



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 100721234-001

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.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Proposed timber fence and gates to enclose garden areas for privacy screening. Existing dwelling and external walls will be painted in white colour.

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

☐ No ☒ Yes - Started ☐ Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

20/06/2025

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

The applicant was not aware that permitted development rights had been revoked within the area due to conservation status.

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:	AK architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ashley	Building Name:	
Last Name: *	Keenon	Building Number:	100
Telephone Number: *	01224789715	Address 1 (Street): *	100 Union Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB10 1QR
Email Address: *	admin@ak-architecture.co.uk		
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:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Ivy Cottage
First Name: *	David	Building Number:	
Last Name: *	Anderson	Address 1 (Street): *	Mid Street
Company/Organisation		Address 2:	Kingston
Telephone Number: *		Town/City: *	Fochabers
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	IV32 7NR
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

IVY COTTAGE

Address 2:

MID STREET

Address 3:

KINGSTON

Address 4:

Address 5:

Town/City/Settlement:

FOCHABERS

Post Code:

IV32 7NR

Please identify/describe the location of the site or sites

Northing

865482

Easting

333844

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☒ Yes ☐ No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

☒ Meeting ☒ Telephone ☐ Letter ☐ Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Spoke to Harry Gordon, who confirmed that a retrospective planning application is required.

Title:

Mr

Other title:

First Name:

Harry

Last Name:

Gordon

Correspondence Reference
Number:

Date (dd/mm/yyyy):

03/07/2025

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

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.

Access and Parking

Are you proposing a new or 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 proposed to make. You should also show existing footpaths and note if there will be any impact on these.

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: Ashley Keenon

On behalf of: Mr David Anderson

Date: 30/07/2025

☒ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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) Have you provided a written description of the development to which it relates?. * ☒ Yes ☐ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ☒ Yes ☐ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * ☒ Yes ☐ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ☒ Yes ☐ No
- e) Have you provided a certificate of ownership? * ☒ Yes ☐ No
- f) Have you provided the fee payable under the Fees Regulations? * ☒ Yes ☐ No
- g) Have you provided any other plans as necessary? * ☒ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- ☐ Existing and Proposed elevations.
- ☐ Existing and proposed floor plans.
- ☐ Cross sections.
- ☒ Site layout plan/Block plans (including access).
- ☒ Roof plan.
- ☒ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ☐ Yes ☒ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Ashley Keenon

Declaration Date: 30/07/2025

Payment Details

Telephone Payment Reference:

Created: 30/07/2025 12:02



Supplementary Location Plan
Scale 1:5000 (on A3)



Location Plan
Scale 1:1250 (on A3)

Notes: | Additional Comments

1. © CROWN COPYRIGHT AND DATABASE RIGHT 2025. ALL RIGHTS RESERVED TO ORDNANCE SURVEY LICENCE.

F00 | Draughting In Progress | 17/07/2025

Rev: | Description: | Date:



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Email: info@ak-architecture.co.uk | Website: www.akarchitecture.co.uk
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Client: | Mr David Anderson

Project: | Proposed Fence (Retrospective)

Ivy Cottage
Mid Street
Kingston
Fochabers
IV32 7NR

Title: | Location Plans

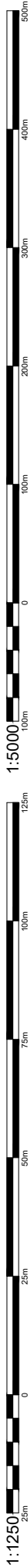
Drawing: | 0249-01-01-02-001 Rev: | F01

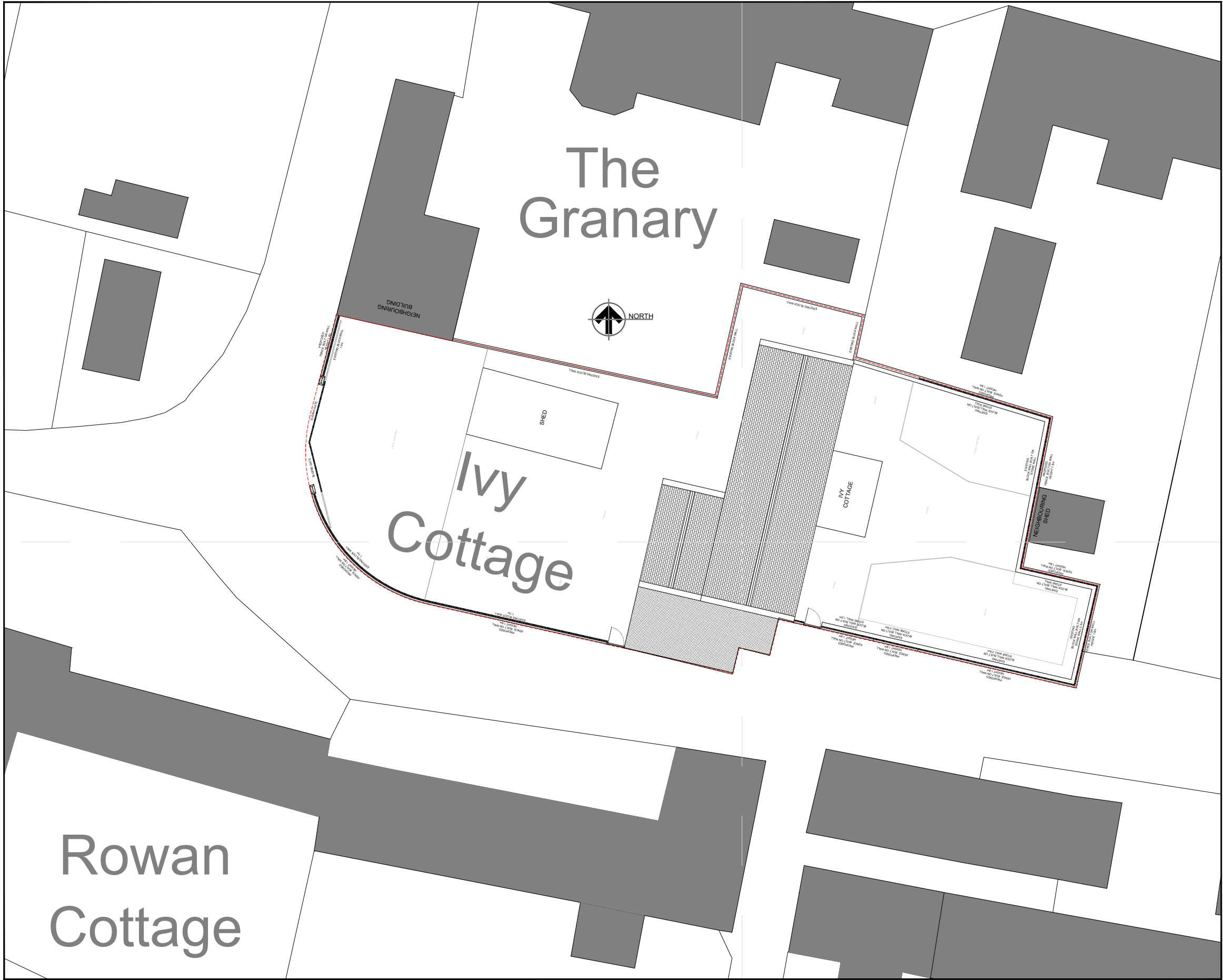
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Status: | Feasibility Date: | 22/07/2025

