is not in anybody's way nor blocking anyone's view. Indeed, the house would hardly be seen from the main road, due to where we have positioned it on the plans. We want to conserve as much grazing land as we can whilst keeping the property sensible. The proposed site does not require tree removal or in fact, much excavation at all. We hoped by having exact plans drawn up that the proposed house could be seen clearly and it would save time and hassle by going backwards and forwards, we know you are busy people! We have no desire to build more than this one house, which will be for our family to live in and not to be sold to make a profit, like some new houses and developments we've seen.

With all the above points in mind, I wish to ask you to look again at our planning application with the hope you may reconsider your response. We are decent, hardworking people and only wish to have a family home that suits our needs and responsibilities. We are happy to comply with any suggested changes to make our dream a reality.

Thank you for your time.

Yours Faithfully

Mrs Linda Whitecross

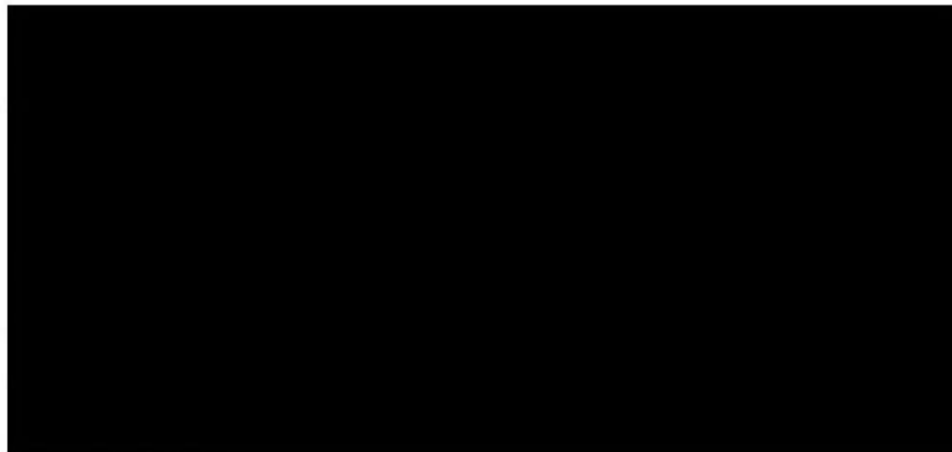


**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Speyside Glenlivet]  
Application for Planning Permission**

TO

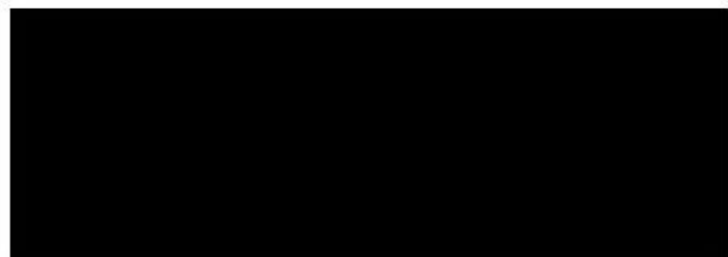


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Erect dwellinghouse and garage at The Maltings Adjacent To Cairnvonie Farm  
Archiestown Moray**

and for the reason(s) set out in the attached schedule.

Date of Notice: **10 May 2019**



**HEAD OF DEVELOPMENT SERVICES**  
Environmental Services Department  
Moray Council  
Council Office  
High Street  
ELGIN  
Moray  
IV30 1BX



**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

By this Notice, Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to the provisions of the Moray Local Development Plan 2015 because the proposal would contribute to an inappropriate build-up of development that would be detrimental to the rural character of the surrounding area, contrary to policies H7 (Housing in the Countryside) and IMP1 (Developer Requirements), as well as the Supplementary Guidance on Housing in the Countryside.

This is further supported by the Moray Local Development Plan supplementary Guidance Note on Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside, whereby the site is located in an area where a build-up of housing (built and consented) is considered to have an adverse impact on the character of the surrounding rural area. The development of a house on this site would further exacerbate this.

Whilst limited weighting is given to it, the proposal is also contrary to the Proposed Moray Local Development Plan 2020 (policies DP1 (Developer Requirements) and DP4 (Rural Housing)).

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

The following plans and drawings form part of the decision:-

<b>Reference</b>	<b>Version</b>	<b>Title</b>
002	D	Site plan garage elevations and floor plan
003	A	Site and location plan
001	C	Elevations and floor plans

**NOTICE OF APPEAL**  
**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

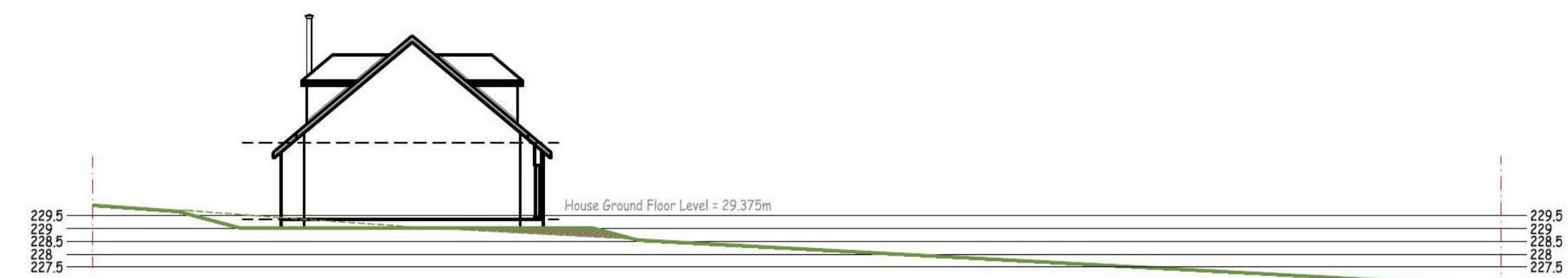
If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from

[www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

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 5 of the Town and Country Planning (Scotland) Act 1997.



