

## **SUPPORTING STATEMENT**

### **Change of use of woodland to garden ground to permit the erection of a domestic garage workshop at Beulah, Garmouth, Proposal Ref: 100687032-001**

#### **1. INTRODUCTION**

This proposal relates to the change of use of up to 930 m<sup>2</sup> (0.09 hectares) of woodland to garden ground to permit the erection of a domestic garage workshop within the grounds of Beulah, Garmouth, an existing house in Morayshire.

#### **2. BACKGROUND**

2.1 Having retired last year my wife and I moved back to Moray after a period of absence due to work commitments. Whilst living away I realised a life-long ambition to participate in motorsport, my retirement aspiration being to continue this hobby. As a privateer I do all the work on the car and support vehicles myself and therefore need a suitable garage workshop.

2.2 We purchased Beulah (formerly Cara Villa) for many reasons, one being that it provides an ideal location to site a garage workshop. A major consideration for the selection of the site is that, being remote from the house and next to the road, the garage could be retained should we need to downsize at some point. Without this flexibility I would have to restart the process of finding somewhere to keep and work on my race car if we were forced to move due to age/health, thereby incurring additional expense as well as facing the logistical problem of where to keep the equipment during the transition. Not wishing to go into personal detail, my wife is the most likely of the two of us to need to downsize in the future.

2.3 A planning application was submitted on my behalf by a local architectural company in March this year (online reference number 100663503-001) but was returned due to it failing to address the need for a change of use of the ground in question from woodland to garden. This application is therefore in response to Moray Council's instruction. Accompanying information provided by the Council was that an application would not be likely to receive a positive recommendation given that the proposed site is on ancient woodland, a fact we were unaware of when we bought the property.

2.4 When purchasing the house in June 2023 there was nothing to suggest to us that the site's use would be limited. As the attached photos show it has the appearance of waste ground. All the mature trees had been felled as a consequence of Storm Arwen in 2021, information that came to light once we had acquired the property. (A felling order had been granted by Scottish Forestry under permission FPA-8678, copy attached, as well as a restocking order). To further enhance our perception that we would be able to use the proposed site for a garage, we were informed that planning permission had been granted for the erection of a house on

the ground immediately adjoining to the north (planning application 20/00455/APP dated 10 June 2020 refers) as well as noting the existence of three other recently built houses in close proximity. Given the demand for property in the area and knowing that other parties were interested in purchasing Beulah there simply wasn't the luxury of time to research the possibility of building a garage on this site any further; any additional delay would have jeopardised the opportunity to buy. In good faith we had gathered as much evidence as possible to make us believe the proposed site would be viable.

### 3. SITE LOCATION

- 3.1 The plot on which Beulah sits extends to circa 6,070 m<sup>2</sup>, (0.607 hectares) encompassing the house, an access road to a neighbouring house Speyview, garden grounds, woodland and the specific woodland site relating to this application with an area of approximately 930 m<sup>2</sup>.
- 3.2 The site is accessible via an established entrance off the minor Garmouth to Mosstodloch road.
- 3.3 The area applied for a change of use from woodland to garden excludes the legal right of access track leading to Speyview.
- 3.4 Beulah is one of 4 existing houses within a small rural grouping.
- 3.5 This application relates to an addition to an existing dwelling, not a new development on a different plot.

### 4. POLICY COMPLIANCE

- 4.1 The site is located outside the Speyside flood risk area.
- 4.2 The site is registered on the National Forest Inventory (NFI) as ancient semi-natural woodland and occupies an area of approximately 930 m<sup>2</sup> (0.093 hectares). Following Storm Arwen in November 2021, existing trees damaged by the winds were felled under permission FPA-8678. The site was restocked with around 30 silver birch and a small number of Scots pine, holly and beech. After four years growth, these trees are not yet established and could readily be transplanted.
- 4.3 As the photos below illustrate, the proposed site is visually unattractive giving the appearance of waste ground. The minor Garmouth to Mosstodloch road runs parallel to the line of gorse bushes on the left-hand side of the first photo which looks north, the pine trees defining the edge of Lunan Wood on the west side of the road. As mentioned in the introduction to this Supporting Statement, planning permission has been granted for a dwelling house adjacent to the proposed site **which is also designated as ancient semi-natural woodland**. The location of this would be in the foreground of the red coloured container and house in the photo.