All dimensions in 'mm' unless noted otherwise. Do not scale from this drawing. AK architecture take no responsibility for any scaled dimensions from this drawing.

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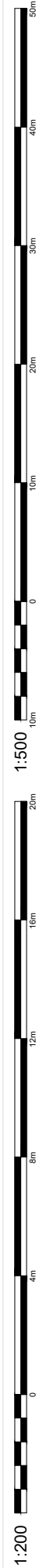


Notes: | Additional Comments

SITE KEY



SITE BOUNDARY



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Rev: | Description: | Date:



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Client: | Mr David Anderson

Project: | Proposed Fence (Retrospective)

Ivy Cottage
Mid Street
Kingston
Fochabers
IV32 7NR

Title: | Proposed Site & Roof Plan

Drawing: | 0249-01-01-02-003 Rev: | F01

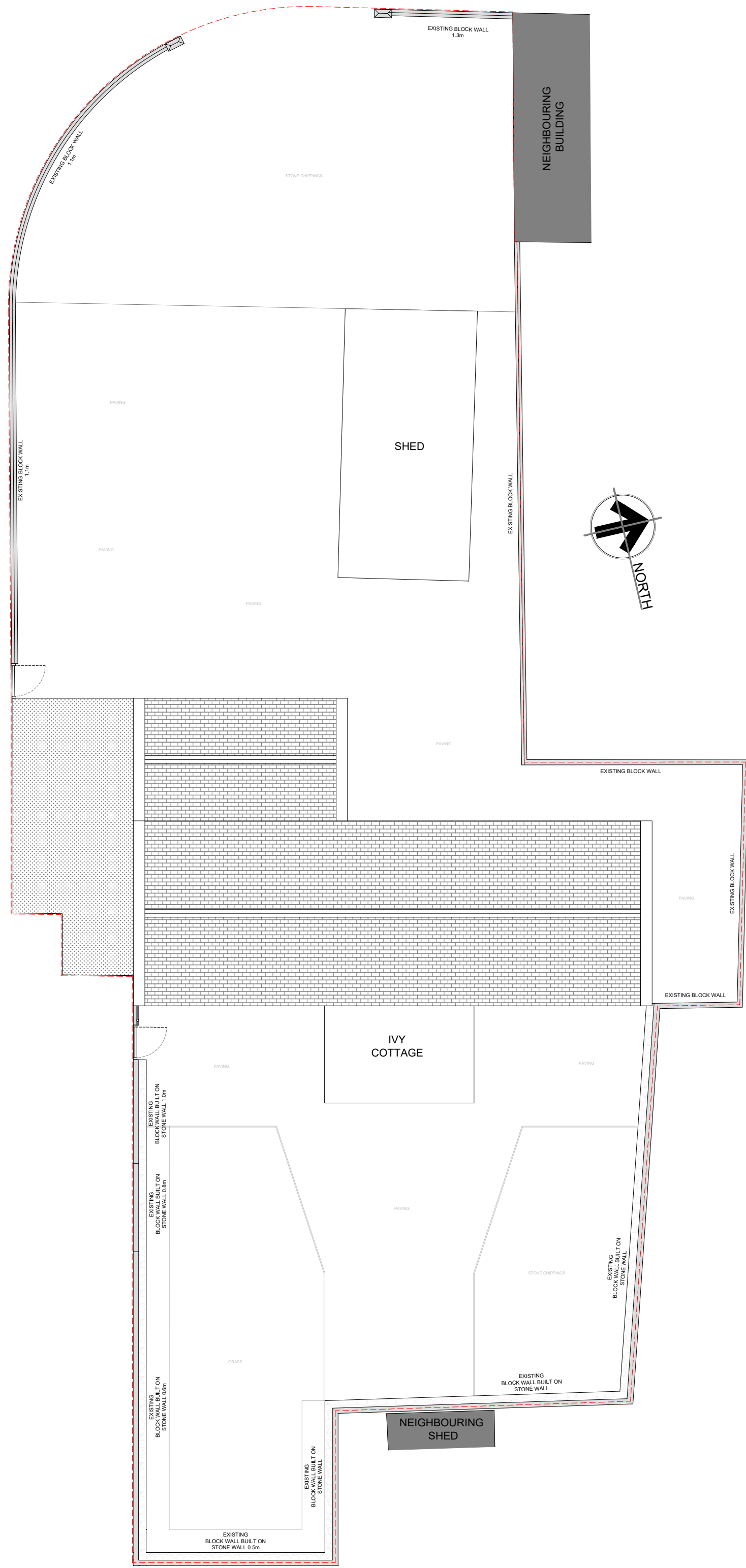
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Status: | Feasibility Date: | 22/07/2025