Amendments		Date
A	First issue	Oct. 18



PROPOSED SITE SECTION THROUGH 'Y' - 'Y' SCALE 1:200 @ A1



PROPOSED SITE SECTION THROUGH 'X' - 'X' SCALE 1:200 @ A1

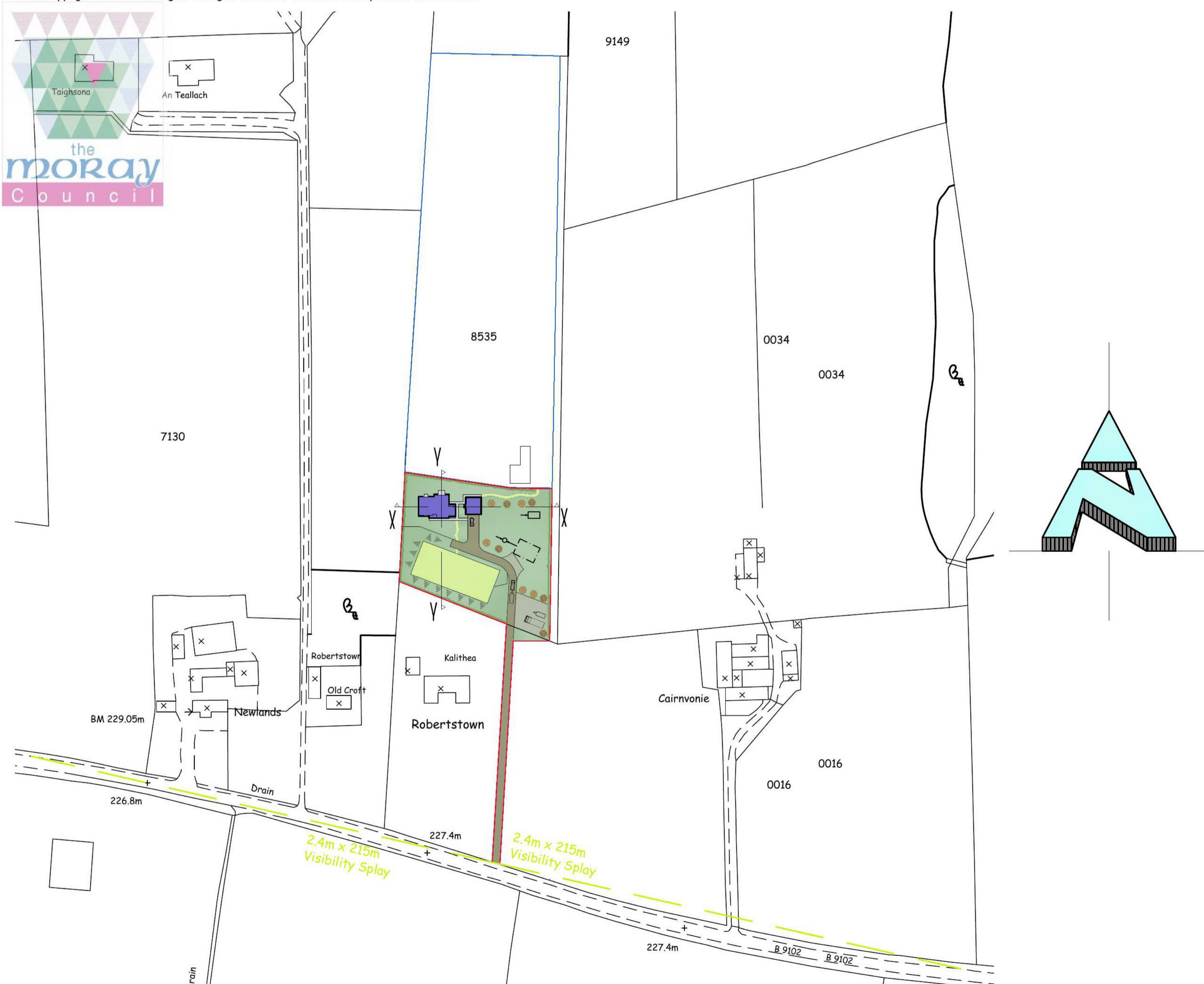
Town & Country Planning  
(Scotland) Act, 1997  
as amended

**REFUSED**

10 May 2019

Development Management  
Environmental Services  
The Moray Council

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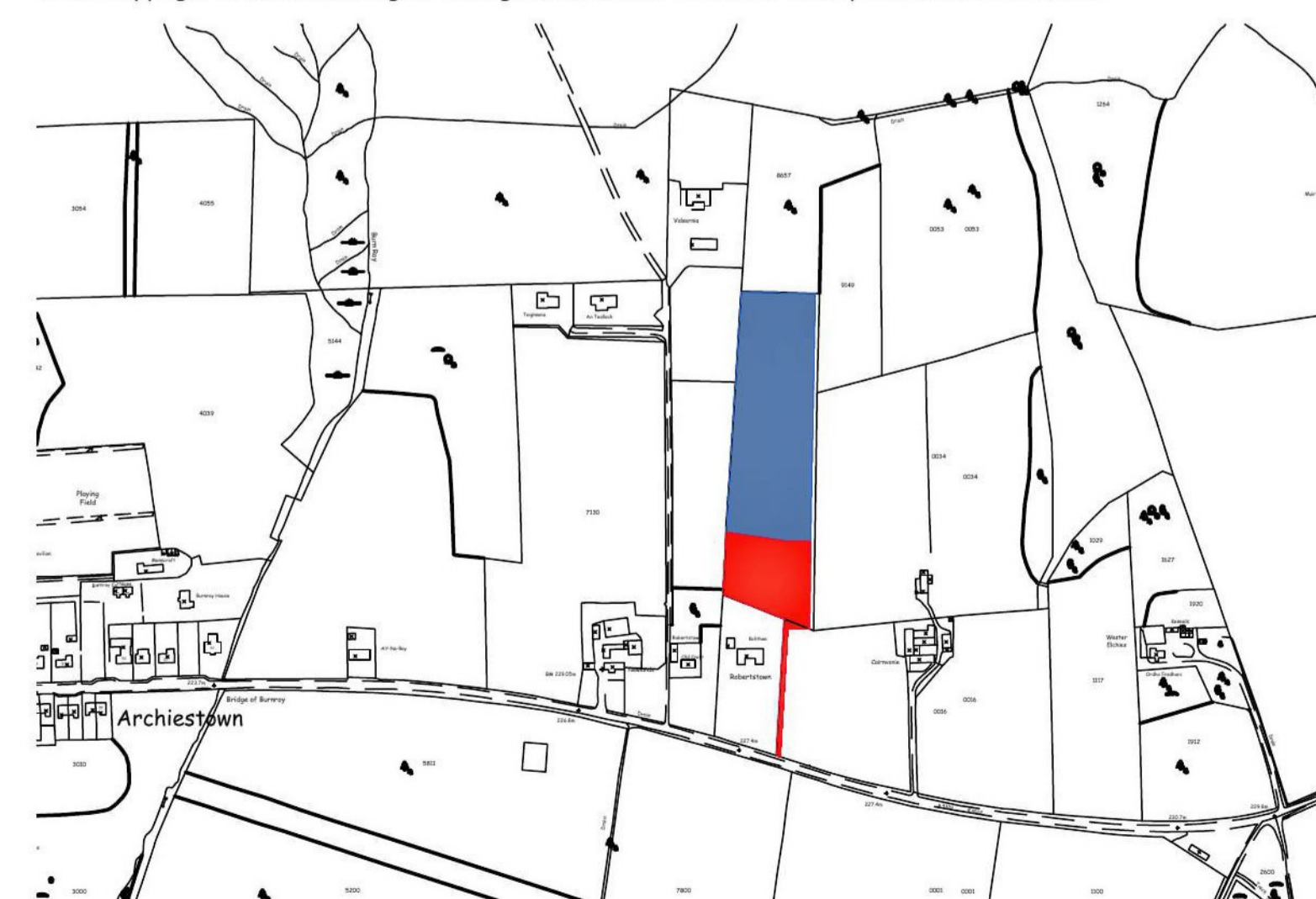