4.4 The second photo below looks east and shows the proposed site on the left-hand side of the picture, the driveway leading to Beulah on the right-hand side of the picture, the access road to Speyview (defined by the fence and posts) which is excluded from the application and an established area of woodland in the centre of the shot that is referred to in the Tree Survey. This woodland is close enough to the site to be included in the Survey but would not be affected. Just out of the picture on the right-hand side (south) is further woodland referred to in the Survey.



4.4 With reference to the Scottish Government National Planning Framework 4 Policy 6 (b), and Moray Local Development Plan (MLDP2020), Policy EP7, this proposal would not result in the loss of ancient and veteran trees, or have an adverse impact on their ecological condition. There would be no adverse impact on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy. In addition no fragmenting or severing of woodland habitats would result.

4.5 A Tree Survey carried out on 24 January 2024 by Mr Angus Dixon, Groves Forestry, accompanies this application. Compensatory replanting has been detailed in this Survey in accordance with EP7 (e). The planting would be located at Nether Brown Muir, a site on the north side of Brown Muir Hill, above Millbuies. As stated above in paragraph 4.2, existing saplings would be transplanted at the new site such that **there would be no loss of existing trees**. In addition **twice the area of woodland would be created**. Should this amount of compensatory replanting be judged insufficient I would consider increasing it to whatever Moray Council deemed appropriate. **Of note, the grassland at Millbuies, when planted with native trees, will acquire over the next 40 years similar woodland soil features of the site at Beulah. This is a comparative period of time it would take the saplings on the existing site at Beulah to mature. Therefore, nothing would be lost by permitting the ground at Beulah to be changed to garden. On the contrary, there would be an increase in the area of semi-natural woodland.**

- 4.6 Mr Dixon, author of the Tree Survey, consulted with Scottish Forestry with respect to the change of use of land and whether there was any opposition from their perspective to the proposed site being used as described. **Scottish Forestry had no objection to the proposal.**
- 4.7 Whilst the site is within Moray Council's designated Special Landscape Area (SLA) Lower Spey and Gordon Castle, the garage workshop's position adheres to this policy as far as possible. The garage would be situated just inside the western boundary which is defined by the minor Garmouth to Mosstodloch road outside the drive. The garage workshop would thus be virtually invisible from the River Spey given the cover provided by both the house and the trees on the east side of the proposed site.
- 4.8 Use of this site to position the garage workshop would limit the impact on immediate neighbours who have supported the proposal. (Attached letter from [REDACTED] refers).
- 4.9 The proposed garage workshop has been sympathetically designed to sit comfortably within the local character of surrounding properties and reflects the size and scale of local agricultural buildings. Having said that, the attached plans for the design of the building are purely representative; I would willingly cooperate with the Council to ensure the building fits in with the surrounds to their satisfaction.
- 4.10 The proposed garage workshop measures 10m x 20m, giving a footprint of only 200m<sup>2</sup>. Whilst this application is to ideally change the use of woodland to garden for the entire site of 930 m<sup>2</sup>, should it be more acceptable to the Council the requested area can be reduced sufficiently to accommodate the requested building leaving the remainder of the site untouched.
- 4.11 By permitting the change of use of the ground from woodland to garden for the erection of a garage workshop the following public benefits would be realised:
- 4.11.1.1 A larger area of woodland would be generated at no cost to Moray Council. It is proposed that double the area of woodland is created but should this be judged insufficient I would consider any proposal that the Council deems appropriate. **The newly planted woodland would in time acquire all the woodland soil features of the existing site.**
  - 4.11.1.2 The impact on the Lower Spey and Gordon Castle SLA would be minimised compared to the alternative of positioning the garage workshop within the existing ground already designated as garden.
  - 4.11.1.3 Neighbours would benefit from the garage being remotely positioned. It would be out of sight, not obstruct their view or block sunlight. A letter from [REDACTED] supporting the proposed siting of the garage is attached.

4.11.1.4 Morayshire would be represented at motorsport events. Given the long distances involved travelling to and from major race circuits in the UK there are few competitors representing Scotland and even less, if any, from Morayshire. My continued participation in motorsport would be consistent with Priority 1, Section VI, VII & VIII of Moray Council's Physical Activity, Sport and Health Strategy which states that the precedence is to:

*vi. Promote and host local, regional, national and international sporting events with all key partners to encourage tourism and showcase what Moray has to offer.*

*vii. Recognise and celebrate the contribution that sport and physical activity provides within Moray and support the need that physical activity and sporting opportunities are affordable and attractive to all our residents.*

*viii. Raise the profile of sport and physical activity within Moray.*

## SUMMARY

5.1 My application for the change of use of woodland to garden ground to permit the erection of a domestic garage workshop represents a retirement ambition of continued participation in motorsport. Without this facility it would be economically unviable to continue. The application is flexible and would seek to address any objection the Council may have to it.