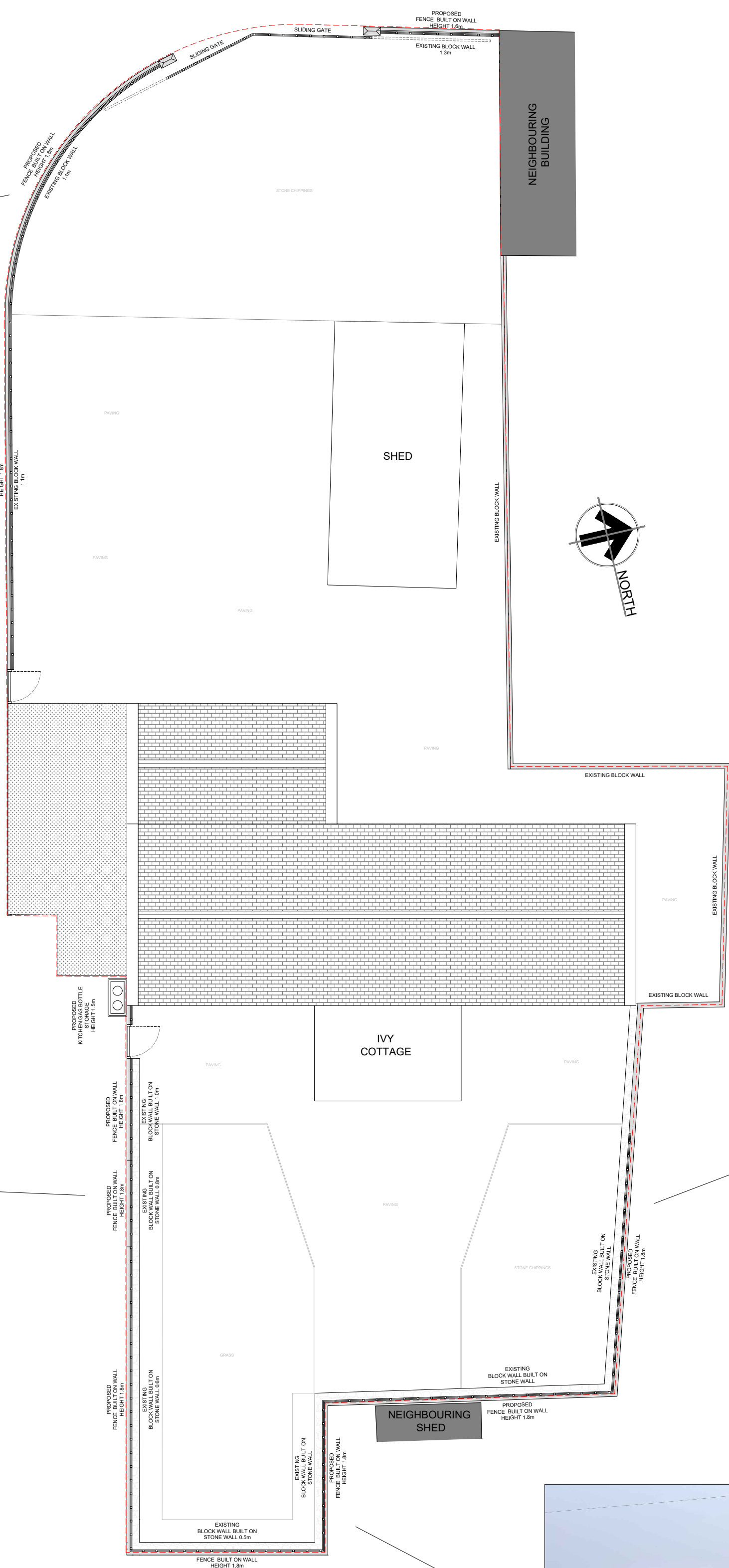
All dimensions in 'mm' unless noted otherwise. Do not scale from this drawing.
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Proposed Site & Roof Plan
Scale 1:200 (on A3)



Existing Site Plan
Scale 1:100 (on A1)



Proposed Site Plan
Scale 1:100 (on A1)



F00	Draughting In Progress	17/07/2025
Rev:	Description:	Date:

