



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: [development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100706498-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- ☒ Application for planning permission (including changes of use and surface mineral working).
- ☐ Application for planning permission in principle.
- ☐ Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of New House

Is this a temporary permission? \*

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

☐ Yes ☒ No

Has the work already been started and/or completed? \*

☒ No ☐ Yes – Started ☐ Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	CM Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	St Brendans
Last Name: *	Mackay	Building Number:	69
Telephone Number: *	01343540020	Address 1 (Street): *	South Guildry Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV30 1QN
Email Address: *	office@cmdesign.biz		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	Wagtail Lodge
First Name: *	G	Building Number:	
Last Name: *	Forbes	Address 1 (Street): *	Whiteinch Small Holdings
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kinloss
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV36 3TS
Fax Number:			
Email Address: *	office@cmdesign.biz		

## Site Address Details

Planning Authority:

Moray Council

Full postal address of the site (including postcode where available):

Address 1:

WAGTAIL LODGE

Address 2:

WHITEINCH SMALL HOLDINGS

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

FORRES

Post Code:

IV36 3TS

Please identify/describe the location of the site or sites

Northing

860823

Easting

305542

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

☐ Yes ☒ No

## Site Area

Please state the site area:

4286.00

Please state the measurement type used:

☐ Hectares (ha) ☒ Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Site with existing holiday accommodation

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

☐ Yes ☒ No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">2</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">5</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	



If Yes or No, please provide further details: \* (Max 500 characters)