5.2 The following summarises the case for why a change of use would not impact the current state of ancient semi-natural woodland negatively.

5.2.1 The area of ground in question is negligible: ideally 930m<sup>2</sup> but potentially less than 300 m<sup>2</sup>.

5.2.2 There are no mature trees on the site; no felling is required.

5.2.3 Existing saplings would be transplanted therefore no trees would be lost.

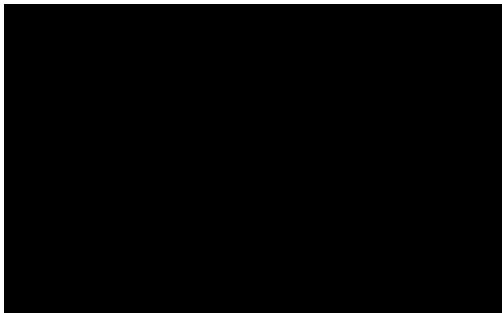
5.2.4 The ground of the new site would in time acquire all the woodland soil features of the existing site.

5.2.5 The proposed site is within an existing property; it is not a new development.

5.3 With reference to the Scottish Government National Planning Framework 4 Policy 6 (c), and Moray Local Development Plan (MLDP2020), Policy EP7, and the need

for the application to be in the interest of the public, the following benefits would be realised should the request be granted:

- A larger area of woodland would be generated at no cost to Moray Council.
- The impact on the Lower Spey and Gordon Castle SLA would be minimised.
- It is in my neighbours' best interest that the garage is remotely located.
- Morayshire would be represented at motorsport events consistent with Moray Council's Sports Plan.



Applicant

## ADDITIONAL SUPPORTING STATEMENT

27 November 2024

### Change of use of woodland to garden ground to permit the erection of a domestic garage workshop at Beulah, Garmouth, Proposal Ref: 100687032-001

#### 1. INTRODUCTION

1.1. Moray Council helpfully pre-warned me that the above application would be rejected for 2 reasons:

- a. **ANCIENT WOODLAND.** The application site is an area of designated Ancient Woodland. It was not part of the original house plot and as such the application seeks to change the use of the ground to domestic garden ground. Both National Planning Framework 4 Policy 6 and MLDP 2020 Policy EP7 do not support development which would result in the loss of Ancient Woodland. Ancient Woodland comprises not only trees but the ground vegetation and soils in which trees sit. The proposal to change the use of the woodland to garden ground would fail to comply with NPF4 Policy 6 and policy EP7 as it would result in the permanent loss of land identified as woodland under the Ancient Woodland Inventory.
- b. **PROPOSED GARAGE DESIGN.** The proposed garage/workshop is considered to be out of keeping with the scale and character of the surrounding area. The site is remote to the dwelling (separated by an access track) and would not easily integrate into the site and surrounding area given its height, bulk and location proposed.

1.2. I am appealing this decision and have supplied this Additional Supporting Statement in response to the above points.

#### 2. ANCIENT WOODLAND

2.1. I accept the fact that the application site is within a designated area of Ancient Woodland and that the proposal contravenes both National Planning Framework 4 Policy 6 and MLDP 2020 Policy EP7. Indeed I acknowledged and addressed this fact in my original Supporting Statement.

2.2. If a site visit is not part of the appeal process I ask that the photographs attached to the original Supporting Statement are referenced since they graphically illustrate the following points.

2.2.3. The designation of Ancient Woodland assigned to this particular site gives a misleading impression. It is not typical or representative of what one would consider Ancient Woodland to be; there is only one beech tree which would be unaffected by the construction of the garage/workshop. Please refer to the Tree Survey that was supplied with the application.

2.2.4. An area of Ancient Woodland is delineated by a perimeter within which there is no differentiation between varying sections of ground or whether trees are present or not. The



plot for Beulah is contained within a 681.19 ha area of Ancient Woodland called Sleepieshill. This area does not distinguish between roads, garden, hedgerows, buildings or genuine Ancient Woodland. It is true to say therefore that not every part of it contains Ancient Woodland. According to arborist Mr Angus Dixon, BSc, Consultant, Groves Forestry Company, there is nothing irreplaceable or worthy of special preservation that would be irrevocably lost on the proposed site; the trees prior to being felled were plantation Scots pine and the associated vegetation and soil does not contain any unique features.