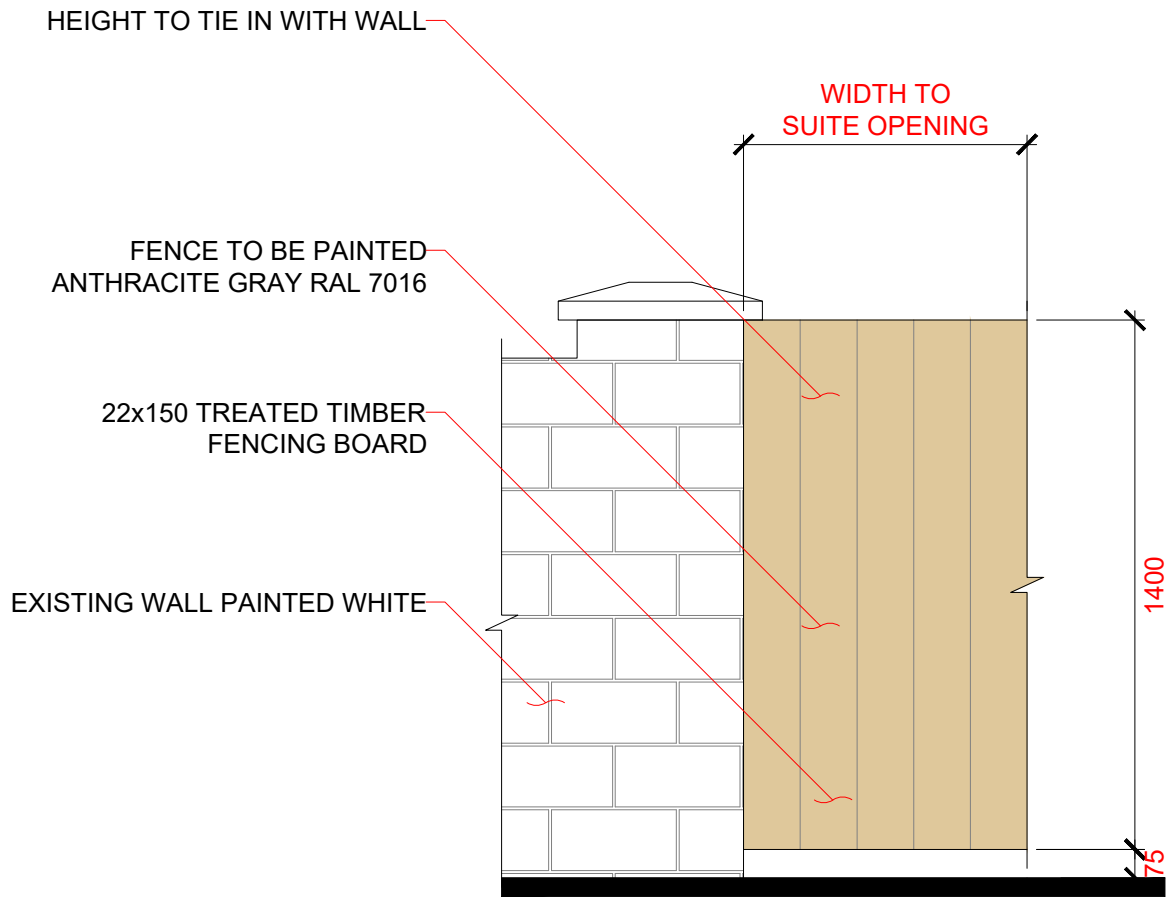


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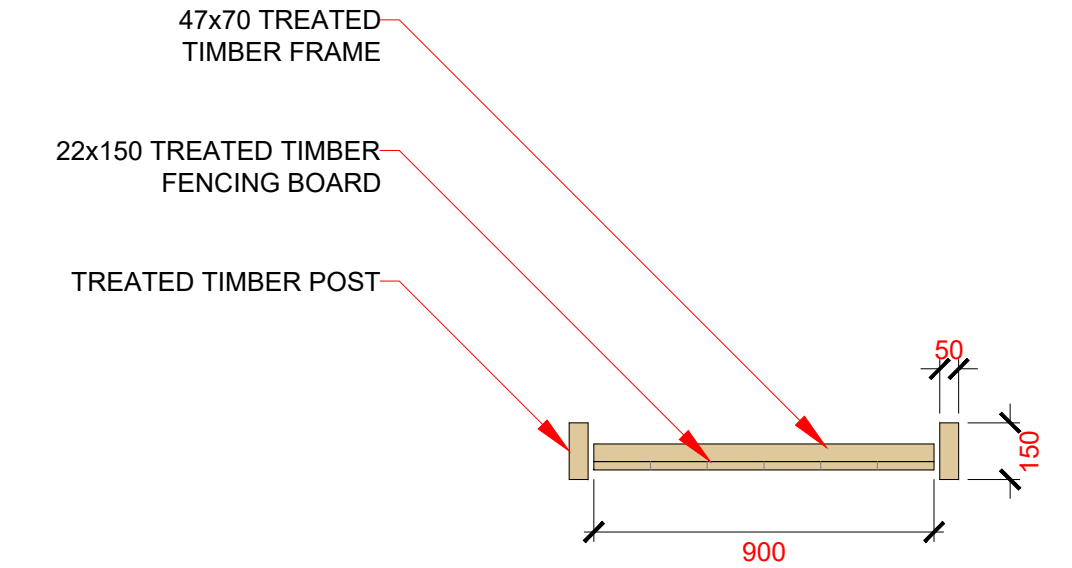
Client:	Mr David Anderson
Project:	Proposed Fence (Retrospective)
	Ivy Cottage Mid Street Kingston Fochabers IV32 7NR

Title:	Existing / Proposed Site Plans		
Drawing:	0249-01-01-02-004	Rev:	F01
Scale:	1:100	Drawn By:	A. Keenon
Status:	Feasibility	Date:	22/07/2025

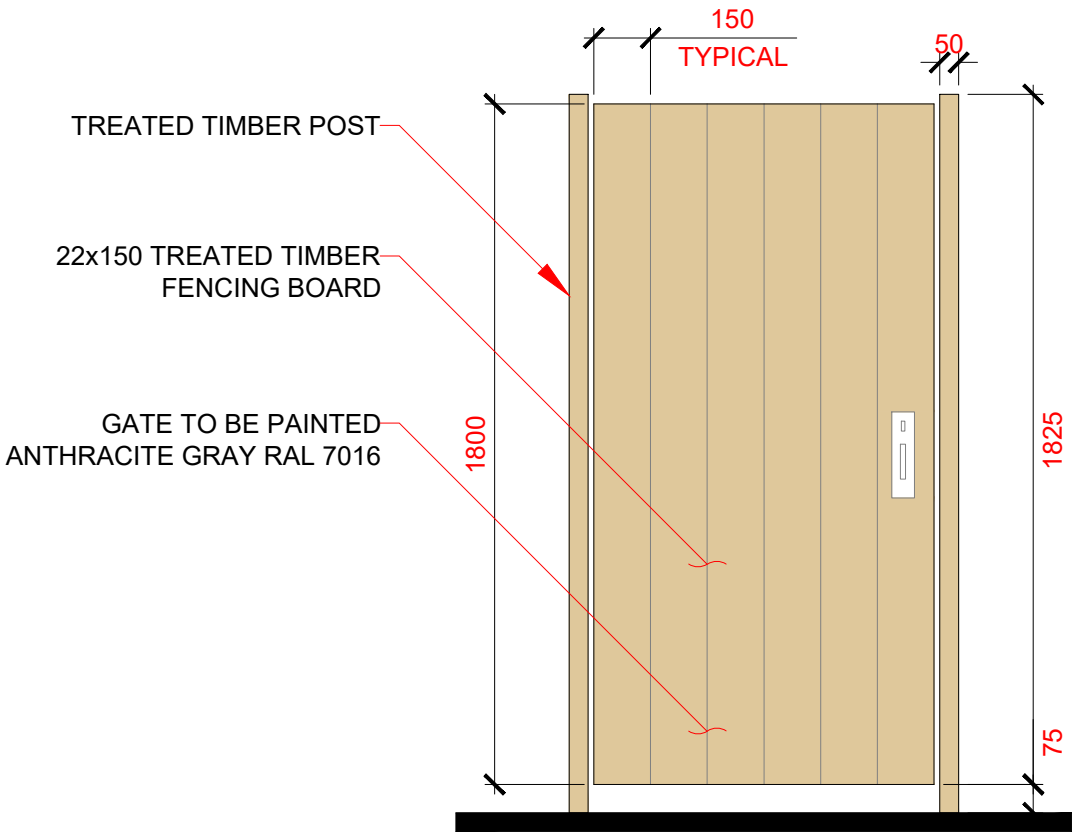
All dimensions in "mm" unless noted otherwise. Do not scale from this drawing.
AK architecture take no responsibility for any scaled dimensions from this drawing.
All dimensions should be checked against site conditions to ensure no discrepancies prior to works starting. If no dimensions or information is given, it is the responsibility of the end user to ascertain the relevant information from AK architecture or engineer. Any discrepancies should be reported immediately.