PROPOSED SITE LOCATION PLAN SCALE 1:1250 @ A1



PROPOSED SITE LOCATION PLAN N.T.S

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PROPOSED SITE LOCATION PLAN SCALE 1:5000 @ A1

**kenmathieson**  
ARCHITECTURAL DESIGN  
& DEVELOPMENT CONSULTANT  
LTD.  
MANSARD HOUSE  
15 OLDMELDRUM ROAD  
BUCKSBUURN  
ABERDEEN  
AB21 9AD  
TEL: 01224 710357  
FAX: 01224 710358  
E-MAIL: info@kenmathieson.com

DOMESTIC, COMMERCIAL & INDUSTRIAL

Client: Mr & Mrs Iain Whitecross

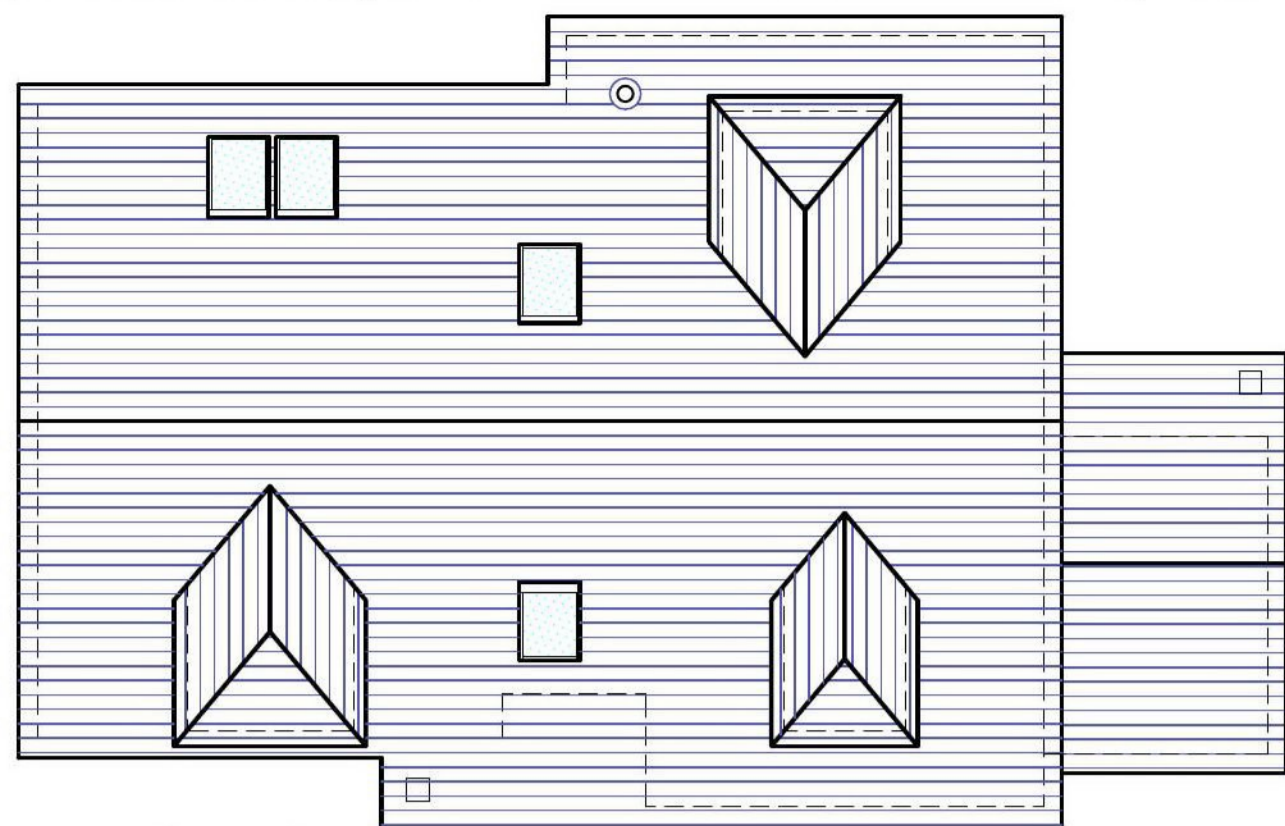
Project: Proposed Dwelling House & Garage  
at Site "The Maltings" at Cairnvoie Farm,  
Archiestown, Moray

Title: Proposed Site Plan & Site Sections

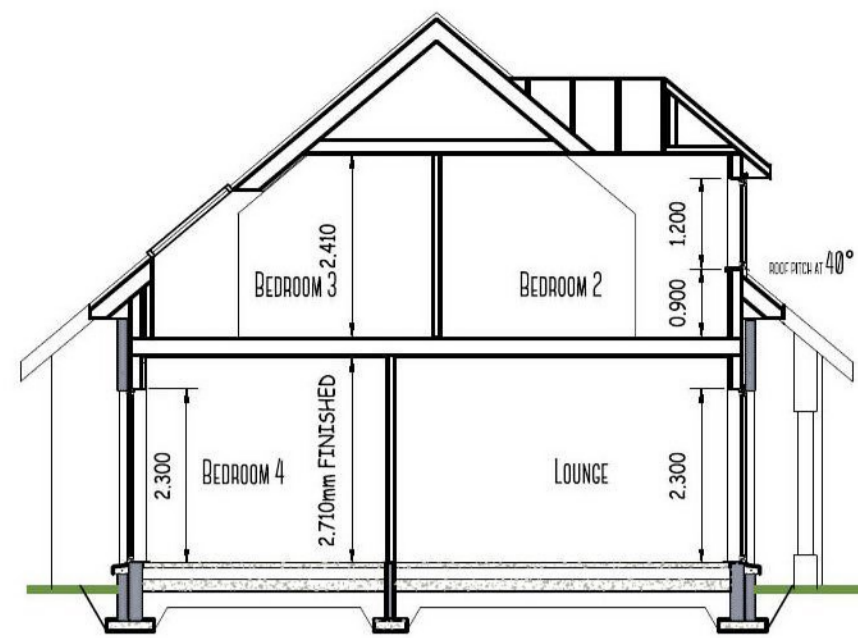
Scale: As Shown Date: Oct. 18 Drawn by: KM