Please refer to site plan

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

☒ Yes ☐ No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

☐ Yes ☒ No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? \*

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

☐ Yes ☒ No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

☒ Yes ☐ No

Is any of the land part of an agricultural holding? \*

☐ Yes ☒ No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Craig Mackay

On behalf of: Mr & Mrs G Forbes

Date: 27/03/2025

☒ Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Drainage Assessment

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Craig Mackay

Declaration Date: 27/03/2025

## Payment Details

Online payment: 078060

Payment date: 27/03/2025 15:56:44

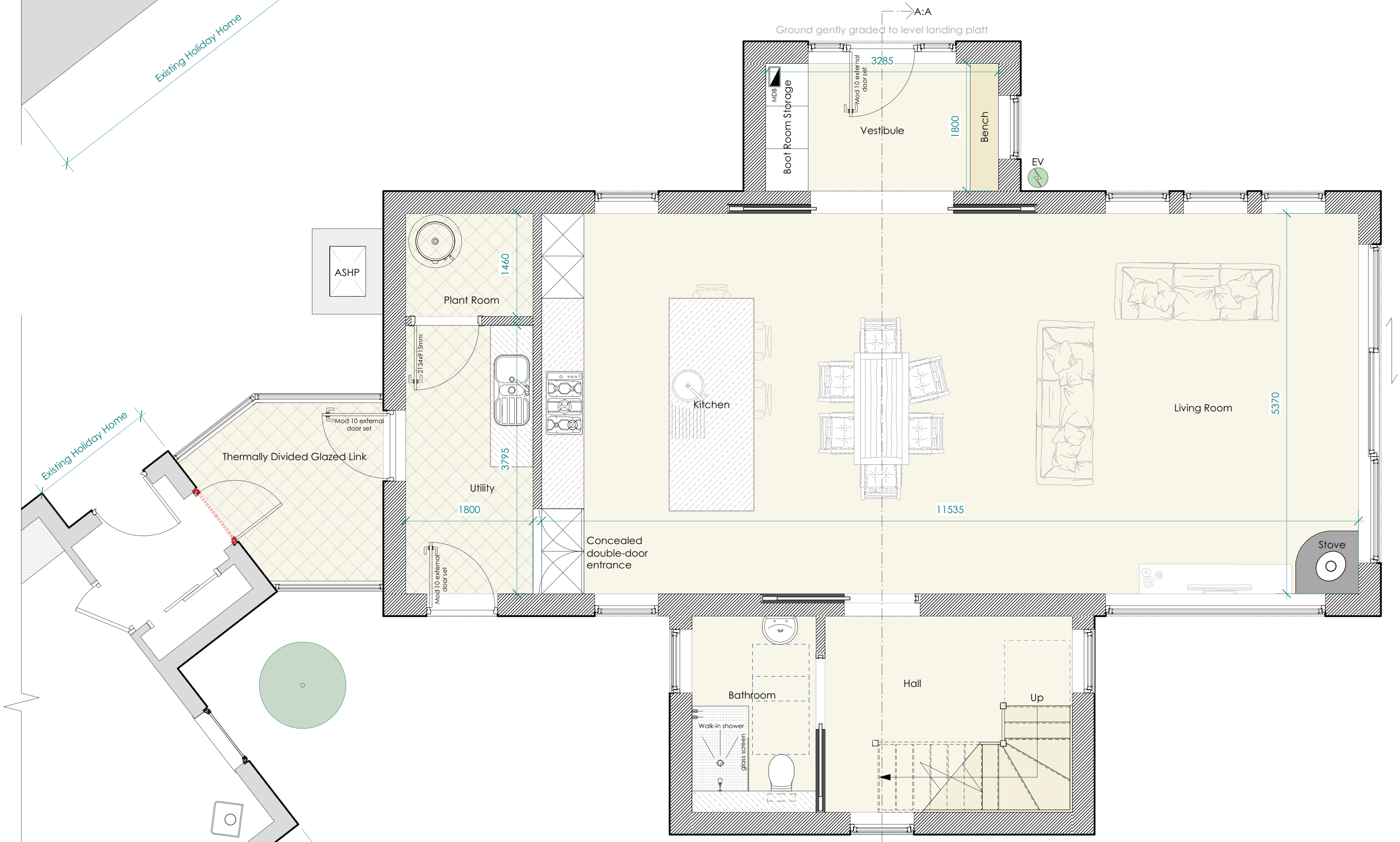
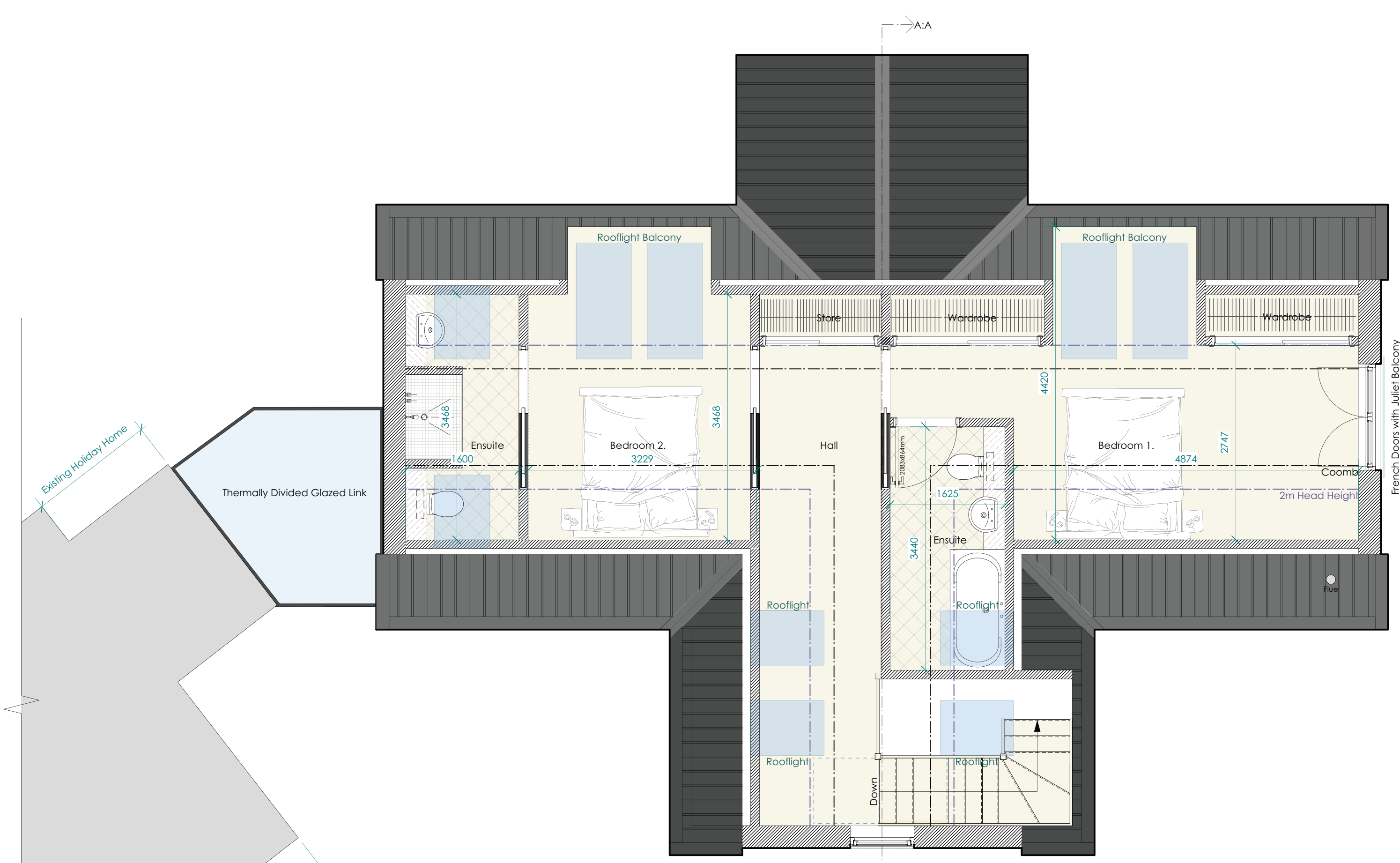
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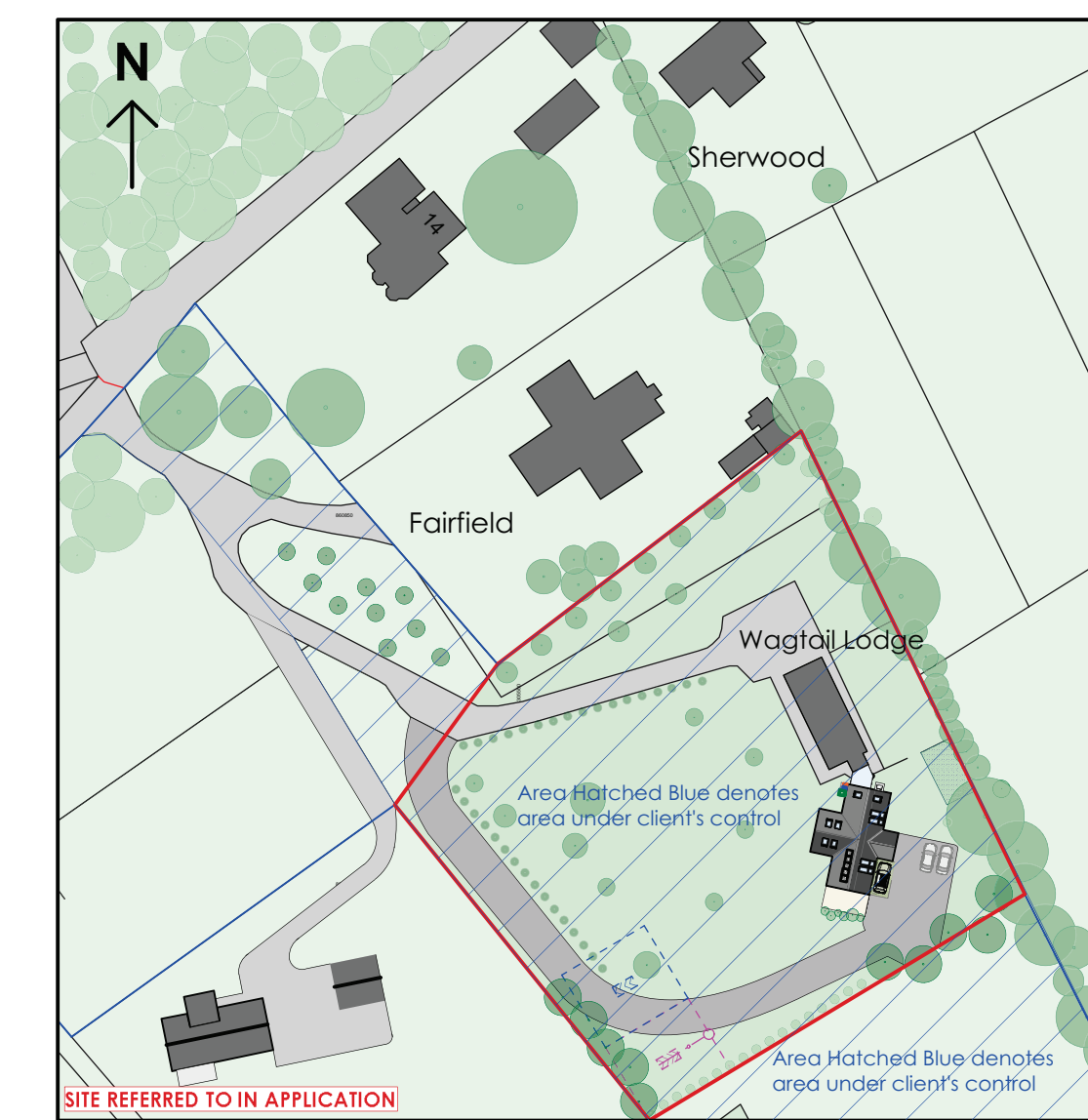
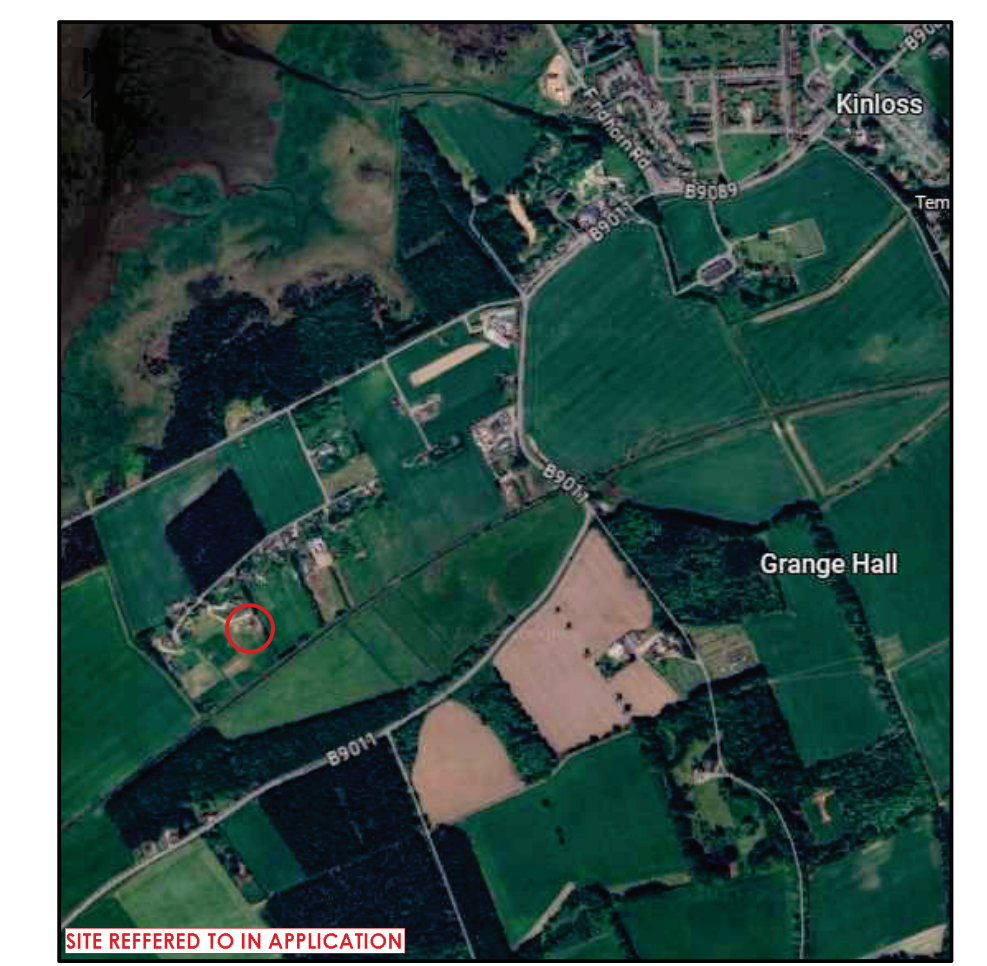
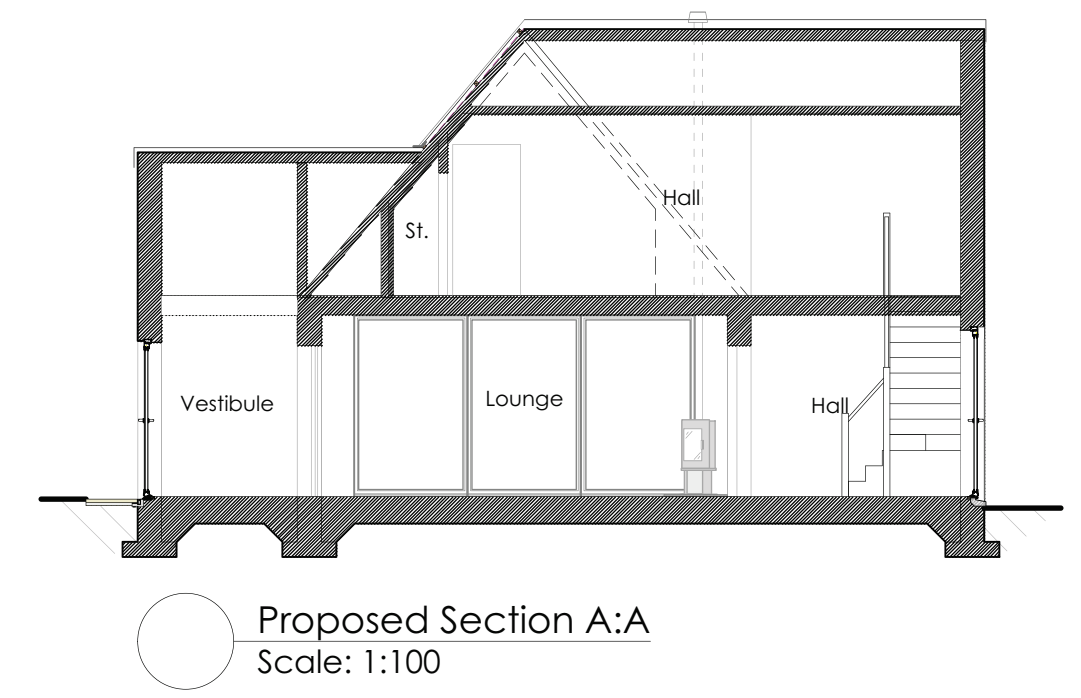
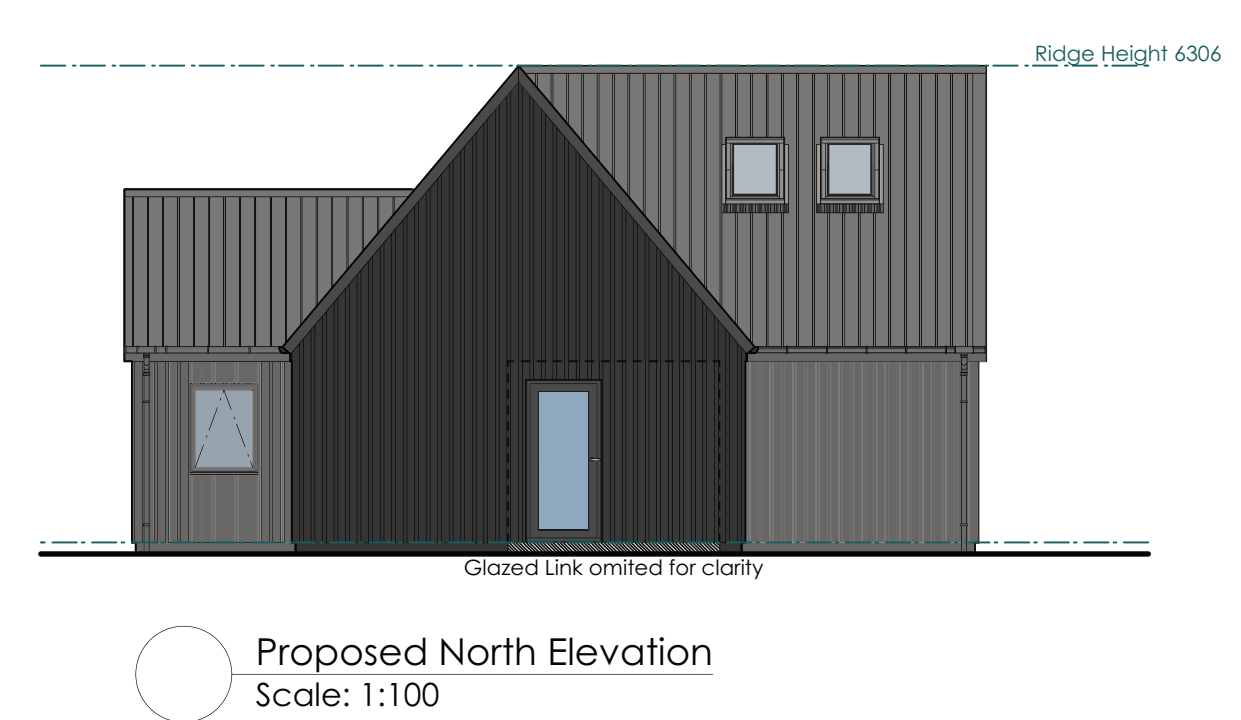
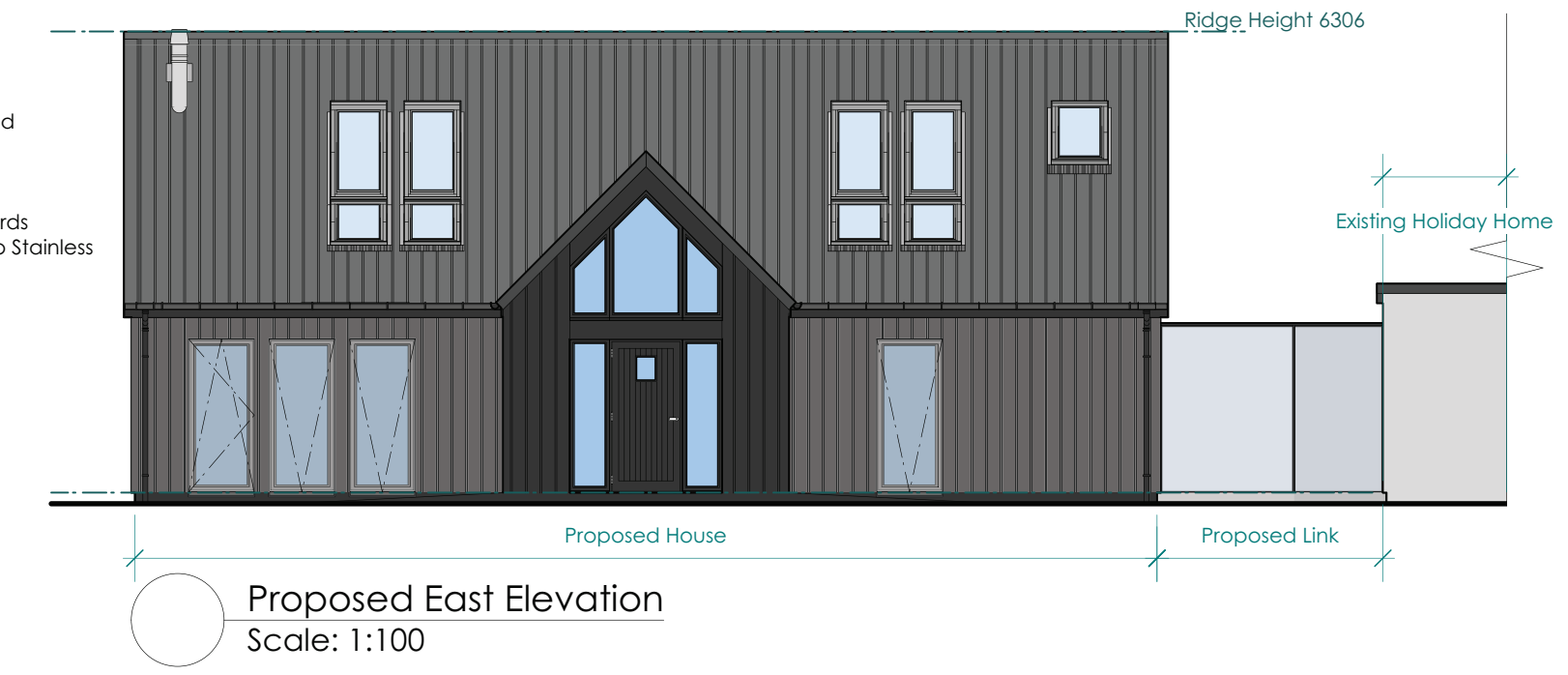
DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS

CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION

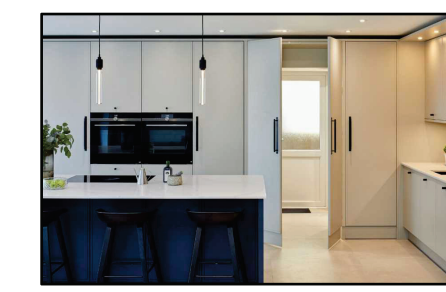
**DRAWINGS TO BE READ IN CONJUNCTION WITH APPOINTED STRUCTURAL ENGINEER'S DRAWINGS.**  
**(REFER TO STRUCTURAL ENGINEER DRAWING REGISTERED)**



- Material Key:**
- 1. AluClad, graphite, double glazed windows and doors.
  - 2. Steel Roof
  - 3. Thermopine Cladding Walls
  - 4. Graphite Fascias and bargeboards
  - \* All rainwater goods to be Lindab Stainless steel.