FRONT ELEVATION
TYPICAL SLIDING GATE



PLAN
TYPICAL PASSENGER GATE



FRONT ELEVATION
TYPICAL PASSENGER GATE

F00	Draughting In Progress	17/07/2025
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Rev:	Description:	Date:
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Client:	Mr David Anderson
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Project:	Proposed Fence (Retrospective)
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Ivy Cottage Mid Street Kingston Fochabers IV32 7NR
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Title:	Proposed gate Details
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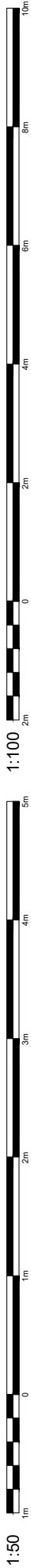
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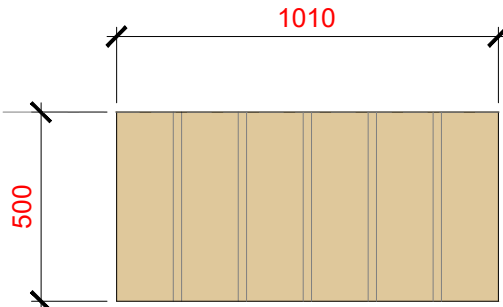
Status:	Feasibility	Date:	22/07/2025
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All dimensions in 'mm' unless noted otherwise. Do not scale from this drawing.
AK architecture take no responsibility for any scaled dimensions from this drawing.

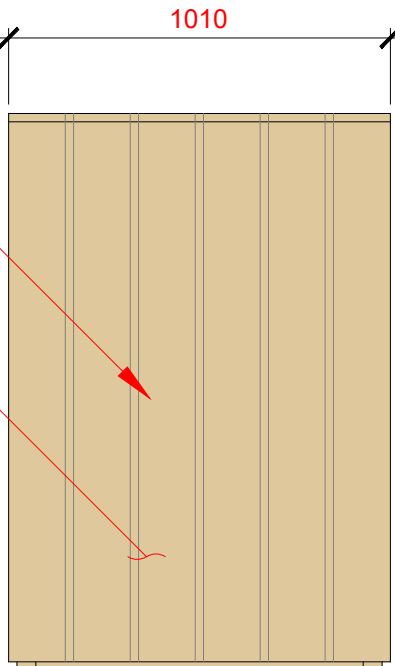
All dimensions should be checked against site conditions to ensure no discrepancies prior to works starting. If no dimensions or information is given, it is the responsibility of the end user to ascertain the relevant information from AK architecture or engineer. Any discrepancies should be reported immediately.



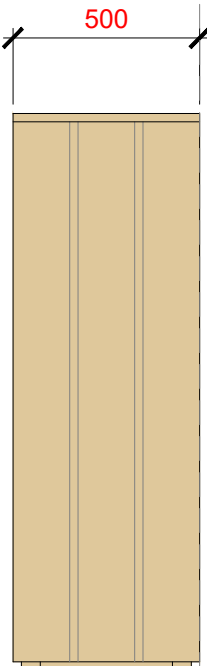
DENOTES PROPERTY WALL.



PLAN
GAS BOTTLE STORAGE



FRONT ELEVATION
GAS BOTTLE STORAGE



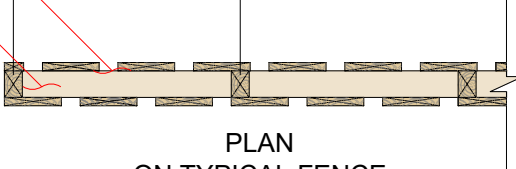
SIDE ELEVATION
GAS BOTTLE STORAGE

22x150 TREATED TIMBER
FENCING BOARD 22mm OPEN SLAT.