Job No: IW Date: 003 Issue: A

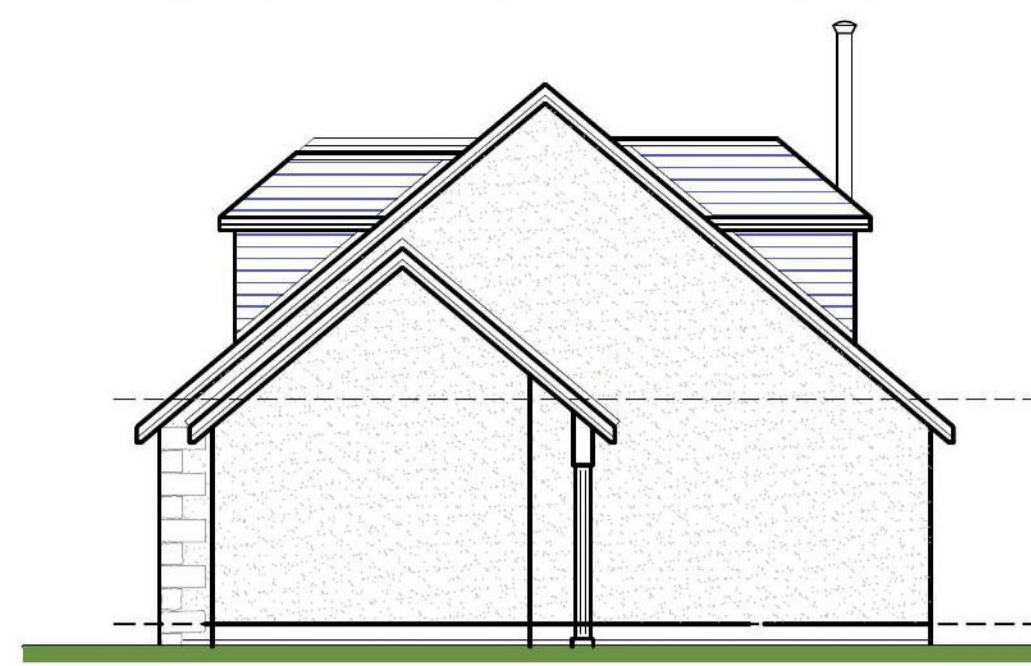




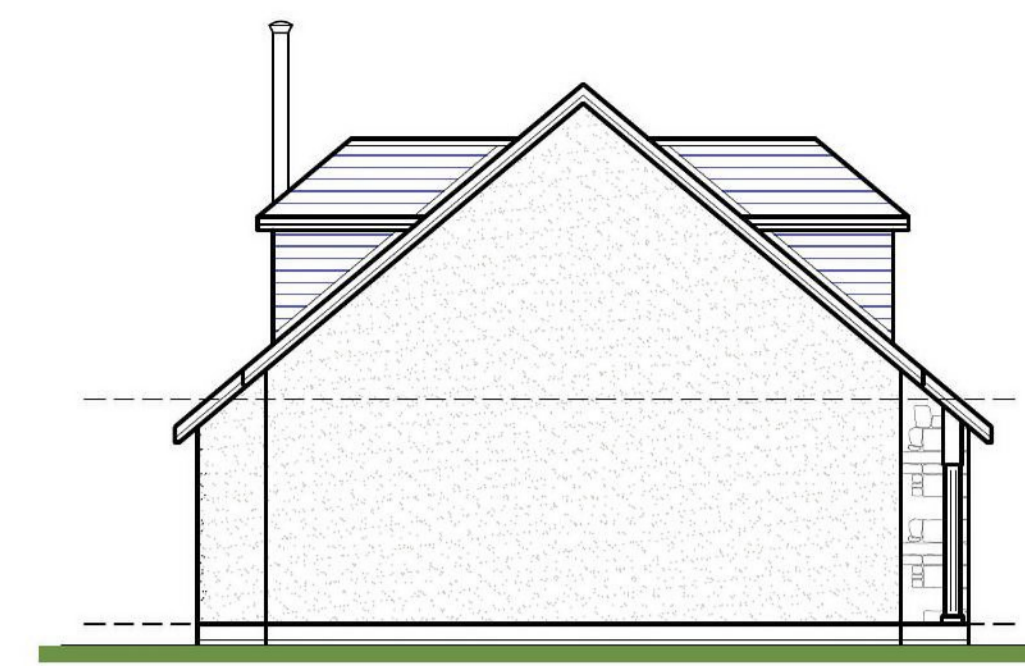
ROOF PLAN SCALE 1:100 @ A1



CROSS SECTION SCALE 1:100 @ A1



PROPOSED SIDE ELEVATIONS (EAST & WEST FACING)



SCALE 1:100 @ A1

Amendments	Date
A First issue	Oct. 18
B Updated Layout	Jan. 19
C Updated Layout	Feb. 19

**FINISHES:-**

- ROOF: NATURAL SLATE
- WALLS: RECLAIMED CUT & CLEANED SAND STONE
- WALLS: LARCH TIMBER LININGS
- WALLS: ROUGHCAST BLOCKWORK
- BASECOURSE: SMOOTH CEMENT PLASTER RENDER
- WINDOWS: WHITE PVC FRAMES
- RAINWATER GOODS: BLACK UPVC DEEP FLOW
- FASCIA & SOFFIT: WHITE PVC