Glazed Link Examples



Concealed Door Example



Rooflight Balcony Example

**cmdesign**  
architectural consultants

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T01667 300230  
M 0781 3872818 W cmdesign.biz E office@cmdesign.biz

**LOSSIEMOUTH OFFICE**  
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DEVON OFFICE  
T01392 345566

Mr. Forbes			
NEW HOUSE AT WAGTAIL LODGE, WHITEINCH, KINLOSS, IV34 3TS			
PLANNING PROPOSALS			
FLOOR PLANS & ELEVATIONS			
Date:	Amendments:	Rev:	
27.11.23	Planning Amends	C	
22.01.24	Drainage Amends	D	
08.08.24	Site Plan Amends	E	
Drawn By:	Date:	Checked By:	Date:
M.D.	08.11.23		
230085.FORBES.03PP E			





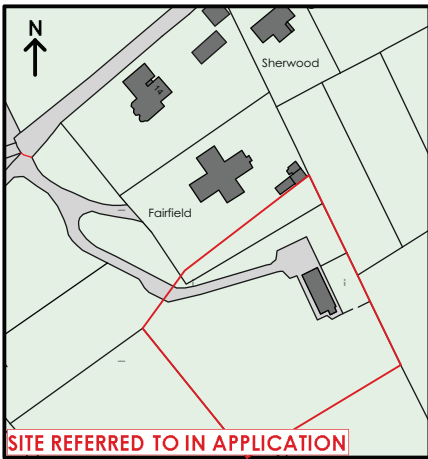
SITE REFERRED TO IN APPLICATION

Site Plan  
Scale: 1:250

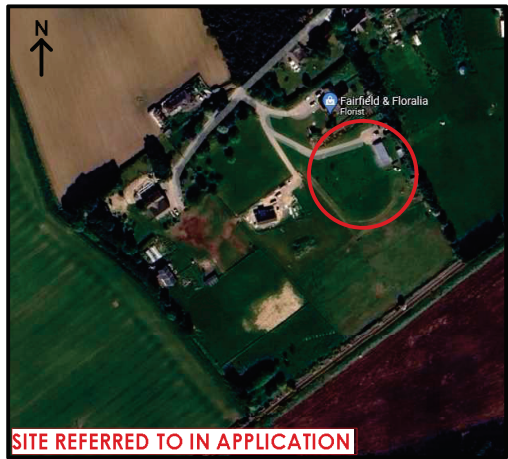
DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS

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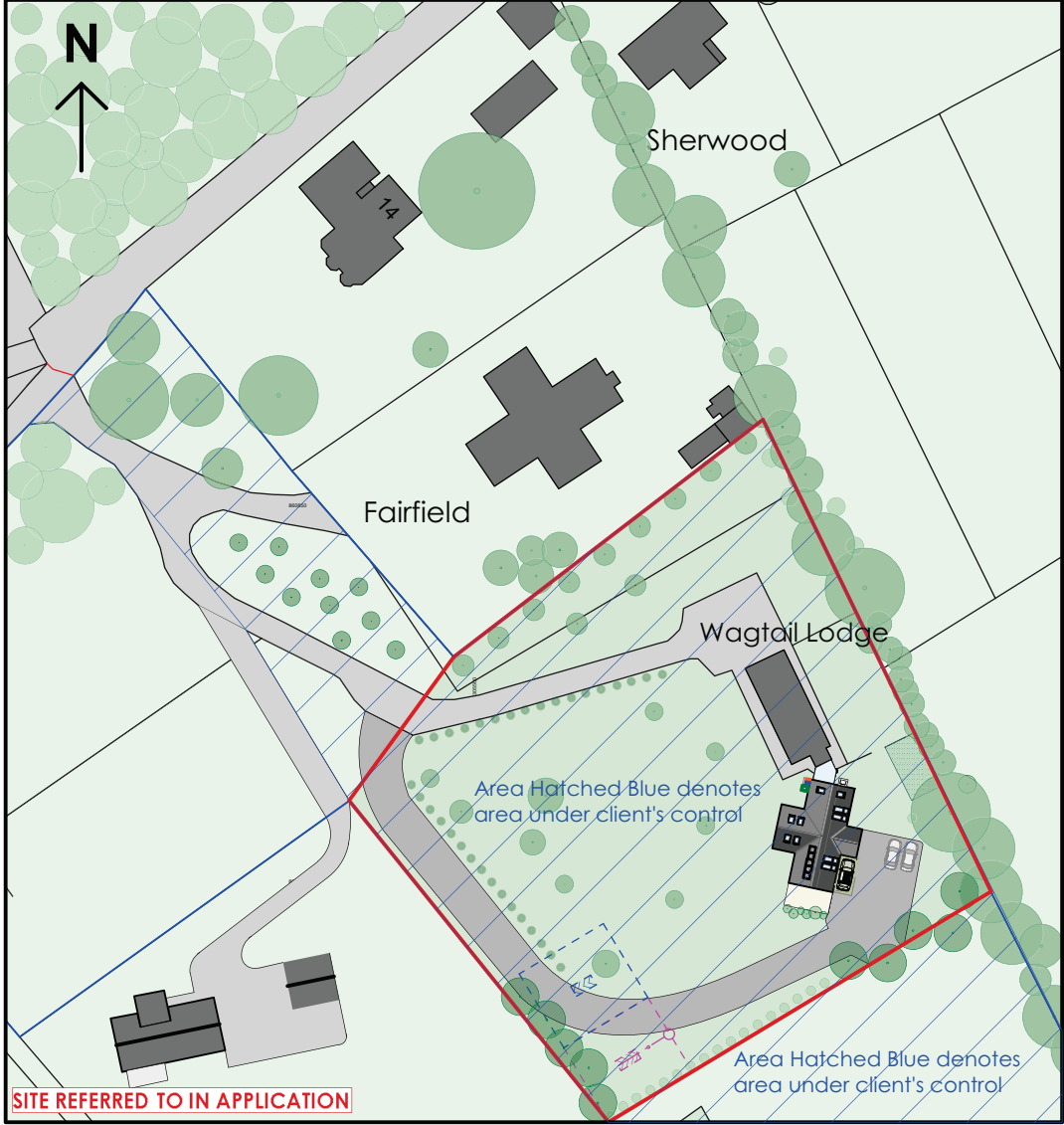
**DRAWINGS TO BE READ IN CONJUNCTION WITH APPOINTED STRUCTURAL ENGINEER'S DRAWINGS.**  
**(REFER TO STRUCTURAL ENGINEER DRAWING REGISTERED)**



Location Plan  
Scale: 1:2500



Location  
NTS



Site Plan  
Scale: 1:1000

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**DEVON OFFICE**  
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Mr. Forbes

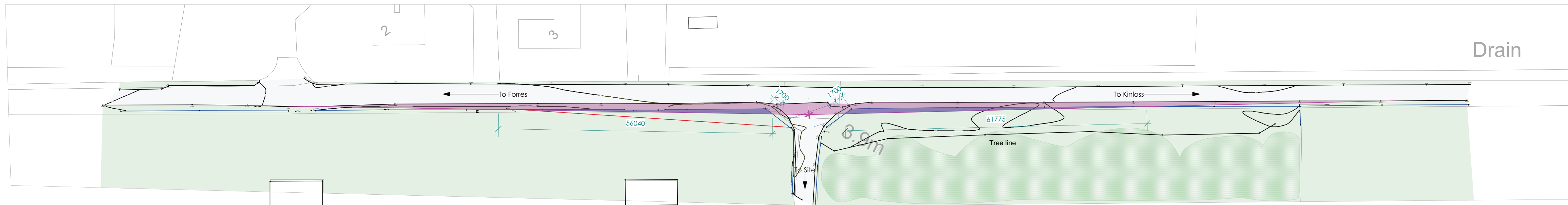
NEW HOUSE AT WAGTAIL LODGE, WHITEINCH, KINLOSS, IV36 3TS

**PLANNING PROPOSALS**  
**SITE & LOCATION PLANS**

Date:	Amendments:	Rev:
27.11.23	Planning Amends	C
22.01.24	Drainage Amends	D
11.06.24	Landscape Amends	E
Drawn By: M.D	Date: 08.11.23	Checked By: Date:

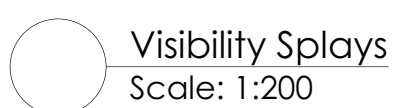
**230085.FORBES.04PP E**





○ Visibility Splays  
Scale: 1:500

AREA SHADED IN BLUE DENOTES THE AREA OF ENCROACHMENT REQUIRING RELOCATION OF THE EXISTING FENCE LINE



From: "graham.forbes3 Forbes" <graham.forbes3@btinternet.com>  
To: "Miriam ." <miriam@cmdesign.biz>  
Date: 6/25/2024 5:31:12 AM  
Subject: Fwd: Land at Whiteinch, Kinloss

----- Original Message -----

From: joyce.sutherland@cockburns-solicitors.com  
To: graham.forbes3@btinternet.com  
Sent: Thursday, June 6th 2024, 16:26  
Subject: Land at Whiteinch, Kinloss

Good afternoon

Following our recent meeting I contacted the solicitors acting for the purchasers of the ground at Whiteinch. She in turn has contacted the present owners who have advised that they "have no interest to sell or discuss selling the land".

Regards

Colin Styles

**Security alert:**

Any communication purporting to come from us changing our account details must be ignored and you must contact us at once. Do not action the request. Before sending us any funds electronically we suggest you telephone the person dealing with your matter to confirm our bank details. If that person states the details are to change then telephone us and ask to speak to one of our Partners. We may also telephone you to confirm your bank details before making any electronic payment. We will never send or accept bank details by e-mail

Please remember that we will only accept payment from you. Any payment received from a third party without prior agreement may cause delay and increase costs.

*Message sent on behalf of*

*Colin Styles*

*Messrs Cockburns*

*100c High Street, Forres*

*IV36 1NX*

*Tel: 01309 673373*

*Fax: 01309 676336*

[forres@cockburns-solicitors.com](mailto:forres@cockburns-solicitors.com)



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**Devon Office**

The Generator Quay House  
The Gallery, Kings Wharf  
Exeter  
EX2 4AN

PLANNING CONSULTANCY

ARCHITECTURAL DESIGN

PROJECT MANAGEMENT

RENEWABLE CONSULTANCY

Thursday, 27 March 2025

## SUPPORTING STATEMENT

Erection of New House

At Wagtail Lodge, Whiteinch, Kinloss, IV36 3TS

### 1.0 INTRODUCTION:

This statement is submitted in support of the Planning Application for the erection of a new storey-and-a-half dwelling, to be used in conjunction with and ancillary to and **existing holiday cottage** on site.