2.2.5. Strictly speaking this piece of ground is not Ancient Woodland, which is defined as land that has been continuously wooded since at least 1750. It has merely been amalgamated with woodland that does have the attributes to be deemed Ancient Woodland. As an example there is an area containing noteworthy ancient trees along with their associated vegetation and soil on the eastern border of my property. Had my application been situated in an area such as this I would have understood the Council's refusal of my application but technically it is incorrect to refuse this application on the basis that the ground is Ancient Woodland.

2.2.5. To further support the above information Mr Dixon liaised with Scottish Forestry on my behalf with respect to the change of use of this land to ascertain whether there was any opposition to the proposed site being used as described. **Scottish Forestry has no objection to the proposal.**

2.3. Compensatory replanting of at least twice the area will be sown with sessile oak, silver birch, hazel, gean, rowan and Scots pine thereby creating a significant area of valuable woodland which would not be generated if this appeal is rejected. Since submitting the initial application a further site has been identified in Garmouth resulting in the woodland being created close to the proposed site if required. This mitigates any perceived loss of woodland and ultimately generates a greater amount. Since there are no established trees on the existing site that would be disturbed the time scale for compensatory replanting to mature is no different to the time it will take for saplings on the proposed site to grow. The net outcome of compensatory replanting would thus enhance Moray's stock of woodland especially considering rare and exceptional trees would be planted and cultivated. Nothing would be lost by permitting the woodland at Beulah to be changed to garden. On the contrary, there would be an increase in the area of quality Ancient Woodland.

2.4. In addition please bear in mind that the site in question is very small - less than 930 m<sup>2</sup>. Its use would have a miniscule effect on the 6,811,900 m<sup>2</sup> of Sleepieshill Wood. (Less than 0.014%).

## **PROPOSED GARAGE**

3.1. **DESIGN.** Having submitted the application online I was subsequently contacted by a Moray Council Planning Technical Assistant who required me to submit a plan of the proposed garage. I had deliberately left this detail out because I did not consider it to be relevant to the application at this stage. Having done as requested I made it very clear in my Supporting Statement that the plan was purely representative and that I would willingly cooperate with the Council to ensure the building fits in with the surrounds to the Council's satisfaction.

3.2. Despite the above, Moray Council have stated they will further reject the proposal because they consider the proposed garage plan to be out of keeping with the scale and character of the surrounding area and because it does not easily integrate into the site and surrounding area given its height and bulk.

3.3. I wish to reiterate that I would work with the Council to ensure the scale and character of the garage/workshop suitably integrates into the site to meet their requirements. Clearly however, there would be a minimum size needed to ensure the building has sufficient floorspace to store equipment and vehicles, provide suitable space to work on the car as well as afford adequate height to accommodate a car ramp. For example a one car sized garage would be of no use.

3.2. **SITE LOCATION.** The Council have objected to the application due to the site being remote from the dwelling (separated by an access track). This is exactly why it is so perfect for my requirements and is the only location within my grounds that provides a key advantage. As explained in my original Supporting Statement, a major factor for the selection of the site is that, being remote from the house and next to the road, I could retain the garage should my wife and I need to downsize at some point in the future. Without this flexibility I would have to restart the process of finding somewhere to keep and work on my race car if we were forced to move due to age/health, thereby incurring additional expense as well as facing the logistical problem of where to keep the equipment during the transition. Not wishing to go into personal detail, my wife is the most likely of the two of us to need to downsize in the future which is exactly why this location would be so ideal to enable me to continue participating in motorsport.

#### **4. APPLICATION OF POLICY**

4.1. As stated in the introduction I understand that Moray Council are limited by both National and Local Policy. However I feel their application of this policy is harsh given my circumstances.

4.2. Policy is not law, it is a course or principle of action adopted by an organization or individual. It thereby affords the organisation an element of flexibility with respect to its application. From my perspective it is unmerited for policy to be so rigidly enforced that conservation of a patch of ground that contains nothing but decaying ferns, gorse bushes, and a few saplings attracts a higher degree of protection than the welfare and happiness of the individual who owns it and lives there. I have worked hard all my life and am now in a position to fulfil a retirement dream.