PROPOSED FRONT ELEVATION (SOUTH FACING) SCALE 1:50 @ A1



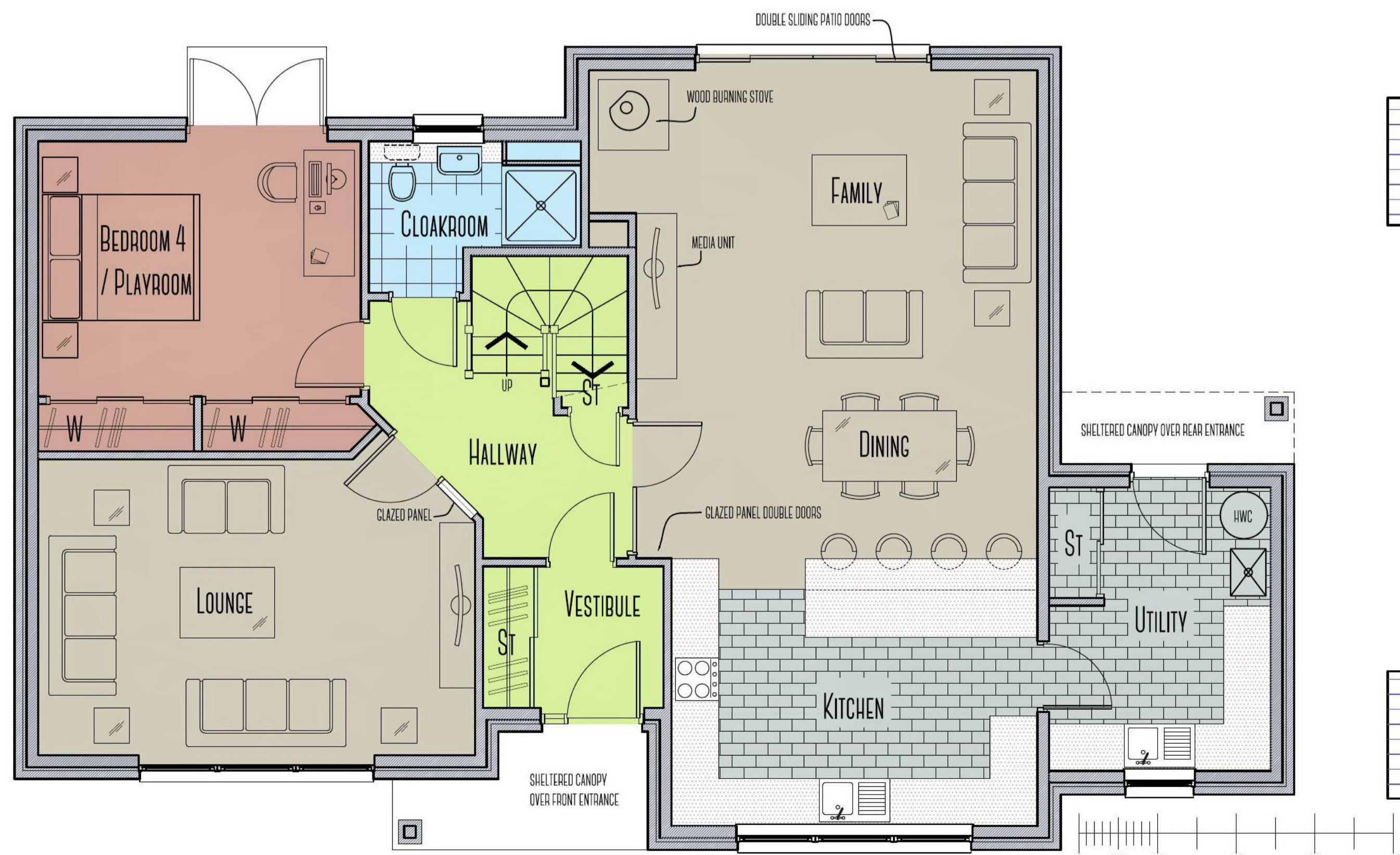
PROPOSED REAR ELEVATION (NORTH FACING) SCALE 1:50 @ A1

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

**REFUSED**

10 May 2019

Development Management  
Environmental Services  
The Moray Council



PROPOSED GROUND FLOOR LAYOUT PLAN SCALE 1:50 @ A1 GROUND FLOOR G.I.A = 117.5M/SQ OR THEREBY



PROPOSED FIRST FLOOR LAYOUT PLAN SCALE 1:50 @ A1 FIRST FLOOR G.I.A = 72M/SQ OR THEREBY

TOTAL GROSS INTERNAL FLOOR AREA:-  
GROUND FLOOR G.I.A = 117.5M/SQ OR THEREBY  
FIRST FLOOR G.I.A = 72M/SQ OR THEREBY  
TOTAL = 189.5M/SQ OR THEREBY

**kenmathieson**  
ARCHITECTURAL DESIGN & DEVELOPMENT CONSULTANT LTD.  
MANSARD HOUSE  
15 OLDMELDRUM ROAD  
BUCKSBUURN  
ABERDEEN  
AB21 9AD  
TEL: 01224 710357  
FAX: 01224 710358  
E-MAIL: info@kenmathieson.com

DOMESTIC, COMMERCIAL & INDUSTRIAL

Client: Mr & Mrs Iain Whitcross

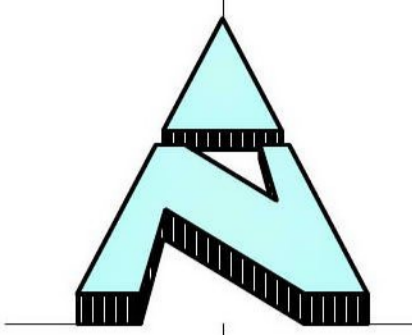
Project: Proposed Dwelling House & Garage at Site "The Maltings" at Cairnvoie Farm, Archiestown, Moray

Title: Proposed Plans & Elevations

Issue	Scale	Date	Drawn by	Check by
As Shown		Oct. 18		KM
IW		001		C



Amendments	Date
A First issue	Oct. 18
B Updated Layout	Jan. 19
C Updated Layout	Feb. 19
D Updated Layout	Mar. 19



EXISTING BOUNDARY PLANTING TO BE RETAINED

3M x 5.4M x 1.5M SURFACE WATER SOAKAWAY

FOUL TREATMENT PLANT

7.2M x 10M FOUL WATER SOAKAWAY

GRASS GARDEN GROUND

**FINISHES:-**

- ROOF: NATURAL SLATE
- WALLS: ROUGHCAST BLOCKWORK
- BASECOURSE: SMOOTH CEMENT PLASTER RENDER
- GARAGE DOOR: GREY STEEL
- RAINWATER GOODS: BLACK UPVC DEEP FLOW
- FASCIA & SOFFIT: WHITE PVC