STORE TO BE PAINTED
ANTHRACITE GRAY RAL 7016

HIT AND MISS SLATS
47x70 TREATED TIMBER FRAME

600 C/C
TYPICAL



PLAN
ON TYPICAL FENCE

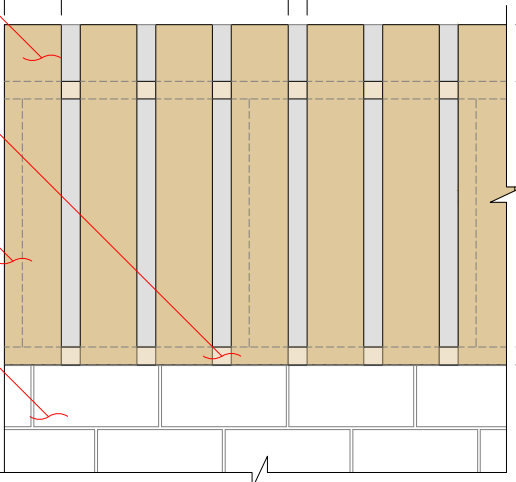
FENCE TO BE PAINTED
ANTHRACITE GRAY RAL 7016

BASE RAIL FIXED TO WALL

47x70 TREATED TIMBER FRAME

EXISTING WALL PAINTED WHITE

150
TYPICAL
50
TYPICAL



FRONT ELEVATION
ON TYPICAL FENCE

HEIGHT VARIES

F00 | Draughting In Progress | 17/07/2025

Rev: | Description: | Date:



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Client: | Mr David Anderson

Project: | Proposed Fence (Retrospective)

Ivy Cottage
Mid Street
Kingston
Fochabers
IV32 7NR

Title: | Proposed Fence & Store Details

Drawing: | 0249-01-01-02-006 Rev: | F01

Scale: | 1:20 Drawn By: | A.Keenon

Status: | Feasibility Date: | 22/07/2025

All dimensions in 'mm' unless noted otherwise. Do not scale from this drawing.
AK architecture take no responsibility for any scaled dimensions from this drawing.

All dimensions should be checked against site conditions to ensure no discrepancies prior to works starting. If no dimensions or information is given, it is the responsibility of the end user to ascertain the relevant information from AK architecture or engineer. Any discrepancies should be reported immediately.

22 August 2025

OBJECTION RESPONSE

ECONOMY, ENVIRONMENT AND FINANCE

Shaaransh Kulshrestha
Planning Officer
Moray Council
PO Box 6760
High Street
Elgin Moray
IV30 1BX

Ref: 25/00923/APP

Site: Ivy Cottage, Mid Street, Kingston, Fochabers, IV32 7NR

Proposal: Retrospective application for erection of timber fence, gate, and painting of external walls

1. Introduction

We are instructed on behalf of the applicant to respond formally to the objections and consultation comments lodged in relation to the above application.

The objections contain a number of false assertions, factual inaccuracies, and coordinated repetition, all of which have the effect of clouding the planning process with matters that are either demonstrably incorrect or irrelevant.

This submission addresses each point in turn, supported by evidence and by direct reference to the Moray Local Development Plan 2020 (MLDP). The planning authority is respectfully reminded that only material planning considerations can be taken into account in the determination of an application, and speculative or malicious comments must carry no weight.

2. Road Safety and Visibility

Objectors' Claim: That the fence impedes visibility and creates a hazard for neighbouring driveways.

Response:

The former boundary consisted of a mature hedge exceeding 2.5 metres in height, solid and continuous with no gaps whatsoever.

The hedge remained in place for over two decades without a single recorded accident, complaint, or enforcement action. This factual history is fatal to the suggestion that a fence at 1.6–1.8m high could now create a new hazard.

Mid Street is a private, unadopted road, not maintained by the Roads Authority. Vehicle flows are limited to residents and their visitors, with traffic speeds extremely low. It is legally unsound and disproportionate to apply visibility splay standards intended for adopted highways carrying general public traffic.

Hedge Height – Photographic Evidence:

It is an undisputed fact, evidenced by multiple dated photographs provided by the applicant, that the hedge which previously formed the boundary was well in excess of 2.5 metres in height, dense, and entirely solid.

The suggestion by objectors that the hedge was “lower” or “gappy” is demonstrably false. The photographic record, including Google Earth imagery from 2014 and subsequent years, *[Appendix A fig 1,2,3]* shows a continuous wall of vegetation with no gaps whatsoever through which visibility could not be achieved. More recent photos from the client show the extent and height of the hedge *[Appendix A fig 4,5,6]*

The new fence, at 1.6–1.8m, represents a substantial reduction in height and bulk compared to the former hedge. On any objective analysis, it improves openness, reduces visual mass, and cannot reasonably be said to introduce visibility concerns where a taller and denser hedge stood for over two decades without incident.

Policy Position:

Policy DP1(ii)(c) of the MLDP requires that development must not cause “conditions detrimental to road safety”. The burden of proof lies on demonstrating actual harm, not hypothesised risk. In this case, there is no evidence whatsoever of harm arising. The fence is objectively lower and less bulky than the hedge it replaced. The Transportation Manager’s objection, while noted, cannot reasonably stand when weighed against both historical precedent and current factual evidence.

3. Conservation Area Character

Objectors’ Claim: That the fence is out of keeping with Kingston Conservation Area.

Response:

The fence is constructed in timber, a traditional and sustainable building material entirely consistent with historic village character. It is painted in anthracite grey, chosen specifically to recess visually and avoid prominence and match the colour of natural slates.

Kingston Conservation Area contains a wide variety of boundary treatments, many of which are far more intrusive than the fence in question. Examples include block and rendered walls in excess of 2m, concrete walls exceeding the eaves of houses, and tall timber fences. *[evidence will be supplied by the applicant separate to this letter]*

The hedge, being taller, denser, and unmanaged, was far more visually intrusive than the new boundary. The replacement is therefore a visual improvement, providing order and uniformity.

Policy Position:

Policy EP9 – Conservation Areas requires development to preserve or enhance the character of the conservation area. It does not require strict replication of a single boundary form, nor does it exclude timber fencing. In law, the test is one of overall character. The fence, being traditional in material and neutral in colour, cannot reasonably be considered harmful to the conservation area, particularly when viewed against precedent examples which the Council has previously accepted without objection.

4. Ecology and Nesting Birds

Objectors' Claim: That the hedge contained nesting birds.