4.3. As described in my original Supporting Statement, given the demand for property in the area and knowing that other parties were interested in purchasing the house, I researched the possibility of building a garage on this site as much as time permitted; any additional delay would have jeopardised the opportunity to buy the property. I had no reason to suspect that what appeared to be an ideal location for a garage/workshop had originally been woodland since no trees were present, let alone it carrying a designation of Ancient Woodland, especially as I was made aware planning permission had been granted for a dwelling to be built on adjoining ground.

4.4. Should this appeal be rejected it does not simply prevent me from building a garage/workshop, it compromises one of the very reasons I decided to buy the house and associated land thereby destroying my retirement dream; I really do not have any other options. I therefore write a heartfelt appeal to the Local Review Board to consider the circumstances I faced when buying this property, my reasons for doing so and to put themselves in my position. I would like to think the Review Board will make a decision based on the outcome individual members would hope for if they faced similar circumstances rather than dogmatically apply policy as if it were a law that cannot be broken.

Thank you for your consideration,



Applicant

## **SECOND ADDITIONAL SUPPORTING STATEMENT**

**30 December 2024**

**Change of use of woodland to garden ground to permit the erection of a domestic garage workshop at Beulah, Garmouth, Proposal Ref: 100687032-001**

### **1. EXISTING GARAGE**

1.1. Further to my Additional Supporting Statement dated 27 November 2024, I would like to add some details on the existing garage facility at Beulah. I feel this would be helpful to illustrate why I am requesting permission to build a suitable garage/workshop facility.

1.2. The current garage at Beulah came with the purchase of the property. It is an old structure that appears to be made up from an old house (Alma Cottage) with an additional area attached at the rear.

1.3. The garage is inadequate for several reasons. Please refer to the attached photographs which illustrate the following points.

1.3.1 First it floods during periods of heavy or persistent rain. This is a major problem since valuable items are being ruined. For example my expensive tools are starting to rust.

1.3.2. Secondly, the roof is not high enough to be able to install a ramp. This is an essential piece of equipment since the engine can only be removed from underneath the race car.

1.3.3. Thirdly the floor space is insufficient. I have a number of pieces of garage equipment that I need to access on a regular basis, numerous spares to store and the need for a 'clean' area to service and build items such as engine and gearbox. The attached photographs show how cramped and inadequate the current area is.

1.3.4. Fourthly, the structure is old and rotting. In particular the walls of the original house are made of timber. It will need to be demolished some time in the near future. I have nowhere else to store all my race/garage equipment in the interim.