The existing holiday cottage has been in place since August 2022 and is used by the applicant when not overseas.

The current application seeks to erect an annex to the existing holiday home from which the applicant can reside on a permanent basis.

This application will effectively form one large house under one title.

The settlement at Whiteinch already hosts in excess of 10 houses and the paddock has recently been developed to host a new house site nearby (Planning Ref 21/01505/APP)

The addition of an annexe to the current holiday home would not detract from the settlement pattern at Whiteinch and would not represent any significant intensification of use.

The applicants are committed to biodiversity and intend to plant further trees thereby further minimizing any visual impact of the annex as the trees achieve maturity.

### 2.0 BACKGROUND

The existing holiday home at Wagtail Lodge, was granted Planning consent on the **9<sup>th</sup> of June, 2021**.

Originally, the applicants had intended to use the Holiday home infrequently in-line with the Planning Conditions, however, their circumstances changed over the years requiring them to spend less time overseas and to reside closer to family who also live at Whiteinch.



The applicants' need of a home at Whiteinch is pressing, and they are keen to establish a permanent, compliant home next door to Mrs. Forbes' sister. The Forbes have horses on neighbouring ground at Whiteinch and require close



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PLANNING CONSULTANCY

ARCHITECTURAL DESIGN

PROJECT MANAGEMENT

RENEWABLE CONSULTANCY

proximity to oversee the horses care. The Forbes have lived at Whiteinch for over 40 years and have had family at Whiteinch since the 1930s when property No. 14, of 9.5 acres was acquired from the Department of Agriculture.

### 3.0 PROPOSALS

The applicants seek to erect a new 1.5 storey Annex within the grounds of the existing Holiday Home to allow them to reside, near family, at Wagtail Lodge for more than three months of the year.

The proposed property would be associated with the existing Holiday Home which would then be used by the applicants' children & friends when visiting. This application will effectively form one large house under one title, with no new, independent dwelling.



The use of the existing, and well used, access road half a mile from the proposals will not be intensified by the proposals, and the applicant will upgrade the existing access in accordance with Moray Council Standards.

The proposals are not for a 'further house' in 'open countryside', but an annex to an existing property within an established development of residential properties.

It is the applicants' assertion that the proposed development complies with the vision, objectives, and relevant provisions of the MLDP 2020, specifically Policies PP3 &

DP1, including associated Policy Guidance Notes and NPF4 national policy framework.

In particular, the proposed development would:

- represent good design and be suitably serviced, demonstrating the qualities of successful placemaking and delivering a low impact development appropriate to the existing setting
- have no negative impact on the natural or built environment.
- respect and maintain the existing qualities of the site

Section 25 of the 1997 Act as amended requires planning applications to be determined in accordance with the Moray Local Development Plan 2020 and the recently adopted National Planning Framework 4 (NPF4) unless material considerations indicate otherwise.

### 4.0 SITE DESCRIPTION

The site is situated on flat open ground, and extends to circa **4,286m<sup>2</sup>**.

A number of existing domestic dwellings are sited to the North, East and West of the site. To the south, the site is bounded by the main Inverness to Aberdeen railway line and the mature wooded area beyond it.



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PROJECT MANAGEMENT

RENEWABLE CONSULTANCY

To the East of the site boundary are mature trees which screen the proposed dwelling from view from the B9011.

The new house is to be accessed via the well-established private track that leads to Wagtail Lodge and is owned by the applicant.

The existing site is situated within a wider area of ground owned by the applicant.

Despite being classed as 'open countryside', Whiteinch more closely resembles the settlement pattern seen in nearby rural groupings and contains in excess of **ten residential dwellings** of various ages and styles.



Whiteinch Area



In accordance with DP4 the Proposed House would sit comfortably amongst the existing rural grouping of properties in the area and reflects the housing pattern of the wider area. The rural character of the area would continue to be prevalent.

The site is located outwith any designated Significant Landscape Area and is not within any area considered to be "Highly Pressurised or Sensitive" in accordance with MLDP 2020 DP4.

## 5.0 DEVELOPMENT PROPOSAL

The proposed development seeks approval for the erection of a two bedroomed dwelling connected to the existing holiday home. The existing Holiday Home provides 2N° bedrooms and the proposals will allow for a further 2N° Bedrooms which, when used in conjunction with the existing dwelling, will provide the family with the additional accommodation required when family members visit and stay over holiday periods.

The proposed dwelling has been sited to the South-East of the site and screened by both the existing mature trees along this boundary, and the existing Holiday Home. The property will be accessed by a new track within the site and will provide ample space for parking and turning cars in a separate, new parking area.

The proposed dwelling is one-and-a-half storey in design, that seeks to benefit from the South/East & West aspects. The simple and well-proportioned elements are in keeping with those seen in the wider Whiteinch area.

The proposed material finishes for this application have been carefully selected to enhance the dwelling, with the external materials consisting primarily of vertical Thermopine cladding, and a steel roof to give an understated aesthetic, in keeping with the rural vernacular. Openings will be



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infilled with Anthracite high performance timber alu-clad windows, doors & rooflights.



Thermopine Cladding



Alu-Clad windows



Black/Anthracite roof sheets

## 6.0 PLANNING POLICY

### Siting, Design & Materials MLDP 2020 PP3, DP1 & DP4/NPF4 Policy 14 & 16

Development plan policies outline that extensions to dwellinghouses will be acceptable, where proposals respect the character and amenity of the surrounding area and can be adequately served in terms of infrastructure. Rather than erect a new detached dwelling, the proposals seek to provide an annex to the existing Holiday Home in order to increase its utility.

NPF4 policy 14 & 16 seeks to encourage, promote, and facilitate well designed development that makes successful places by taking a design-led approach and applying the 6 qualities of successful places, healthy, pleasant, distinctive, connected, sustainable and adaptable qualities to the proposed development.

The site is located within an existing rural group of dwellings. Although the site is within an area officially classed as open countryside, the proposed house site is surrounded by both long established and newly built residential properties.



In accordance with DP4 the Proposed House would sit comfortably amongst the existing rural grouping of properties in the area, and reflects the housing pattern of the wider area. The rural character of the area would remain prevalent.



The site is isolated and naturally contained by established trees and boundaries to the East and to the South.

*Established Spruce trees will screen the property from the East and South.*



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The proposed house will be screened to the North by existing dwellings and established trees both outwith and within the site



*The Proposed House will be screened from view from the North by established trees and properties.*

The expanse of agricultural land and trees to the West of the site, coupled with the newly erected dwelling house and further established trees will make the proposed house almost invisible from the West.



*View from the location of the proposed dwelling looking to the West.*

The proposed ridge height has been shown to be less than 6.75m from ground to ridge, and the dwelling would be of an appropriate scale and massing. The proposed dwelling comprises a compliant gable formula and a traditional gabled roof with a pitch of 50 degrees. The gabled roof is traditional in appearance and in keeping with the character of the area while the proposed external materials consisting of Thermopine walls and metal roofs are acceptable and appropriate to the rural setting allowing the dwelling to integrate into the existing established character of the surrounding area.

Windows with a vertical emphasis have been used throughout, except for occasional contemporary units where more privacy is required.

It is proposed that all works will be within the existing boundaries of the site and no new boundaries will be required.

**Trees & Biodiversity MLDP 2020 Policy EP7 & EP2 / NPF4 Policy 3 & 6**

NPF4 Policy 3 Biodiversity and MLDP 2020 Policy EP2 both seek to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Landscaping will be in accordance with the previously approved planning application 21/00606/APP.

Prior to the submission of this planning application many native trees have been planted within the site by the applicant.



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It is proposed to further increase the wooded areas within the site, providing additional screening as the existing and proposed planting reach maturity. Increased screening and biodiversity is proposed by planting 5 new Hawthorn trees to the Southern boundary of the site, and 5 new Silver Birch Trees to the Western Boundary.

To enhance bio-diversity values associated with the development, a portion of the landscaping associated with the new annexe will be seeded with wildflower seeds providing a variance of colour over all 4 seasons as well as also being an important nectar

source, all of which will further enhance the biodiversity.

**Climate Change NPF4 Policies 1 & 2**

In addressing NPF Policies 1 & 2, which are to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

The proposal is for a small-scale development on an already-developed site and would have minimal impacts on the climate crisis. As such, the NPF4 Policies 1 Tackling the Climate and Nature Crisis and 2 Climate Mitigation and Adaptation do not hold significant consideration for this application.

The proposal has been carefully considered with the dwelling orientated South, and the bulk of the glazed openings being proposed on this elevation. This will aid to maximise solar gain from the sun, when compared with a building which faces towards North and thus reduces the reliance on heating within the building thereby reducing carbon emissions and providing opportunity for energy efficiency. The proposal will utilise a zero-emission air source heat pump to provide heating and cooling for this building along with Solar PV panels to supplement the primary energy supply. Natural materials such as timber frame kits further help reduce forms of embodied emissions within the buildings construction which would be key in addressing NPF Policies 1 & 2.

**Drainage and Water**

**MLDP 2020 EP12 and EP13 / NPF4 Policy 14**

NPF4 Policy 22, MLDP 2020 DP1, EP12 and EP13 together seek to ensure that acceptable water and drainage provision is made, including the use of sustainable urban drainage (SUDS).

Policy EP13 requires new development to connect to the main system whenever possible, however with the site location being rural, there are no





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public sewers within the locality to connect to therefore private drainage arrangements have been considered.

Mabbett have completed a Site Investigation and Drainage Assessment for the proposed development. Based on the site investigations the ground conditions are suitable for the use of infiltration as a method of surface & foul water management

To address the surface water run-off post development, The SW has been designed for a 1:200 event with a 42% additional allowance in rainfall intensity for climate change. Therefore, a 6.6m long x 0.3m wide x 1m deep below pipe invert stone filled trench will be utilised as the soakaway for the proposed annexe. The foul water would discharge into a treatment plant with an outfall into the watercourse that exists southwest of the site, with both systems being positioned min 5m away from the annexe and boundaries.

The existing public water & electric supply serving 'Wagtail Lodge' will be extended to serve the new annexe subject to capacity & load check and approvals of the existing connections from the relevant authorities.

**Access and Parking**

**MLDP 2020 Policy DP1**

The existing dwelling currently offers 4N° car parking spaces by use of open parking. There is ample space for cars to turn and egress in a forward manner.

The new proposals will increase parking within the site by 4N° car parking spaces, and again all will have ample space for turning and egress in a forward manner.

Application 23/02065/APP was *withdrawn* in response to the consultation process with the Transport department, as the applicant was keen to seek either:

- consent from the Landowners to relocate their boundary fences outwith the proposed visibility splay,
- or to purchase the land in question and move the fences himself in order to accommodate the required visibility splays.

Despite multiple attempts, all efforts to either negotiate relocation of the fences, or sale of the land, were strongly rebuffed by the landowners of the land adjacent to the existing access.