Response:

This claim is false. The applicant is a qualified pest control specialist, trained to identify protected species and wildlife habitats. He confirms categorically that no nests were present at the time of hedge removal.

The allegation of nesting birds is therefore a deliberate misrepresentation with no evidential basis.

Policy Position:

Policy EP2 – Biodiversity seeks to protect biodiversity where development would result in demonstrable harm. No harm has occurred. The law requires substantiated evidence, not anecdote or assumption. In the absence of proof, this objection cannot carry weight and must be dismissed.

5. Gas Bottle Storage

Objectors' Claim: That the timber gas bottle store is unsafe and inappropriate.

Response:

Gas bottles have long been stored at this location. The new store uses hit-and-miss slats, ensuring full ventilation, and is therefore compliant with UKLPG and HSE domestic guidance.

Timber enclosures of this type are common across the UK for small domestic installations, and there is no requirement for a non-combustible material provided that ventilation and separation are maintained.

The store does not impede access, egress, or visibility.

Policy Position:

Safety in relation to domestic gas storage is governed by building regulations and HSE guidance, not planning policy. The planning system cannot duplicate or overrule those controls. The objection is therefore not only unfounded but also immaterial in planning law.

6. Privacy, Security and Amenity

CCTV evidence has captured neighbours using ladders to peer over the boundary, as well as unauthorised intrusions into the garden. The fence is therefore a direct and proportionate response to actual breaches of security, not a hypothetical measure.

The hedge was removed in order to:

- Increase usable garden space for the enjoyment of the applicant and family.
- Reduce maintenance burden, consistent with modern working lives.
- Provide a uniform, controlled, and sustainable boundary.

The fence also shields the family from harassment and preserves their right to quiet enjoyment of their property.

Policy Position:

MLDP DP1(i) requires development to protect residential amenity and quality of life.

Security and privacy are legitimate planning considerations. In law, residents are entitled to protect their property and wellbeing. The objections, in contrast, represent a disregard for the applicant's amenity, and should be rejected as unreasonable.

7. Irrelevant and Malicious Objections

- References to the applicant's vehicles and deliveries are irrelevant to this application and therefore immaterial in policy.
- Subjective language such as "oppressive" and "anti-social" is emotive rhetoric, not evidence, and cannot be weighed in planning balance and policy.
- The similarity of wording across objections indicates collusion among neighbours with the intent of frustrating rather than engaging with the planning process. Such vexatious behaviour should be afforded no weight.

8. Conclusion

In summary:

- The objections are based on falsehoods, misrepresentation, and irrelevant matters.
- The fence is lower than the hedge it replaced, introduces no road safety hazard, and uses sympathetic materials.
- The fence preserves conservation character, causes no ecological harm, and provides essential security and amenity for the applicant's family.

The proposal is fully compliant with:

- DP1 – Development Principles (amenity and transportation – no demonstrable harm shown),
- EP9 – Conservation Areas (character preserved),
- EP2 – Biodiversity (no ecological harm).

On this basis, we respectfully request that the planning authority approve the application in full. The fence represents a proportionate and well-considered boundary treatment that balances conservation, safety, and residential amenity, and is entirely in keeping with both local policy and reasonable expectations of family life.

We trust that the above information is satisfactory at this stage and we look forward to hearing from you soon.

Yours sincerely

Ashley Keenon
Director

For and on Behalf of AK architecture

APPENDIX A

Fig 1



Fig 2



Fig 3



Fig 4



Fig 5



Fig 6



09:11



Kingston

Davy, ~Abby, You



will pop in for a moment ?

17:48 ✓✓

~Abby +44 7938 124186

No problem

17:49

Thank you 🙏

17:49 ✓✓

~Abby

+44 7938 124186

I am happy for a mirror to be
put on shed to help alleviate
with any road safety concerns.

Abby Loveland-Roger

Inglenuck

Lein road

Kingston

IV32 7NW

18:07

Once again Abby- Thank you
so much! We are really
appreciate your support!