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Client: Mr & Mrs Iain Whitecross

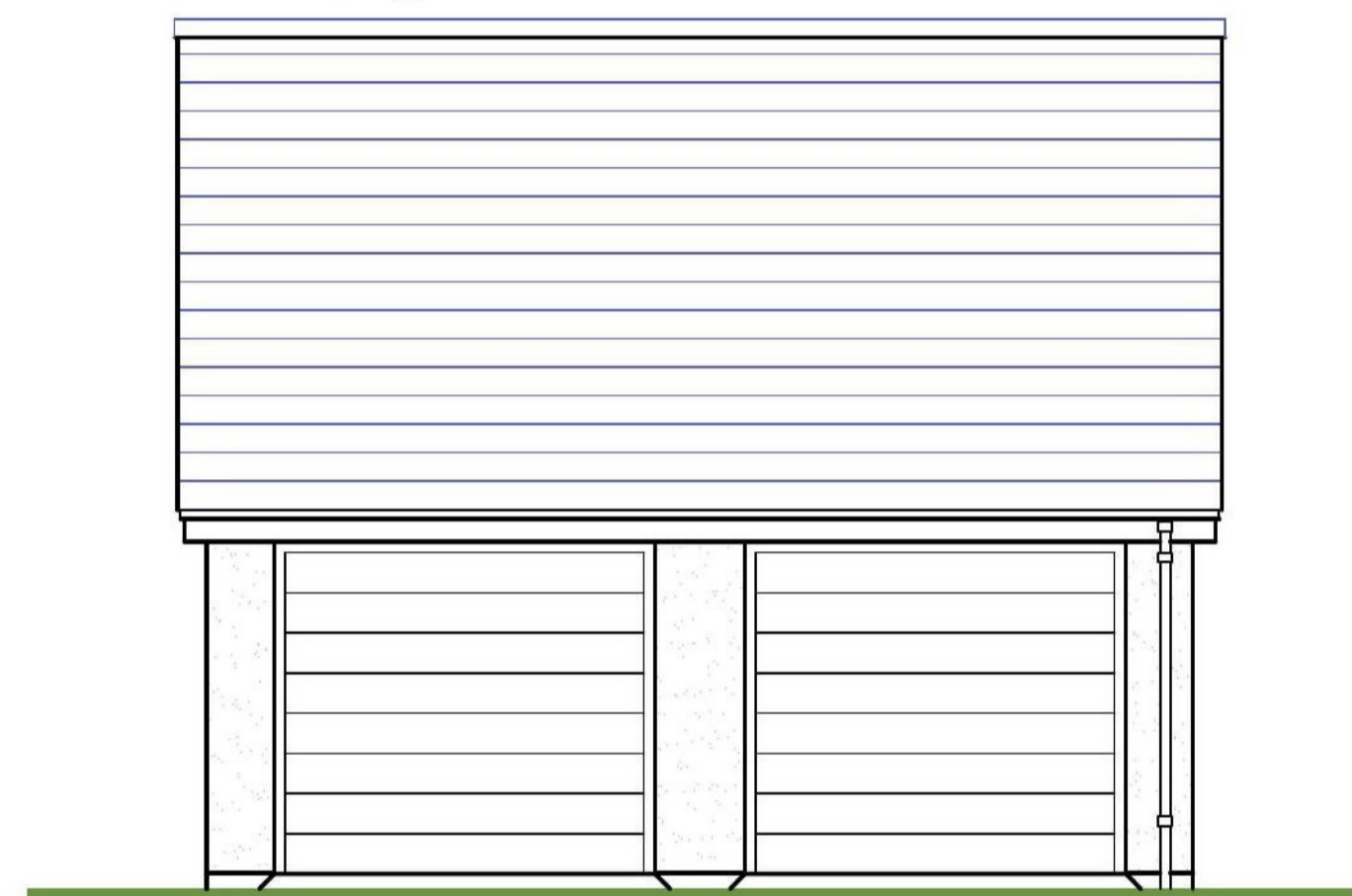
Project: Proposed Dwelling House & Garage at Site "The Maltings" at Cairnvoie Farm, Archiestown, Moray

Title: Proposed Garage & Part Site Plan

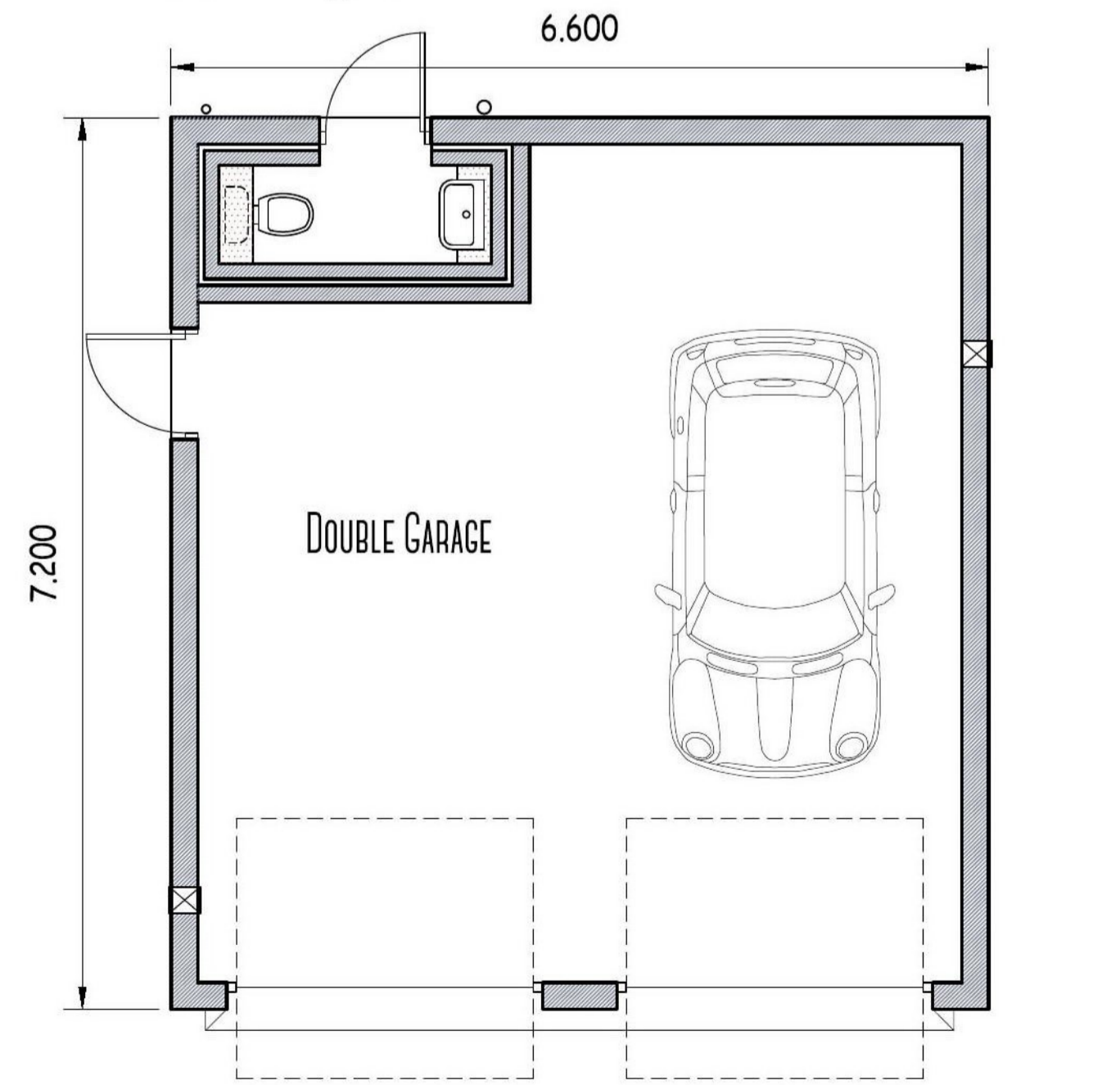
Job No	Scale	Date	Drawn by	Check by	Scale
IW	As Shown	Oct. 18			KM
	English	002			D