As a result, the applicant then prepared the reapplication 23/0101254/APP offering to upgrade the existing access road but explaining that the visibility splays themselves could not be fully created due to the Landowners resistance. The appellant also instructed a GPS survey to accurately identify the areas of encroachment on the visibility splays. The area of encroachment was found to be extremely minimal, and not for the full distance of the required splay:



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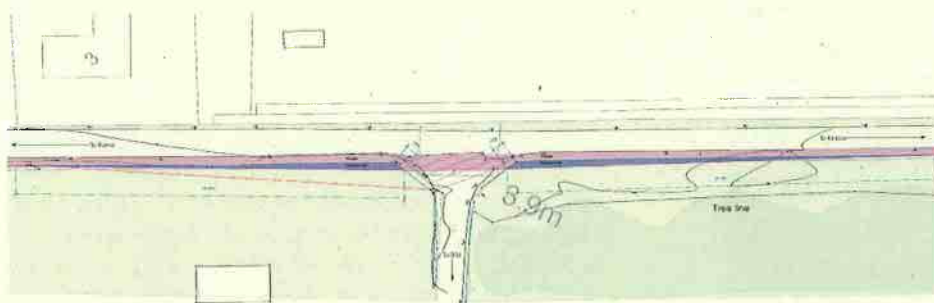
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Visibility Splays

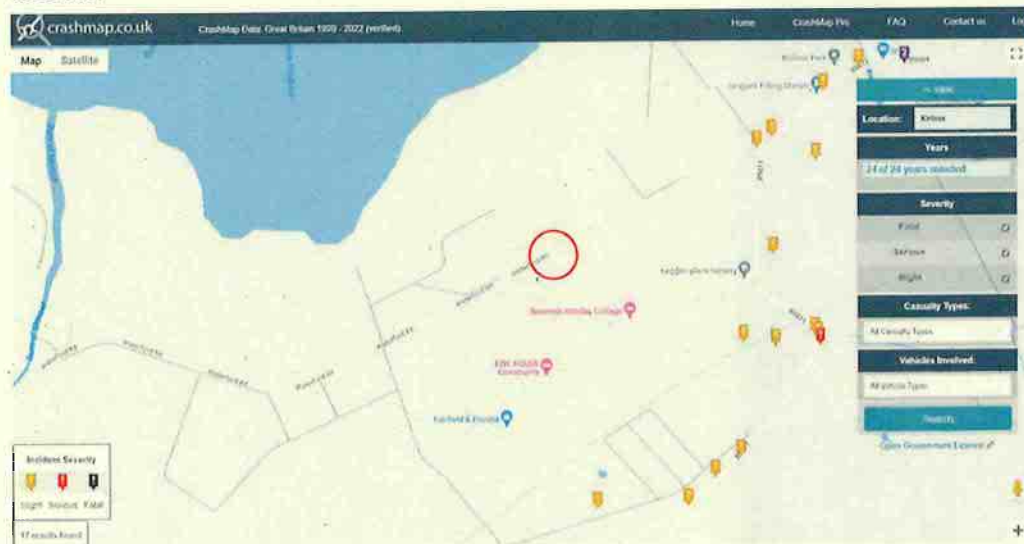


Street View to Kinloss



Street View to Forres

A review of CrashMap, (see attached image), also confirms no incidents in the vicinity of the existing access or stretch of road each side of the existing access.



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## 6.0 SUMMARY

In conclusion, based on the proposals submitted, the applicant would assert that the proposal provides a development with character, identity and a sense of place which is complementary and functional to the existing dwelling and garden grounds.

The new proposal takes into consideration the needs of the Moray Local Development Plan 2020/NPF4 and represents an acceptable proposal.

The proposed property would be well screened from view both initially by existing landscaping and by the existing neighboring properties. In the longer term, the clients' commitment to further increase the wooded cover within the site would significantly add to the natural screening of the proposed dwelling and increase biodiversity.

The clients are keen to improve safety at the existing shared track access by any means within their power. Whilst the clients cannot deliver the requirements hoped for by Transportation, as the land crossed by the splay is outwith their control, they are prepared to comply with any transportation requests not requiring third party consent. As they cannot force the landowners to move the existing boundaries, they can do no more.

These proposals reflect the clients' commitment to the local area both in terms of architectural character, safety and utility, and increased biodiversity. We respectfully request this application be given positive consideration.

Sincerely yours,

**MIRIAM ELLERBY**

ARCHITECTURAL DESIGNER

[MIRIAM@CMDESIGN.BIZ](mailto:MIRIAM@CMDESIGN.BIZ)

The logo for cmdesign architectural consultants features a stylized 'c' and 'm' in red and grey, followed by the word 'design' in a large, bold, sans-serif font, and 'architectural consultants' in a smaller, lighter font below it.

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The logo for cmrenewables features the word 'cmrenewables' in a green, sans-serif font, with 'renewable energy consultants' in a smaller, lighter font below it. To the right is a small square icon with a stylized sun and wind turbine.

The logo for cmdesign architectural consultants features a stylized 'c' and 'm' in red and grey, followed by the word 'design' in a large, bold, sans-serif font, and 'architectural consultants' in a smaller, lighter font below it.



12 October 2023

Project No: 313827

Drainage Assessment:  
Proposed New Dwelling at Wagtail Lodge, Whiteinch,  
Kinloss, IV36 3TS

Prepared for:

Mr. Forbes

Proposed New Dwelling at Wagtail Lodge  
Whiteinch  
Kinloss  
IV36 3TS

Contents Amendment Record

This report has been issued and amended as follows:

Revision	Description	Date	Signed
1.0	First Issue	23 January 2024	G Mackintosh



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## Acknowledgement

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This report has been prepared for the sole and exclusive use of Mr Forbes in accordance with the scope of work presented by Mabbett & Associates Ltd (Mabbett) via email dated 22 January 2023. This report is based on information and data collected by Mabbett. Should any of the information be incorrect, incomplete or subject to change, Mabbett may wish to revise the report accordingly.

This report has been prepared by the following Mabbett personnel:

MABBETT & ASSOCIATES LTD



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Gary Mackintosh BSc  
Principal Engineer

This report has been reviewed and approved by the following Mabbett personnel:

MABBETT & ASSOCIATES LTD



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David Clark, BSc (Hons)  
Project Manager and Environmental Consultant

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## Section 1.0 Introduction

---

Mabbett & Associates Ltd (Mabbett) was commissioned by Mr James Gibb to undertake an assessment of the sewage and surface water treatment and management options for two, 4-bedroom private dwellings to be located within land adjacent to Sornhill Row, Galston, KA4 8NF (NGR 251340 634430).

It was known a Scottish Water sewer connection was not available thus a private treatment and disposal solution had to be secured.

### 1.1 Introduction to Sewage Treatment

The Building (Scotland) Regulations 2004 must be adhered to when a construction project is being undertaken. Regulation 3.7 of the Regulations, as reproduced below, states that:

*Every wastewater drainage system serving a building must be designed and constructed in such a way as to ensure the removal of wastewater from the building without threatening the health and safety of the people in and around the building, and:*

- (a) That facilities for the separation and removal of oil, fat, grease and volatile substances from the system are provided;*
- (b) That discharge is to a public sewer or public wastewater treatment plant, where it is reasonably practicable to do so; and*
- (c) Where discharge is to a public sewer or public wastewater treatment plant is not reasonably practicable that discharge is to a private wastewater treatment plant or septic tank.*

#### **Limitation**

*Standard 3.7(a) does not apply to a dwelling.*

As a public sewer connection was not possible a private septic tank/waste-water treatment plant and traditional soakaway infiltration system option was the preferred route to pursue for the treatment and final dispersal of the sewage that would be generated from the proposed dwelling. The ground conditions were not favourable and so an option involving the discharge of appropriately treated sewage effluent to a watercourse was sought.

### 1.2 Introduction to Surface Water Treatment

With regard to surface water treatment and dispersal, Regulation 3.6 of the Building (Scotland) Regulations 2004, as reproduced below, states that:

*Every building and hard surface within the curtilage of a building, must be designed and constructed with a surface water drainage system that will:*

- (a) ensure the disposal of surface water without threatening the building and the health and safety of the people in and around the building; and*
- (b) have facilities for the separation and removal of silt, grit and pollutants.*

Section 3.6.3 of the Technical Handbook provides methods of discharging surface water that, if employed, would meet the requirements of the authorities.

With regard to SEPA's requirements, General Binding Rule (GBR) 10, in pursuance of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, states that the provision of a sustainable urban drainage system (SUDS) is required unless the discharge arises from a single house or if the discharge is to be made to coastal waters. GBR10 and the relevant associated rule is outlined overleaf.

## GBR10:

*a) Discharge of surface water run-off from a surface water drainage system to the water environment from:*

- i. Up to 60 hectares of land used for residential premises;*
- ii. Land used for non-residential premises or yards, except where the buildings or yards are in an industrial estate;*
- iii. Land used as a motorised vehicle parking area with up to 1,000 parking spaces;*
- iv. Metalled roads other than motorways and A roads;*
- v. Waterbound roads; or*

*b) Discharge of water run-off from a construction site to the water environment where the site, including any constructed access tracks does not:*

- i. Exceed 4 hectares;*
- ii. Contain a road or track length in excess of 5 km; or*
- iii. Including any area of more than 1 hectare or any length of more than 500 metres on ground with a slope in excess of 25°.*

## Rules:

*d) the discharge must not contain any water run-off from any built developments, the construction of which is completed on or after 01 April 2007, or from construction sites operated on or after 01 April 2007, unless:*

- i. during construction those developments are drained by a SUD system or equivalent systems equipped to avoid pollution of the water environment;*
- ii. following construction those developments are drained by a SUD system equipped to avoid pollution of the water environment;*
- iii. the run-off is from a development that is a single dwelling and its curtilage; or*
- iv. the discharge is to coastal water.*

(Source; SEPA: The Water Environment (Controlled Activities) (Scotland) Regulations 2011 - A Practical Guide) Version 9.2, December 2022.

## Section 2.0 Site Profile and Ground Conditions

---

### 2.1 Topography and Local Drainage

The proposals are to erect a new 3 bed private property located to the southeast of Copperfield, Whiteinch, Kinloss together with all required infrastructure.

The SEPA Flood Maps have been consulted which indicate that the site lies out with any areas of fluvial and pluvial flooding up to and including a 1:200year event.

A site investigation was previously completed by GMC Surveys in order to assess the existing ground conditions to provide a solution for the drainage requirements.

A Flood Risk Assessment is to be issued in conjunction with this report to assess the impact of the existing watercourse on the proposed development and wider area.

### 2.2 Investigation and Findings

A desktop study based on the outcome of a site visit by GMC Surveys on 23 January 2024 was undertaken by Mabbett. The information obtained from that visit formed the basis of this report.

Consideration of the British Geological Survey map of the area suggested the site was likely to be underlain by boulder clay which was unlikely to yield sufficient permeability to allow for the use of infiltration devices such as total soakaways or raised mound infiltration systems the would be compliant with the Technical Handbook and BS6927:2007. In addition, as a result of the proximity and relatively low elevation of the site to the adjacent watercourse, it was concluded the only feasible alternative treatment and disposal solution would be to achieve a discharge to the existing watercourse at a suitable location.

### 2.3 Location of Services

There are overhead power lines located within and adjacent to the site the locations of which are shown within Appendix 1. There are no other known services within the site boundary.

### 2.4 Other Implications of Plot Size or Vegetation

Any infiltration device for sewage or wastewater must be located:

- at least 50m from any spring, well or borehole used as a drinking water supply, and
- at least 10m horizontally from any watercourse (including any inland or coastal waters), permeable drain, road or railway.

Any infiltration system and any treatment plant must also be located:

- at least 5m from a building, and
- at least 5m from a boundary.

The location of any septic tank or treatment plant must ensure that a desludging tanker can gain access to a working area that:

- will provide a clear route for a suction hose from the tanker to the tank,
- is not more than 25 m from the tank where it is not more than 4m higher than the invert level of the tank, and
- is sufficient to support a vehicle axle load of 14 tonnes.

There should be no notable vegetation that might interfere with any system proposed or vice versa.

## Section 3.0 Sewage Treatment

### 3.1 Recommendation - Sewage Effluent

Following consideration of the outcome of the site investigations Mabbett recommend that treated sewage effluent be discharged to the watercourse that exists southwest of the site at approximately NGR NJ 50390 60712 as indicated within Appendix 1.

Foul drainage from the development should be treated by way of an EN12566 complaint biological treatment plant which can achieve an effluent quality of the order of 12mg/l BOD and 5mg/l Ammonia, both as a mean. The discharge should be made via an outfall incorporating 25m<sup>2</sup> of constructed partial soakaway for each dwelling, see Appendix 3.

Under the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011, the activity of discharging sewage effluent must be authorised by SEPA and, in view of the population equivalent generated by the dwelling being assessed as 15 or less, a Registration must be obtained for each dwelling before making a discharge from the development.

### 3.2 Minimum System Requirements –Biological Treatment

The size of the biological treatment plant required to treat the sewage that would be generated by each dwelling was calculated according to recognised industry figures as shown in Table 1 below.

Table 1 –Effluent Flows and Loads Figures

Development	Maximum Occupancy	Daily Flow (litres/person)	BOD loading per person (g/day)	Treatment capability required (kg BOD/day)
3-bedroom dwelling	5	150	60	0.3

Sized in accordance with British Water “Code of Practice - Flows and Loads 4 - Sizing Criteria, Treatment Capacity for Wastewater Treatment Systems”. 2013

Based on the above information a biological treatment plant capable of treating at least 0.3 kg BOD/day will be required each dwelling. Consideration should be given to installing a larger capacity system to accommodate potential future expansion of the development.