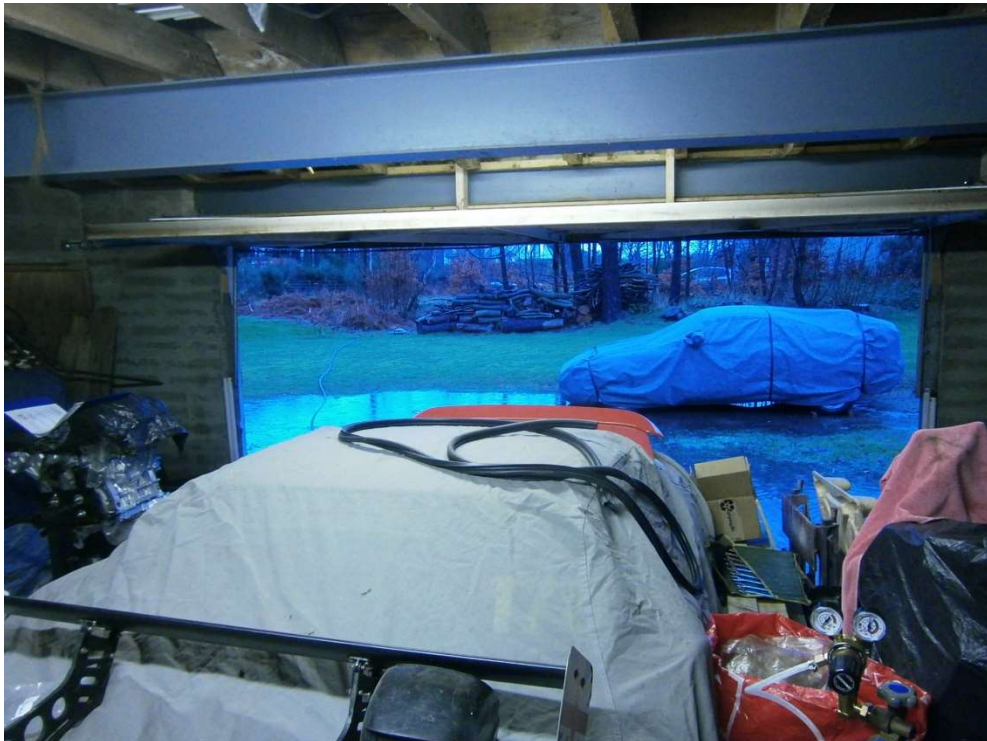
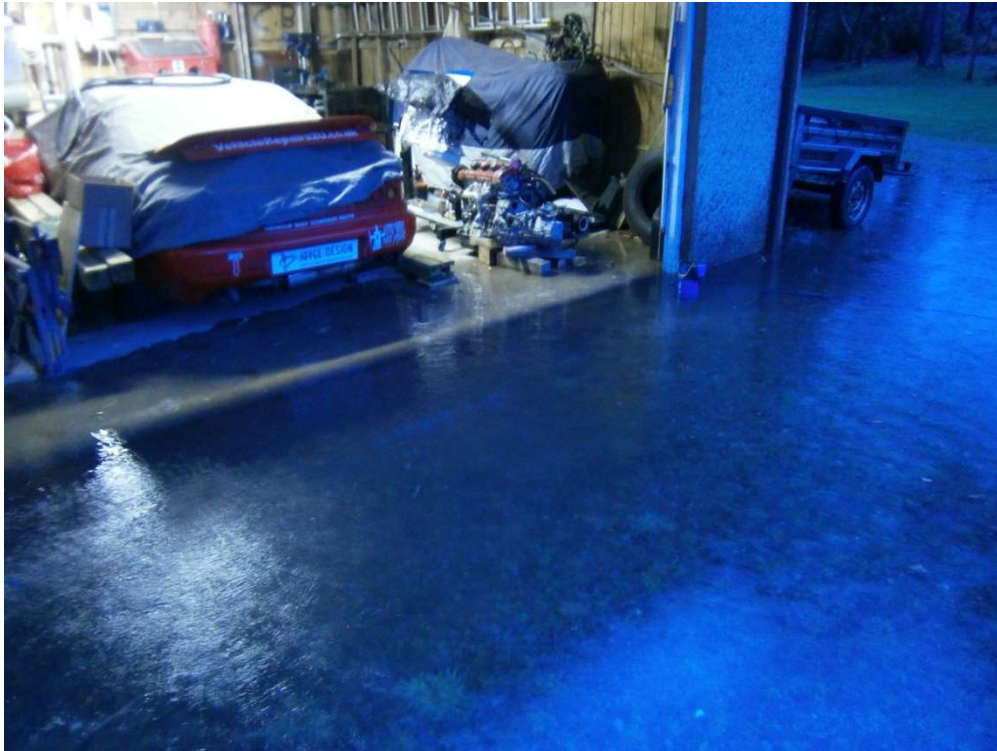
1.4 I trust the above adds further information as to why this garage/workshop proposal is of such personal importance and is more than just a casual application.



Applicant















Development Management  
Economic Growth & Development  
The Moray Council  
PO Box 6760  
Elgin  
IV30 9BX

27 January 2024

Dear Sir/Madam

**Location of Garage/Workshop**

Our neighbour [REDACTED] has spoken to us about his proposal to build a garage/workshop within his grounds. He has explained that he needs this facility to be able to continue his participation in amateur motorsport. The site of this facility is limited given the vicinity of woodland as well as steeply sloping ground within his land and he discussed with us two options under consideration with respect to its location. The favoured option is on a piece of ground to the west of the access road to our property and the other is on the boundary between our properties.

[REDACTED] has explained that before he can obtain planning permission for the garage/workshop to be located on the favoured site, he would first need to be granted permission to change its use from woodland to garden. In order to do that we understand that the change of use has to be in the public interest.

To that end we are writing to support his application. The preferred area of ground he has selected is remote from all houses in the neighbourhood. It would directly benefit us if the garage/workshop were to be situated furthest away from our shared boundary. By permitting him to do so the southerly view from our house would not be obstructed, sunlight would not be blocked and any potential noise would be kept away from the house. He has also reassured us that his application for the change of use from woodland to garden will not affect access to our property since the route of this track has been excluded from the plans.

Given the above we hope you will be able to grant him permission to change the use of this piece of ground from woodland to garden and permit him to build a garage/workshop on it.

Yours faithfully,

[REDACTED]

[REDACTED]