PROPOSED SIDE ELEVATION (WEST FACING)  
 SCALE 1:50 @ A1



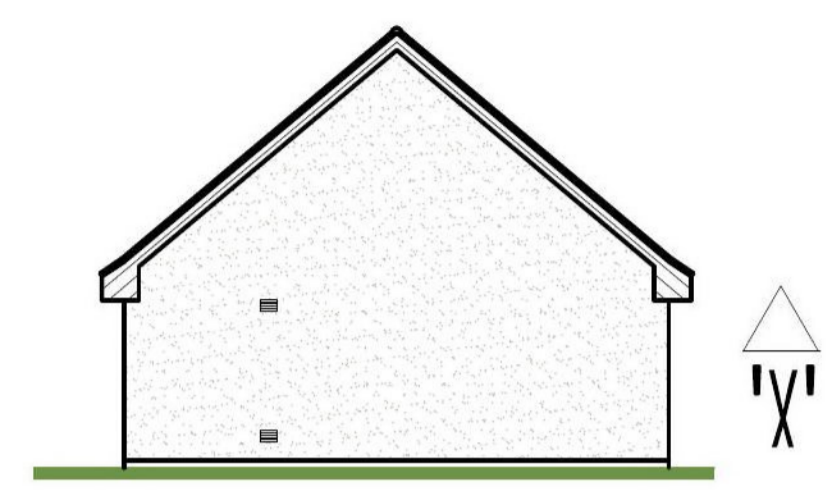
PROPOSED FRONT ELEVATION (SOUTH FACING)  
 SCALE 1:50 @ A1



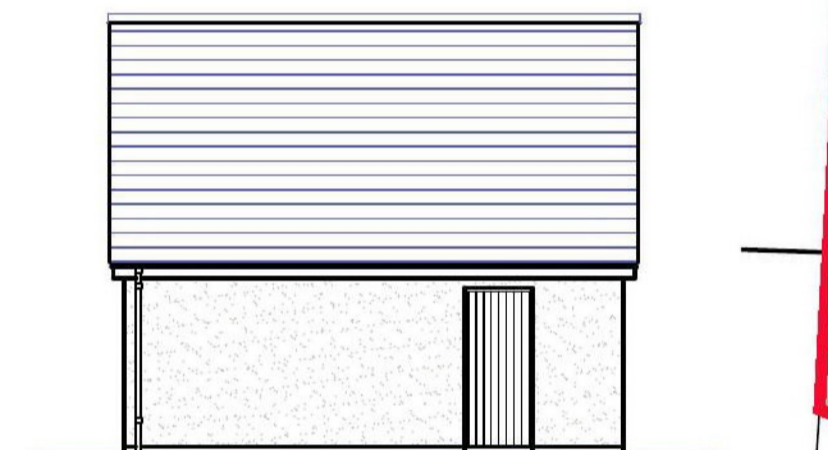
PROPOSED GARAGE PLAN SCALE 1:50 @ A1

EXISTING BOUNDARY PLANTING TO BE RETAINED

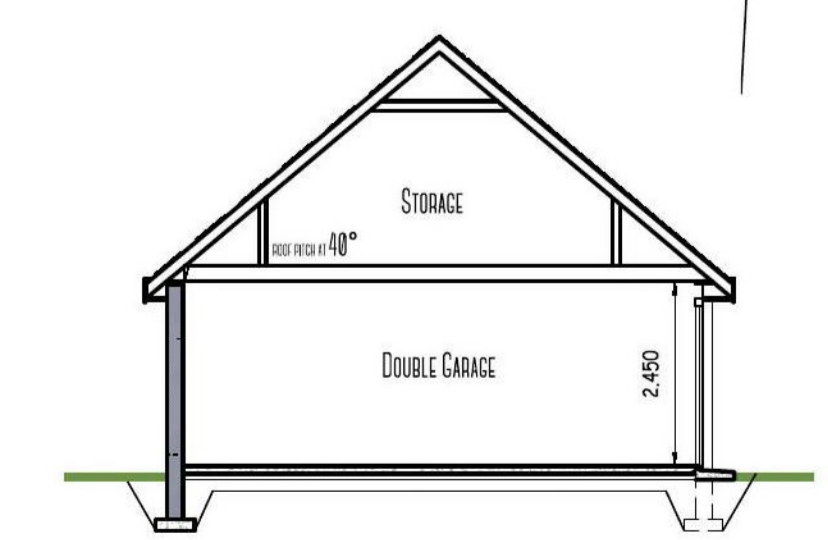
EXISTING TIMBER POSTS BOUNDARY FENCES TO BE RETAINED