The indicative foul drainage layout for each of the two dwellings is shown within Appendix 1.

## Section 4.0 Surface Water

---

### 4.1 Minimum System Requirements

In pursuit of compliance with Regulation 3.6 of the Building (Scotland) Regulations 2004, Section 3.6.3 of the Technical Handbook provides methods of discharging surface water that, if employed, would meet the requirements:

- (a) a SUD system designed and constructed in accordance with clause 3.6.4;*
- (b) a soakaway constructed in accordance with:*
  - *clause 3.6.5;*
  - *the guidance in BRE Digest 365, 'Soakaway Design', or*
  - *National Annex NG 2 of BS EN 752-4: 1998;*
- (c) A public sewer provided under the Sewerage (Scotland) Act 1968;*
- (d) An outfall to a watercourse, such as a river, stream or loch or coastal waters, that complies with any notice and/or consent by SEPA, or*
- (e) If the surface water is from a dwelling, to a storage container with an overflow discharging to either of the 4 options above.*

The area to be drained consists of the roof of the dwelling and associated hardstandings.

### 4.2 Recommendation - Surface Water

It is proposed that the surface water is also to discharge to the existing Water Course.

Prior to discharge the surface waters will require to be stored, treated, and attenuated to a pre - determined rate to ensure the post development runoff does not exceed the pre - development rate.

In line with The Moray Council Flood Risk Management Teams current policy, it is proposed to discharge the surface waters to a rain garden providing a sustainable method of surface water management. The rain garden will have stone filled storage beneath sized to accommodate flows up to and including a 1:200 year event with 42% allowance for climate change.

The calculation sheets below indicate a minimum storage of **6.60m<sup>3</sup>** based on a contributing area of 200m<sup>2</sup> (proposed roof area with extra over) with the discharge limited to 0.5l/s.

Allow for a depth of 1.0m maximum of 30% storage within 40mm Stone =  $6.60 / 0.3 = \underline{\underline{22.0\text{m}^2}}$ .

I can therefore confirm that there is adequate space available within the site to accommodate the proposed rain garden.

The plan view of the rain garden will form an irregular shape ensuring that the depth remains as 1.0m of storage below the invert of the inlet and the overall area is equal to a minimum of 22.00m<sup>2</sup>.

Typical details for the rain garden have been included within Appendix 3.



## Section 5.0 Disclaimer

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The content of this assessment is for internal use only and should not be distributed to third parties unless under the expressed authority of our client. The designs, recommendations and outline proposals shall remain the property of Mabbett & Associates Ltd and shall not be plagiarised in any form without authority to do so. The comments and recommendations stipulated are solely those expressed by Mabbett & Associates Ltd, and both parties understand that the comments and recommendations expressed are not binding. Mabbett & Associates Ltd confirms that reasonable skill, care, and diligence have been applied and that any design element has been carried out using verifiable and approved reference documentation. No responsibility shall be assumed by Mabbett & Associates Ltd for system failure as a result of incorrect installation work by contractors assigned by the client or incorrect or inappropriate implementation of Mabbett & Associates Ltd's recommendations.

## Section 6.0 References

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Building (Scotland) Regulations 2004

The Scottish Building Standards: Technical Handbook 2019: Domestic

British Standard BS6297:2007 Code of Good Practice for the Design and Installation of Drainage Fields for use in Wastewater Treatment

British Water Code of Practice: Flows and Loads 4 - Sizing Criteria, Treatment Capacity for Sewage Wastewater Treatment Systems, 2013

The Water Environment (Controlled Activities) (Scotland) Regulations 2011

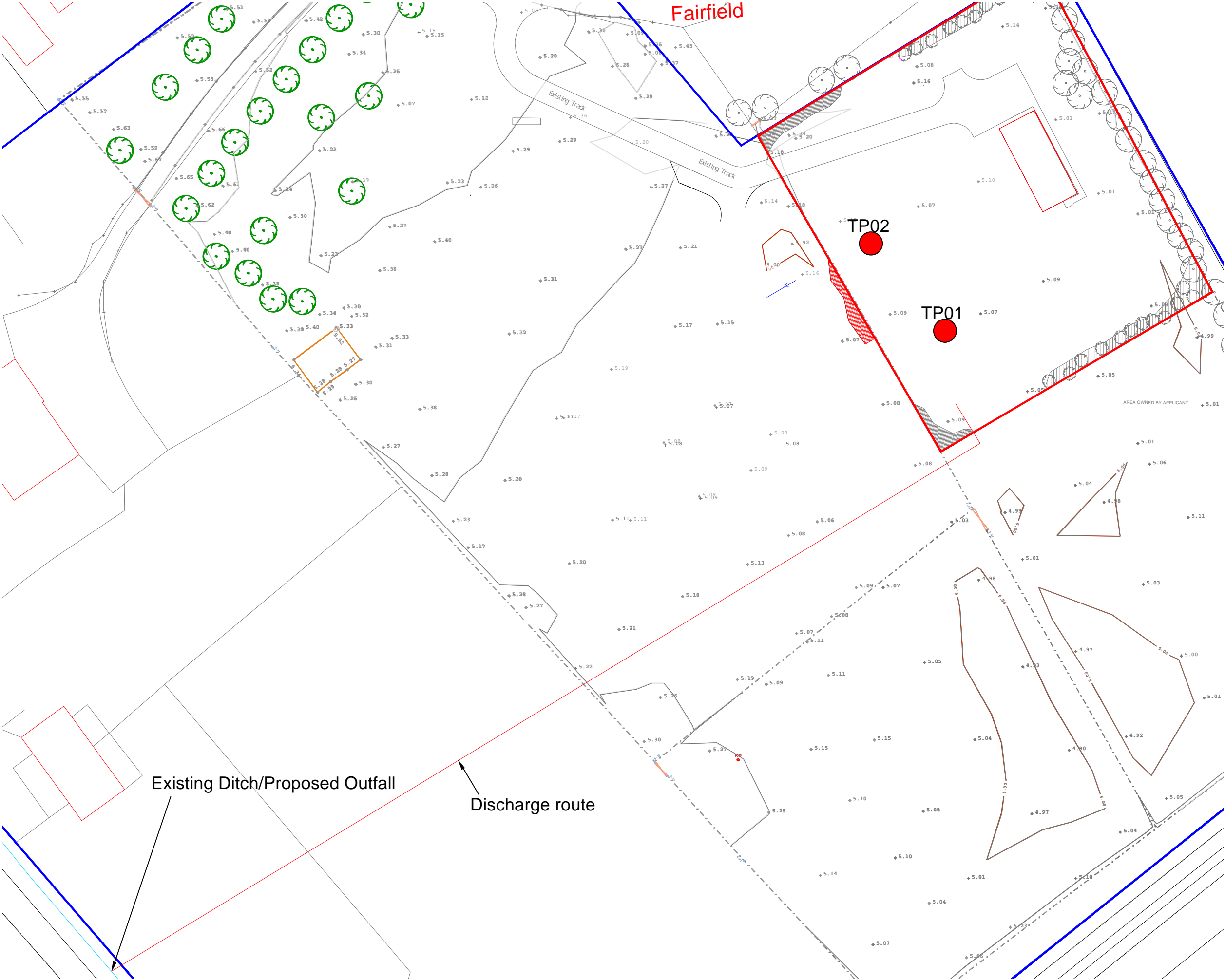
SEPA: The Water Environment (Controlled Activities) (Scotland) Regulations 2011 - A Practical Guide) Version 9.2, December 2022.

SEPA: Regulatory Method WAT-RM-03: Regulation of Sewage Discharges to Surface Water.

SEPA: Regulatory Method WAT-RM-04 Regulation of Indirect Sewage Discharges to Groundwater

Environment Act 1995

# Appendix 1: Location Plan



Rev.	Description	Drawn	Date
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Willow House  
Stoneyfield Business Park  
Inverness IV2 7PA  
Tel: 01463 237229  
www.mabbett.eu



Client

Mr Forbes

Project

New House at Wagtail Lodge  
Whiteinch  
Kinloss

Drawing

Location Plan/  
Discharge Location

Status

Issue

Scale NTS

Sheet A3

Drawn SP

Check GM

Date 23/01/24

Drawing No:

Rev

314613 SU001

X

# Appendix 2: Surface Water Storage Calculations

Design Settings

Rainfall Methodology	FSR	Maximum Time of Concentration (mins)	30.00
Return Period (years)		Maximum Rainfall (mm/hr)	50.0
Additional Flow (%)	0	Minimum Velocity (m/s)	1.00
FSR Region	Scotland and Ireland	Connection Type	Level Slopes
M5-60 (mm)		Minimum Backdrop Height (m)	0.200
Raio-R		Preferred Cover Depth (m)	1.200
CV	0.750	Include Intermediate Ground	✓
Time of Entry (mins)		Enforce best practice design rules	✓

Nodes

Name	Area (ha)	T of E (mins)	Cover Level (m)	Diameter (mm)	Easeng (m)	Northing (m)	Depth (m)
Storage	0.020	5.00	100.000	1200	0.000	0.000	2.000

Simulation Settings

Rainfall Methodology	FSR	Analysis Speed	Normal
FSR Region	Scotland and Ireland	Skip Steady State	x
M5-60 (mm)	14.000	Drain Down Time (mins)	240
Raio-R	0.300	Additional Storage (m³/ha)	0.0
Summer CV	0.750	Check Discharge Rate(s)	x
Winter CV	0.840	Check Discharge Volume	x

Storm Durations

15	30	60	120	180	240	360	480	600	720	960	1440
----	----	----	-----	-----	-----	-----	-----	-----	-----	-----	------

Return Period (years)	Climate Change (CC %)	Additional Area (A %)	Additional Flow (Q %)
200	42	0	0

Node Storage Online Hydro-Brake® Control

Flap Valve	x	Objective (HE)	Minimise upstream storage
Replaces Downstream Link	✓	Sump Available	✓
Invert Level (m)	97.500	Product Number	CTL-SHE-0029-5000-1500-5000
Design Depth (m)	1.500	Min Outlet Diameter (m)	0.075
Design Flow (l/s)	0.5	Min Node Diameter (mm)	1200

Node Storage Depth/Area Storage Structure

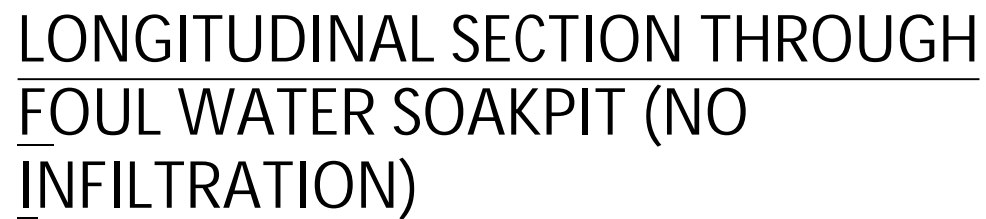
Base Inf Coefficient (m/hr)	0.00000	Safety Factor	2.0	Invert Level (m)	98.000
Side Inf Coefficient (m/hr)	0.00000	Porosity	0.95	Time to half empty (mins)	132
Depth (m)	Area (m²)	Inf Area (m²)	Depth (m)	Area (m²)	Inf Area (m²)
0.000	7.4	0.0	1.000	7.4	0.0
			1.001	0.0	0.0

Results for 200 year +42% CC Critical Storm Duration. Lowest mass balance: 93.53%

Node Event	US Node	Peak (mins)	Level (m)	Depth (m)	Inflow (l/s)	Node Vol (m³)	Flood (m³)	Status
240 minute winter	Storage	188	98.802	0.802	2.1	6.5482	0.0000	OK
Link Event (Upstream Depth)	US Node	Link	Outflow (l/s)	Discharge Vol (m³)				
240 minute winter	Storage	Hydro-Brake®	0.5	11.0				

# Appendix 3: Foul and Surface Water Drainage Details





Planning | Design | Environment | Engineering | Safety

**Mapperrf**®

314613 SU002 X



# **Consultee Comments for Planning Application 25/00361/APP**

## **Application Summary**

Application Number: 25/00361/APP

Address: Wagtail Lodge Whiteinch Small Holdings Forres Moray IV36 3TS

Proposal: Erection of new house at

Case Officer: Emma Mitchell

## **Consultee Details**

Name: Allan Park

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: Not Available

On Behalf Of: Contaminated Land

## **Comments**

Approved unconditionally

# **Consultee Comments for Planning Application 25/00361/APP**

## **Application Summary**

Application Number: 25/00361/APP

Address: Wagtail Lodge Whiteinch Small Holdings Forres Moray IV36 3TS

Proposal: Erection of new house at

Case Officer: Emma Mitchell

## **Consultee Details**

Name: Russell Anderson

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: Not Available

On Behalf Of: Environmental Health C12

## **Comments**

Approved unconditionally

Tuesday, 15 April 2025



Local Planner  
Development Services  
Moray Council  
Elgin  
IV30 1BX

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Wagtail Lodge, Whiteinch Small Holdings, Forres, IV36 3TS**  
**Planning Ref: 25/00361/APP**  
**Our Ref: DSCAS-0130532-PZG**  
**Proposal: Erection of new house**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application. The applicant should be aware that this does not confirm that the proposed development can currently be serviced.

