



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: 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 100713864-002

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.

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

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
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		

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

☒ Yes ☐ No

Application Details

Please select which application(s) the new documentation is related to.

Application: * 100713864-001, application for Notice of Review, submitted on 27/05/2025

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Response to representation received

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

☒ Yes ☐ No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Craig Mackay

Declaration Date: 08/07/2025

LOCAL REVIEW BOARD

STATEMENT OF APPEAL

Transport Response

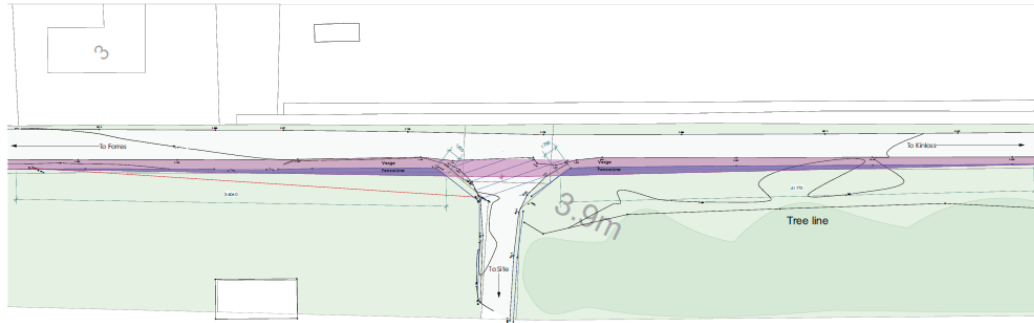
Erection of New House

At Wagtail Lodge, Whiteinch, Kinloss, IV36 3TS

This response corresponds directly to the Transport Response provided on the 23rd of June 2025 as follows:

9. Whilst the existing property was originally constructed as a holiday home, the appellants now wish to live at Whiteinch to be near family, and their commitments. As a result, the use of the property would no longer be a string of users unfamiliar with the access track, but the family, who have lived at Whiteinch for decades, and their friends and family, who already visit the site.
10. We respectfully reject the statement of Transport that the proposals would intensify use of the existing access.
Current use of the Holiday Let would conceivably be by two couples and then any additional guests. This would mean multiple cars, with unfamiliar drivers, accessing the property.
The proposals, if approved, would allow the appellants (one couple) to live fulltime at the property. This would result in fewer vehicles accessing the track, and any drivers using the access would be infinitely more likely to be familiar with the access road, being friends and family of the appellants and thereby regular visitors, rather than those who come for a single trip.
It is our assertion that the proposals would not intensify use of the access road, and the drivers to the property would be much more familiar with the road.
12. Whilst on paper this application is being considered a new dwelling, in reality, the appellants are seeking to make Whiteinch their fulltime home, and the daily trips outlined in Transport's Statement are already in practice.
13. The requirement of an STL license in order to use the property as a Holiday Rental, should make it possible to prevent lawful STL use of the property.

- 14.-21. The appellant has made every possible effort to purchase the land required to create compliant visibility splays. The Landowners have refused to either sell the land or relocate the existing fences. A significant amount of the splay is still outwith the above boundaries, and the appellant will gladly maintain these to ensure all vegetation is controlled and maintained below 600mm high.



Visibility Splays

The above maintenance of the splays, coupled with the appellant's commitment to upgrade the existing poorly constructed access for 5m, would significantly increase safety at the existing access road. As the images below show, the existing road is straight and provides for clear sightlines in both directions.



Street View to Kinloss



Street View to Forres

The existing road has been used, without issue, since time immemorial. This is not a dangerous, or difficult junction, and while the appellant is more than happy to provide any and all **possible** upgrades to the existing junction, it is onerous to require the moving of the existing fences as a condition of approval when there is no evidence for potential issue.

22. It is respectfully contested that the proposals will increase the intensity of use of the existing access road. Use by one sole family will not be more than by the string of unfamiliar drivers to the existing property. It is proposed that use of the existing access road be continued, with the improvements to sightlines and construction that **can** be provided by the appellant.

We respectfully request that the above be considered favorably.

M Ellerby
Architectural Designer
CM Design