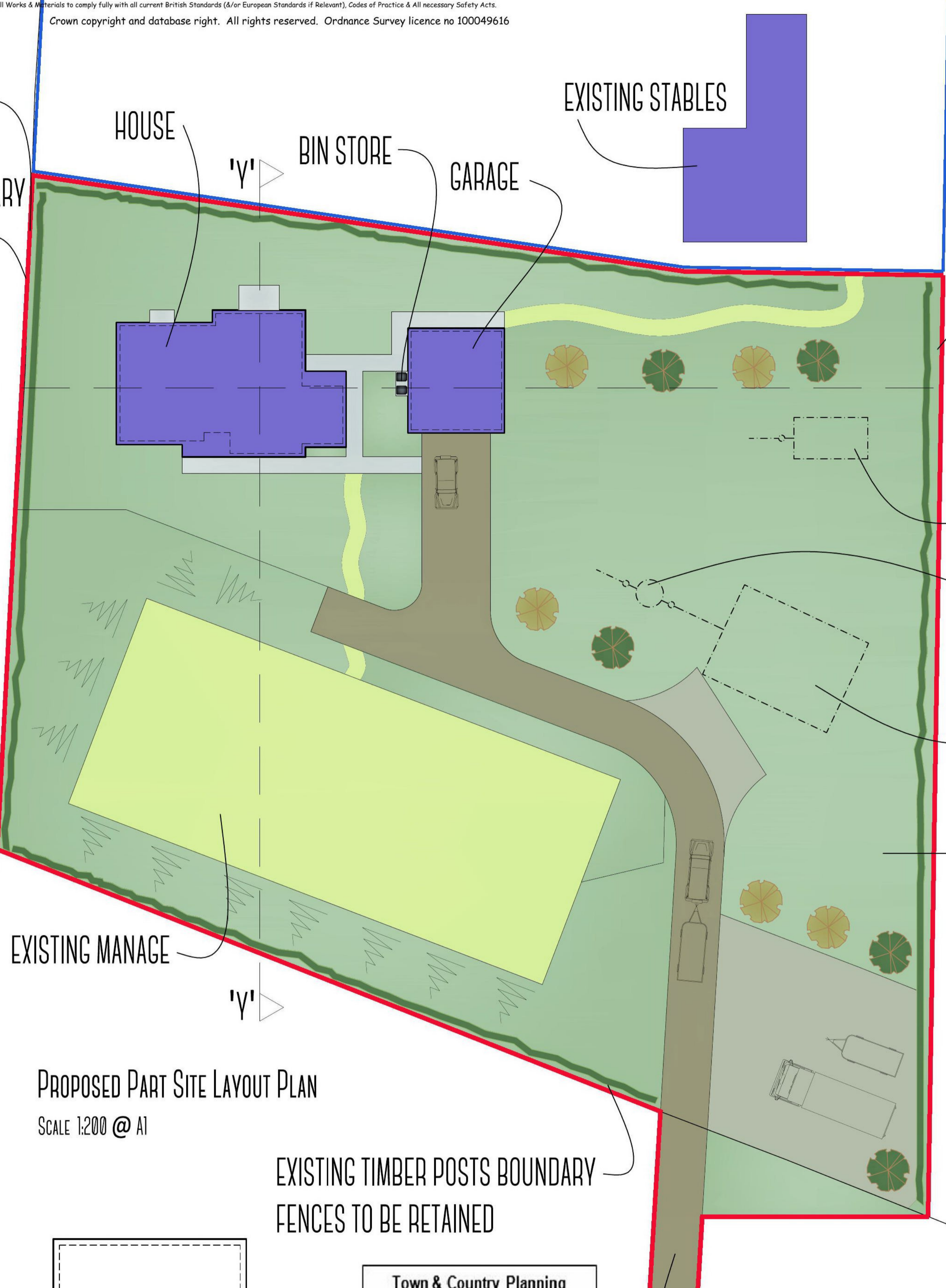
PROPOSED SIDE ELEVATION  
 SCALE 1:100 @ A1



PROPOSED REAR ELEVATION  
 SCALE 1:100 @ A1

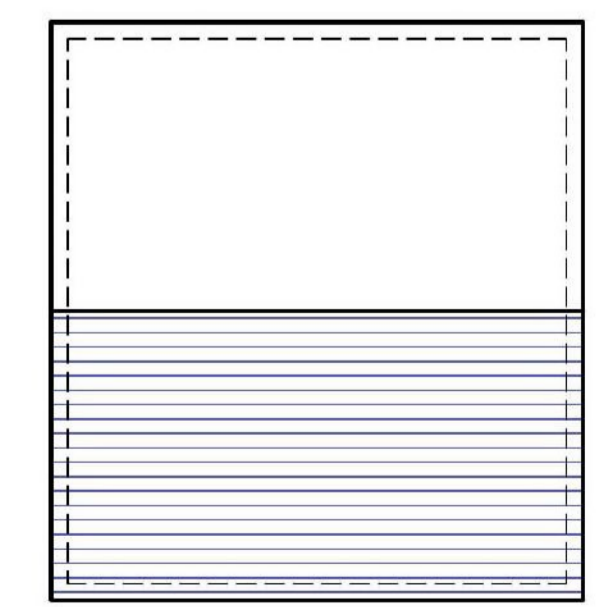


CROSS SECTION SCALE 1:100 @ A1



EXISTING MANAGE

PROPOSED PART SITE LAYOUT PLAN  
 SCALE 1:200 @ A1



ROOF PLAN SCALE 1:100 @ A1

EXISTING TIMBER POSTS BOUNDARY FENCES TO BE RETAINED

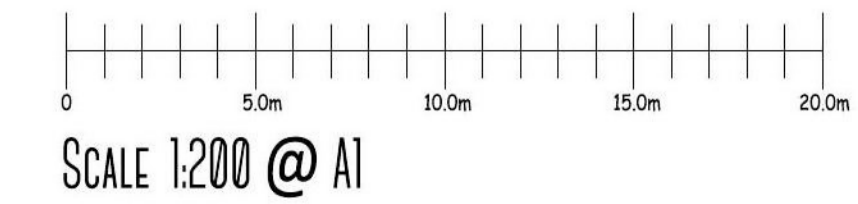
Town & Country Planning (Scotland) Act, 1997 as amended

**REFUSED**

10 May 2019

Development Management  
 Environmental Services  
 The Moray Council

EXTEND EXISTING ROAD



SCALE 1:200 @ A1