Please read the following carefully as there may be further action required. Scottish Water would advise the following:

### **Water Capacity Assessment**

- There is currently sufficient capacity in the Glenlatterach Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

### **Waste Water Capacity Assessment**

- According to our records there is no public waste water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

## Please Note

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works. When planning permission has been granted and a formal connection application has been submitted, we will review the availability of capacity at that time and advise the applicant accordingly.

## Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network> which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

## Next Steps:

Single house developments; unless utilising private water or drainage sources, are required to submit a Water Connection Application and Waste Water Application via our Customer Portal to allow us to fully appraise the proposals. Please note that Single House developments are not required to submit a Pre-Development Enquiry form (PDE) however local network capacity will be assessed on receipt of application forms.

Further information on our application and connection process for Single Household development can be found on our website <https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network/Single-Household-Customers>

I trust the above is acceptable however if you require any further information regarding this matter, please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Angela Allison**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

## Scottish Water Disclaimer:

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

## Supplementary Guidance

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
  - Site Investigation Services (UK) Ltd
  - Tel: 0333 123 1223
  - Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)
  - [www.sisplan.co.uk](http://www.sisplan.co.uk)
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Development Operations department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.
- Please find information on how to submit application to Scottish Water at our Customer Portal

**From:** Lorraine Clayton <Lorraine.Clayton@moray.gov.uk>  
**Sent:** 16 Apr 2025 02:52:10  
**To:** DMSMyEmail@moray.gov.uk  
**Cc:**  
**Subject:** FW: 25/00361/APP Erection of new house at Wagtail Lodge, Whiteinch Small Holdings, Forres, IV36 3TS  
**Attachments:**

---

**From:** DeveloperObligations <DeveloperObligations@moray.gov.uk>  
**Sent:** 07 April 2025 16:21  
**To:** Emma Mitchell <Emma.Mitchell@moray.gov.uk>  
**Cc:** DC-General Enquiries <development.control@moray.gov.uk>  
**Subject:** 25/00361/APP Erection of new house at Wagtail Lodge, Whiteinch Small Holdings, Forres, IV36 3TS

Hi Emma,

Please find attached the developer obligations assessment that has been undertaken for the above planning application. A copy of the report has been sent to the applicant.

Thanks,  
Erynn

**Erynn Crombie**  
Infrastructure Growth/Obligations Officer (Strategic Planning and Development) | Economic Growth and Development  
[news](#) | [website](#) | [Facebook](#) | [Instagram](#) | [YouTube](#)  
[erynn.crombie@moray.gov.uk](mailto:erynn.crombie@moray.gov.uk) |

Normal Working Hours – 08.45-17.00 (Mon/Wed in Office, Tues/Thurs/Fri Homeworking)



# Developer Obligations & Affordable Housing: ASSESSMENT REPORT



**moray**  
council

## Summary of Obligations

**Date:** 07/04/2025

**Reference:** 25/00361/APP

**Description:** Erection of new house at Wagtail Lodge, Whiteinch Small Holdings, Forres, IV36 3TS

**Applicant:** Mr & Mrs G Forbes

**Agent:** CM Design

This assessment has been carried out by Moray Council. For developer obligations, the assessment is carried out in relation to policy PP3 Infrastructure and Services of the adopted Moray Local Development Plan 2020 (MLDP2020) and Supplementary Guidance (SG) on Developer Obligations which was adopted on 30 September 2020. And, for affordable housing, the assessment is carried out in relation to policy DP2 Housing of the MLDP2020. Affordable housing is a policy requirement not a developer obligation however for ease of reference the Affordable Housing contribution is included within this assessment.

The MLDP2020 can be found at [www.moray.gov.uk/MLDP2020](http://www.moray.gov.uk/MLDP2020) and the Developer Obligations SG can be found at <http://www.moray.gov.uk/downloads/file134184.pdf>

Primary Education	Nil
Secondary Education	Nil
Transport <i>(Contribution towards Demand Responsive Transport)</i>	
Healthcare <i>(Contribution towards extension at Forres Health Centre or such other healthcare facilities for which the Council is able to demonstrate reasonable justification and will serve the residents of the Development, 2 Additional Dental Chairs and reconfiguration to existing Pharmacy outlets)</i>	
Sports and Recreation <i>(Contribution towards 3G pitch in Forres)</i>	
<b>Total Developer Obligations</b>	
Affordable Housing	
<b>TOTAL</b>	



Moray Council **DEVELOPER OBLIGATIONS**



## Breakdown of Calculation

Proposals for developer obligations are assessed on the basis of Standard Residential Unit Equivalents (SRUE) which is a 3-bedroomed residential unit. This application is considered to comprise of the following:

2 bed = 0.8 SRUE

This assessment is therefore based on 0.8 SRUE.

## INFRASTRUCTURE

### Education

#### Primary Education

The pupils generated by this development are zoned to Kinloss Primary School. The school is currently operating at 67% physical capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

**Contribution towards Primary Education = Nil**

#### Secondary Education

The pupils generated by this development are zoned to Forres Academy. The school is currently operating at 75% capacity and the additional pupil as a result of this development can be accommodated. As a result, no mitigation is necessary in this instance.

**Contribution towards Secondary Education = Nil**

### Transport

The Moray Council Transportation Services has confirmed that a contribution towards the Council's demand responsive transport service is required to mitigate the impact, in terms of increased usage, on this service given the proposed development is located within a rural area with no access to bus services. In accord with the Moray Council's Supplementary Guidance on Developer Obligations, a contribution of [REDACTED] per SRUE is sought. Therefore:

**Contributions towards Transport = [REDACTED]**

### Healthcare

Healthcare Facilities include General Medical Services (GMS), community pharmacies and dental practices. Scottish Health Planning Notes provide national guidance on standards and specification for healthcare facilities. The recommended number of patients is 1500 per General Practitioner (GP) and floorspace requirement per GP is 271m<sup>2</sup>.

Healthcare infrastructure requirements have been calculated with NHS Grampian on the basis of national standards and specifications for healthcare facilities and estimating the likely number of new patients generated by the development (based on the average household size of 2.17 persons -Census 2011).

Forres Health Centre is the nearest GP Practice within which healthcare facilities can be accessed by the proposed development. NHS Grampian has confirmed that Forres Health Centre is working at design capacity and the existing space will be required to be extended and that 2 Additional Dental Chairs



and a reconfiguration to existing Pharmacy outlets will be required.

Contributions are calculated based on a proportional contribution of [REDACTED] per SRUE for the extension of the health center or such other healthcare facilities for which the Council is able to demonstrate reasonable justification and will serve the residents of the Development, [REDACTED] for the additional dental chairs and [REDACTED] per SRUE for the pharmacy.

[REDACTED]

[REDACTED]

[REDACTED]

**Contribution towards Healthcare = [REDACTED]**

#### Sports and Recreational Facilities

The nearest sports and recreational facilities that serve this development are located in Forres. The Moray Local Development Plan 2020 identifies a requirement for new development to contribute towards additional capacity of sports and recreational facilities. As set out in the Review of Sport, Leisure and Recreational Provision in Moray (April 2014), current pitch provision in Forres falls below national standards in terms of both quantity and quality. The Review set out the preference is to provide synthetic grass pitches given the ever-improving developments of synthetic turf technology, flexibility offered by the surface in terms of game size and capacity for repeated play without detrimental effect.

The Planning Facilities Model 2018 sets out that Moray currently meets 0.5 pitches per 10,000 population, which is significantly lower than the national average of 0.9 pitches per 10,000 population. Moray Council has agreed that the Council aim is to provide every secondary school

with convenient/adjacent access to a 3G pitch given that sportscotland stipulates that pitches should be adjacent to schools. Therefore, contributions will be sought towards a 3G pitch in Forres on the following basis:

[REDACTED]

**Contribution for Sports and Recreation Facilities = [REDACTED]**

---

## AFFORDABLE HOUSING

The average market value of a serviced plot for 1 Affordable Unit within the Forres Local Housing Market Area is [REDACTED].

Contributions are based on 25% of the total number of units proposed in the application:

[REDACTED]

Therefore, the total contribution towards affordable housing is:

[REDACTED]

Affordable housing is a policy requirement not a developer obligation and will not be subject to negotiation.



## TERMS OF ASSESSMENT

This assessment report is valid for a period of 6 months from the date of issue.

Please note that any subsequent planning applications for this site may require a re-assessment to be undertaken on the basis of the policies and rates pertaining at that time.

## PAYMENT OF CONTRIBUTIONS

Remittance of financial obligations can be undertaken either through the provision of an upfront payment or by entering into a Section 75 agreement. The provision of an upfront payment will allow a planning consent to be issued promptly. However, where the amount of developer contributions are such that an upfront payment may be considered prohibitive a Section 75 will likely be required. The payment of contributions may be tied into the completion of houses through a Section 75 Agreement or equivalent, to facilitate the delivery of development. Please note that Applicants are liable for both the legal costs of their own Legal Agent fees and Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

## INDEXATION

Developer obligations towards Moray Council infrastructure are index linked to the General Building Cost Price Index (BCPI) as published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS) from Q3, 2017 and obligations towards NHS Grampian infrastructure are index linked to All in Tender

Price Index (TPI) as published by the Royal Institute of Chartered Surveyors (RICS) from Q2, 2017.



## **REPORT OF HANDLING**

<b>Ref No:</b>	25/00361/APP	<b>Officer:</b>	Emma Mitchell
<b>Proposal Description/ Address</b>	Erection of new house at Wagtail Lodge Whiteinch Small Holdings Forres Moray		
<b>Date:</b>	14 of May 2025	<b>Typist Initials:</b>	

### **RECOMMENDATION**

<b>Approve, without or with condition(s) listed below</b>		
<b>Refuse, subject to reason(s) listed below</b>		Y
<b>Legal Agreement required e.g. S,75</b>		
<b>Notification to Scottish Ministers/Historic Scotland</b>		
<b>Hearing requirements</b>	<b>Departure</b>	
	<b>Pre-determination</b>	

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Planning And Development Obligations	07/04/25	DO sought
Environmental Health Manager	04/04/25	No objection
Contaminated Land	03/04/25	No objection
Transportation Manager	17/04/25	Object
Scottish Water	15/04/25	No objection
Moray Flood Risk Management	17/04/25	No objection

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
<b>National Planning Framework</b>		
NPF1 - Tackling the Climate	N	
NPF2 - Climate mitigation and adaptation	N	
NPF3 - Biodiversity	N	
NPF13 - Sustainable transport	Y	
NPF14 - Design, quality and place	N	
NPF15 - Local living	N	
NPF16 - Quality homes	N	
NPF17 - Rural homes	Y	
NPF22 - Flood risk	N	
NPF23 - Health and safety	N	

<b>Moray Local Development Plan 2020</b>		
PP1 Placemaking	N	
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	
DP2 Housing	N	
DP4 Rural Housing	Y	
EP12 Management and Enhancement Water	N	
EP13 Foul Drainage	N	
EP14 Pollution Contamination Hazards	N	

REPRESENTATIONS		
Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		
Comments (PO):		

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

### Proposal

- Planning permission is sought for the erection of a dwellinghouse attached to an existing holiday cottage at Wagtail Lodge, Whiteinch.
- A single storey two bed. dwelling is proposed with living accommodation in the attic space.
- External materials include thermopine cladding with a steel roof.
- It is proposed to link the new dwelling with the existing holiday chalet via a glass tunnel.
- A solar array is to be located on the west elevation.
- A septic tank for foul drainage and connection to the public water supply is intended.
- The site is access via an existing track that leads from the public road (U62E Sea Park Road).

### Site Characteristics

- The almost rectangular flat site is 4286 sqm in size.
- A holiday chalet is located on the site.
- The site is located to the east of Copperfield at the end of a private track in countryside west of Kinloss.
- The 500 metre L - shaped track that leads to the Copperfield serves approx. 14 other properties.
- A row of housing is located further to the east of the site forming a street type sequence.
- Housing lies to the north, east and west of the site. Paddocks are located to the south.
- Mature trees are located on the eastern boundary of the site.

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan i.e. the adopted National Planning Framework 4 (NPF4) and Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

The main planning issues are considered below:

### **Siting and Design (NPF 14 and 17 / MLDP PP1, DP1 and DP4)**

Policy 14 aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. Policy PP1 Placemaking seeks to ensure that new development is designed to create successful healthy places that improve people's wellbeing, safeguard the environment and support economic development, promote character and identity and biodiversity. Policy DP1 Development Principles sets out the need for the scale, density and character to be appropriate to the surrounding area to create a sense of place, integrated into the surrounding landscape with no adverse impact upon neighbouring properties in terms of privacy, daylighting, or overbearing loss of amenity. Policy 17 stipulates that new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development complies with further criteria. In addition to this policy DP4 seeks to direct new housing to appropriate locations within the countryside promoted by a rural development hierarchy, firstly by directing development to rural groupings, secondly by the re-use and replacement of traditional stone and slate buildings and finally, to sites in the open countryside. Proposals for houses within the countryside must meet the design criteria of this policy which includes the height of the new dwelling not exceeding 6.75m, the house being of an appropriate scale and massing, excess detailing involving gable features, balconies etc that have a suburban feel must be avoided, roof pitches must be between 30 and 50 degrees and meet the gable/pitch formula, all roofing must be finished in slate or an alternative profiled cladding, windows with a horizontal emphasis must be generally avoided, restrictions on boundary treatments apply and access arrangements must be sympathetic to the rural setting.

The proposal site is in open countryside and the siting of a new dwelling in this location is not acceptable under Policies 17, DP1 and DP4 as it contributes to an unacceptable build-up of housing in the countryside.

The site is located within Whiteinch which consists of approx. 14 existing dwellings, the majority of these are located along the access track forming a street type pattern. The proposed introduction of a further house in this location alongside existing housing is considered to constitute an unacceptable cumulative build-up of housing which will negatively impact the landscape character of this area of open countryside.

There is a new house immediately to the east of the plot which has recently been constructed and when taken with the existing holiday let (consented in 2021), the addition of the proposed would be considered to contribute to an unacceptable build-up of housing in the countryside. As such the application would fail to comply with Policies 17, DP1 and DP4.

The design of the proposal meets the gable formula and the other stipulations of Policy DP4 including materials, window layout, maximum height and roof pitch. There are no amenity issues for neighbouring properties.

Under policy DP4 15% native tree planting must be provided on the site to help the proposal integrate into the landscape setting. Landscaping is proposed as part of the proposal which meets the requirements of policy DP4. The standard landscaping condition relating to planting times and maintenance etc would be attached to the consent if it were to be approved.

### **Access and Parking (NPF 13 / MLDP DP1)**

Policy 13 states that development proposals will be supported where they are designed to incorporate safety measures. Policy DP1 requires that proposals must provide a safe entry and exit from the development and conform with the Council's current policy on Parking Standards.

The proposed new dwelling would result in the intensification of the use of the existing access onto the public road. Transportation provided comments for previous planning applications for a dwelling at this location (23/02065/APP which was withdrawn and 24/01254/APP which was refused), which

have not been addressed as part of the current planning application. The following is required: -

- The visibility splays at the access onto the public road are presently constrained due to the presence of boundaries and vegetation. A visibility splay 4.5 m x 120m would be required in both directions at the track access onto the U62E Sea Park Road clear of any obstructions greater than 0.6m in height measured from the level of the carriageway, with all boundaries set back to a position behind the required visibility splays. The visibility splays appear to pass across land not under the control of the applicant. Evidence of control is therefore required, through ownership or provision of third-party agreement, to demonstrate that the required visibility can be provided and maintained thereafter.
- The access onto the public road is taken via the back of an existing formal passing place. The existing access is in poor condition with evidence of water ponding and loose material discharging onto the public road and it is considered that the proposal would further exacerbate these existing issues. The access would therefore require to be constructed to Moray Council specification and surfaced in bituminous macadam across its full existing width for a minimum of the first 5m measured from the edge of the carriageway.

The submitted information doesn't demonstrate that a safe and suitable access can be provided.

Consideration has been given to whether a reduced visibility splay of 2.4 m x 120m could be provided. However, this is currently not available, and the provision of the reduced splay would still require clearance of land out with the road boundary.

The land on which the visibility splay is located is out with the applicant's ownership. The supporting statement submitted as part of the proposal states the applicant does not have the ability to provide the required visibility splay due to the land not being in his ownership and no agreement being able to be made with the owner of it to provide and maintain the 2.4 x 120m required visibility splay.

Based on the submitted details, transportation considers the current proposals to be contrary to MLDP Policy DP1 and the Supplementary Guidance given the required visibility splay from the access road onto the public road is unable to be achieved. The proposal is also contrary to NPF policy 13 as it is unable to incorporate safety measures to provide a safe entry and exit.

### **Drainage and Water (NPF 22 / MLDP EP12 and EP13)**

Policies 22, DP1, EP12 and EP13 together seek to ensure that acceptable water and drainage provision is made, including the use of sustainable urban drainage (SUDS). Policy EP13 requires new development to connect to the main system whenever possible.

Moray Flood Risk Management were consulted on the proposal have no objections to it. If the proposal were to be approved a condition would be attached to the consent to ensure adherence with the submitted drainage assessment.

Scottish Water were consulted on the proposal and have no objections. The criteria in Policies 22, EP12 and EP13 have been met.

### **Sustainability (NPF 1 & 2)**

Policy 1 states that significant weight will be given to the global climate and nature crisis. Policy 2s intent is to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Local development is required to include appropriate measures to conserve, restore and enhance biodiversity under policy 3.

A solar array is proposed on the dwelling which will assist in minimizing emissions from the proposal. Design features such as passive solar gain will increase natural light and heat into the dwelling

thereby reducing energy consumption and lighting requirements, and good thermal performance measures will also help to limit heat losses from the dwellings. It is further noted that changes to Scottish Building Regulations programmed across 2023 will be seeking significant reductions in carbon emissions based on current regulations which will have a positive impact on energy efficiency requirements and carbon emissions from this development. The criteria in the policy has been met.

### **Biodiversity (NPF 3)**

Local development is required to include appropriate measures to conserve, restore and enhance biodiversity under policy 3.

Landscaping is proposed as part of the proposal which will result in a net increase in ecological value and biodiversity overtime. A mixture of new native tree planting is being proposed, that increases the age range and diversity of tree species within the site to enhance the biodiversity of the new woodland. The species chosen are a mixture of broadleaves and conifers that provide food in the form of berries and nuts, and opportunities for nesting and shelter. The criteria in the policy has been met. If planning permission were to be granted a condition asking for 3 bird/bat boxes to be erected on the site prior to occupation of the dwelling would be attached. The criteria in the policy has been met.

### **Developer Obligations and Affordable Housing (NPF 16 / MLDP PP3 & DP2)**

Policy PP3 Infrastructure and Services states development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services. In relation to infrastructure and services developments can be required to provide contributions towards Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space. Policy DP2 Housing stipulates for proposals of less than 4 market housing units a commuted payment is required towards meeting housing needs in the local housing market area.

If planning permission were to be granted a developer obligation would be required to be paid up front prior to planning consent being issued or secured through a Section 75 legal agreement (which as been agreed with the applicant) for Transport (demand responsive transport), Healthcare (extension at Forres Health Centre or other such healthcare facilities for which the council is able to demonstrate reasonable justification and will be serve the residents of the development, 2 additional dental chairs and the reconfiguration to existing Pharmacy outlets) Sports and Recreation (3G pitch in Forres) and Affordable Housing.

### **Recommendation**

Refuse.

### **REASON(S) FOR DECISION**

The Council's reason(s) for making this decision are: -

The development is contrary to National Planning Framework (NPF) Policies 13 (Sustainable Transport) and 17 (Rural Homes) and the Moray Local Development Plan 2020 (MLDP) Policies DP1 (Development Principles) and DP4 (Rural Housing) for the following reasons: -

- The development would result in an intensification of use of the access junction onto the public road (U62E Sea Park Road), where there is presently restricted visibility and which would be likely to give rise to conditions detrimental to the road safety of road users contrary to NPF Policy 13 (b. vi) and MLDP DP1 (ii a and c).
- The proposed introduction of a further house in this location alongside existing housing is considered to constitute an unacceptable cumulative build-up of housing which will negatively impact the landscape character of this area of open countryside contrary to the siting requirements of Policies NPF 17 and MLDP DP4.



**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None.

**HISTORY**

Reference No.	Description			
21/00606/APP	Erect 1no holiday chalet on At Land by Copperfield Kinloss Forres Moray			
	Decision	Permitted	Date Of Decision	09/06/21

**ADVERT**

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Forres Gazette	Departure from development plan No Premises	06/05/25	
PINS	Departure from development plan No Premises	06/05/25	

**DEVELOPER CONTRIBUTIONS (PGU)**

Status	CONT SOUGHT
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**DOCUMENTS, ASSESSMENTS etc. \***

\* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Drainage Assessment - Proposed new dwelling at Wagtail Lodge, Whiteinch Kinloss	
Main Issues:	Information on the site and proposals drainage	
Document Name:	Supporting Statement	
Main Issues:	Details of the proposal and the site	
Document Name:	Letter from solicitor	
Main Issues:	Discussion re access from public road	

**S.75 AGREEMENT**

Application subject to S.75 Agreement

NO

Summary of terms of agreement:

Location where terms or summary of terms can be inspected:

**DIRECTION(S) MADE BY SCOTTISH MINISTERS** (under DMR2008 Regs)

Section 30

Relating to EIA

NO

Section 31

Requiring planning authority to provide information and restrict grant of planning permission

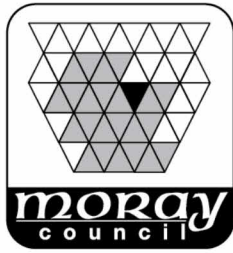
NO

Section 32

Requiring planning authority to consider the imposition of planning conditions

NO

Summary of Direction(s)

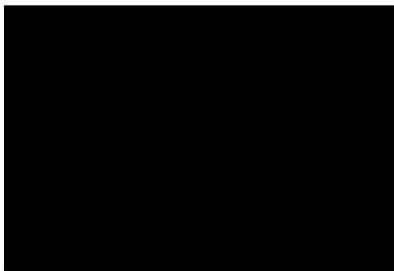


**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Forres]  
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: -

**Erection of new house at Wagtail Lodge Whiteinch Small Holdings Forres  
Moray**

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

Date of Notice: **15 May 2025**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

Economy, Environment and Finance  
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 development is contrary to National Planning Framework (NPF) Policies 13 (Sustainable Transport) and 17 (Rural Homes) and the Moray Local Development Plan 2020 (MLDP) Policies DP1 (Development Principles) and DP4 (Rural Housing) for the following reasons: -

The development would result in an intensification of use of the access junction onto the public road (U62E Sea Park Road), where there is presently restricted visibility and which would be likely to give rise to conditions detrimental to the road safety of road users contrary to NPF Policy 13 (b. vi) and MLDP DP1 (ii a and c).

The proposed introduction of a further house in this location alongside existing housing is considered to constitute an unacceptable cumulative build-up of housing which will negatively impact the landscape character of this area of open countryside contrary to the siting requirements of policies NPF 17 and MLDP DP4.

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

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

Reference	Version	Title
230085.FORBES.03PP	E	Elevations, Floor Plans, Section, Site and Location Plan
230085.FORBES.04PP	E	Site and Location Plan
230085.FORBES.05PP	E	Visibility Splays

## **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.