Means a lot!!! 🌸🌸🌸🌸🌸🌸



19:15 ✓✓

~Abby

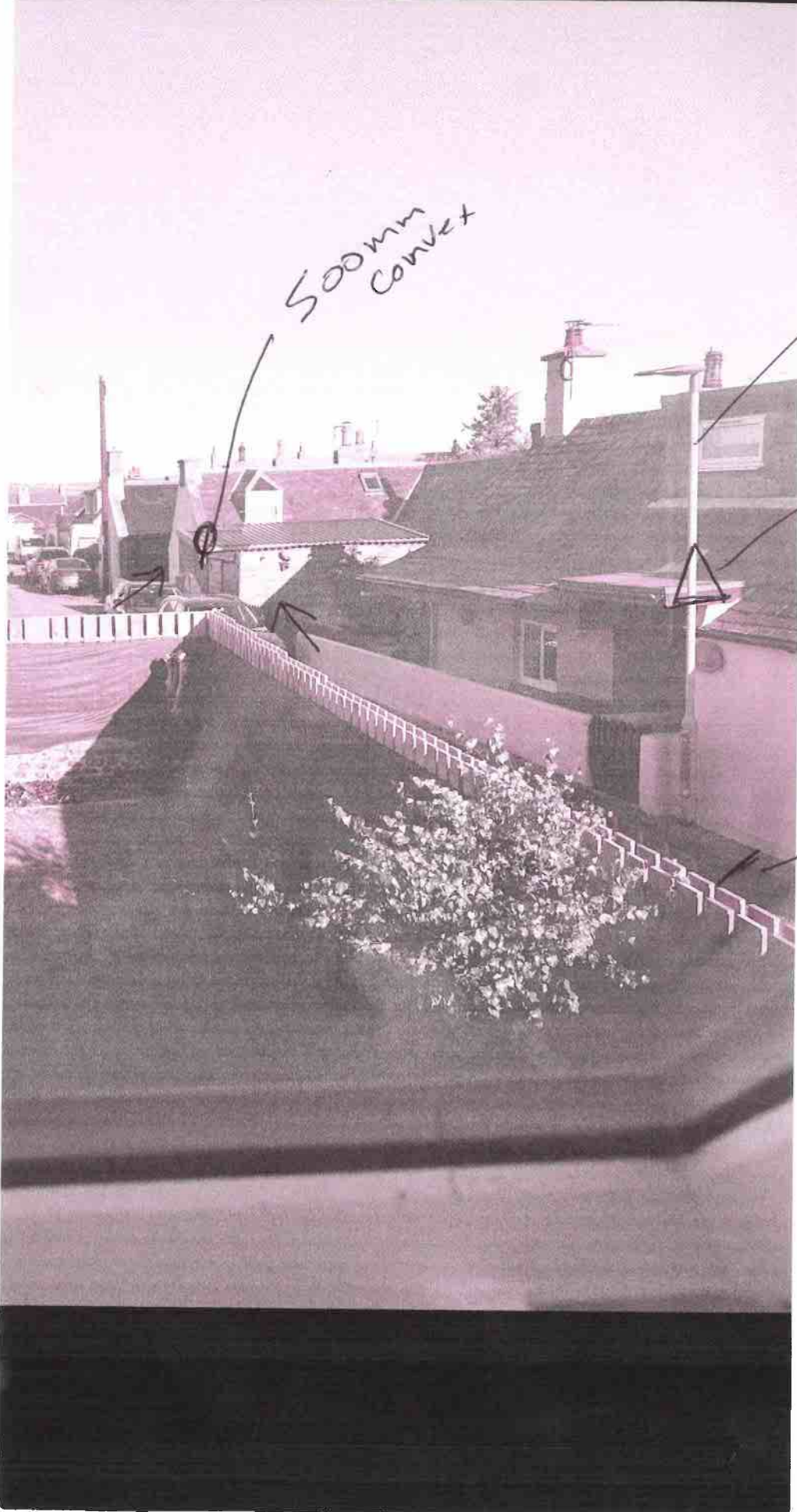
+44 7938 124186

No worries really hope it all
sorts itself out.

20:08



Crop



500mm
Convex

Possible
additional
mirror

Blind
Spot
Warning
Sign

Speed bump
with permission
of Fontagers.

Consultee Comments for Planning Application 25/00923/APP

Application Summary

Application Number: 25/00923/APP

Address: Ivy Cottage Mid Street Kingston Fochabers Moray IV32 7NR

Proposal: Retrospective application to erect timber fence and gate and paint external walls white at

Case Officer: Shaaransh Kulshrestha

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 on 8.8.25

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	22nd August 2025
Planning Authority Reference	25/00923/APP
Nature of Proposal (Description)	Restrospective application to erect timber fence and gate at
Site	Ivy Cottage Mid Street Kingston Fochabers Moray IV32 7NR
Site Postcode	N/A
Site Gazetteer UPRN	000133007162
Proposal Location Easting	333844
Proposal Location Northing	865482
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=T0922HBGIS900
Previous Application	03/02310/FUL 10/01462/APP 01/00040/FUL
Date of Consultation	8th August 2025
Is this a re-consultation of an existing application?	No
Applicant Name	Mr David Anderson
Applicant Organisation Name	
Applicant Address	Ivy Cottage Mid Street Kingston Fochabers Moray IV32 7NR
Agent Name	AK Architecture
Agent Organisation Name	
Agent Address	100 Union Street Aberdeen United Kingdom AB10 1QR
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Shaaransh Kulshrestha

Case Officer Phone number	
Case Officer Mobile number	
Case Officer email address	
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 25/00923/APP

Restrospective application to erect timber fence and gate at Ivy Cottage Mid Street Kingston Fochabers for Mr David Anderson

I have the following comments to make on the application:-

Please

- | | | |
|-----|---|--------------------------|
| (a) | I OBJECT to the application for the reason(s) as stated below | x |
| (b) | I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | <input type="checkbox"/> |
| (c) | I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/> |
| (d) | Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

This proposal is for the retrospective consent for a new high timber fence and gate for an existing property served via a shared private lane.

Although Mid Street is private (and not adopted by the Roads Authority) it is a public right of way including publicly maintained street lighting. It is also narrow and subject to high on street parking demand for the adjacent properties. The new boundary fence to the rear of the property (eastern end) although replacing a previous hedge severely restricts visibility for vehicles exiting another property (Willow Cottage).

Whilst it is accepted that vehicle speeds are low, a vehicle exiting blind onto this narrow road would be considered to not only present a risk of collision with a pedestrian or another vehicle, it potentially also results in driver confusion with another vehicle having to reverse when meeting the exiting vehicle part way through their manoeuvre. This would not be acceptable.

Ideally the full length of the high fence up to the property of the house should be reduced to a height of less than 1.0m but as a minimum any boundaries located within a visibility splay of a of 2.4m x 5.0m from the centre of the access onto the road from Willow Cottage would require to be lowered to a height of no greater than 1.0m.

A sketch showing the required visibility splays (and extents of fence to be reduced in height) has been attached to assist - "25-00923-APP visibility splay sketch showing minimum extents of fence to be lowered".

As proposed Transportation considers that the high fence would be likely to give rise to conditions detrimental to the road safety of road users and would not support this (retrospective) proposal.

Reason(s) for objection

Transportation considers that the retrospective proposal would be likely to give rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan policy DP1 'Development Principles' section (ii)- 'Transportation', part 'c)' (impact on road safety).

Further comment(s) to be passed to applicant

Note - Transportation would be happy to review their position should updated drawings be submitted showing the lowering of the short section of rear boundary wall to reflect Transportations sketch. The provision of the 2.4m x 5.0m visibility for the adjacent driveway would still enable a significant section of the high boundary to be retained for privacy.

Contact: AG

email address: transport.develop@moray.gov.uk

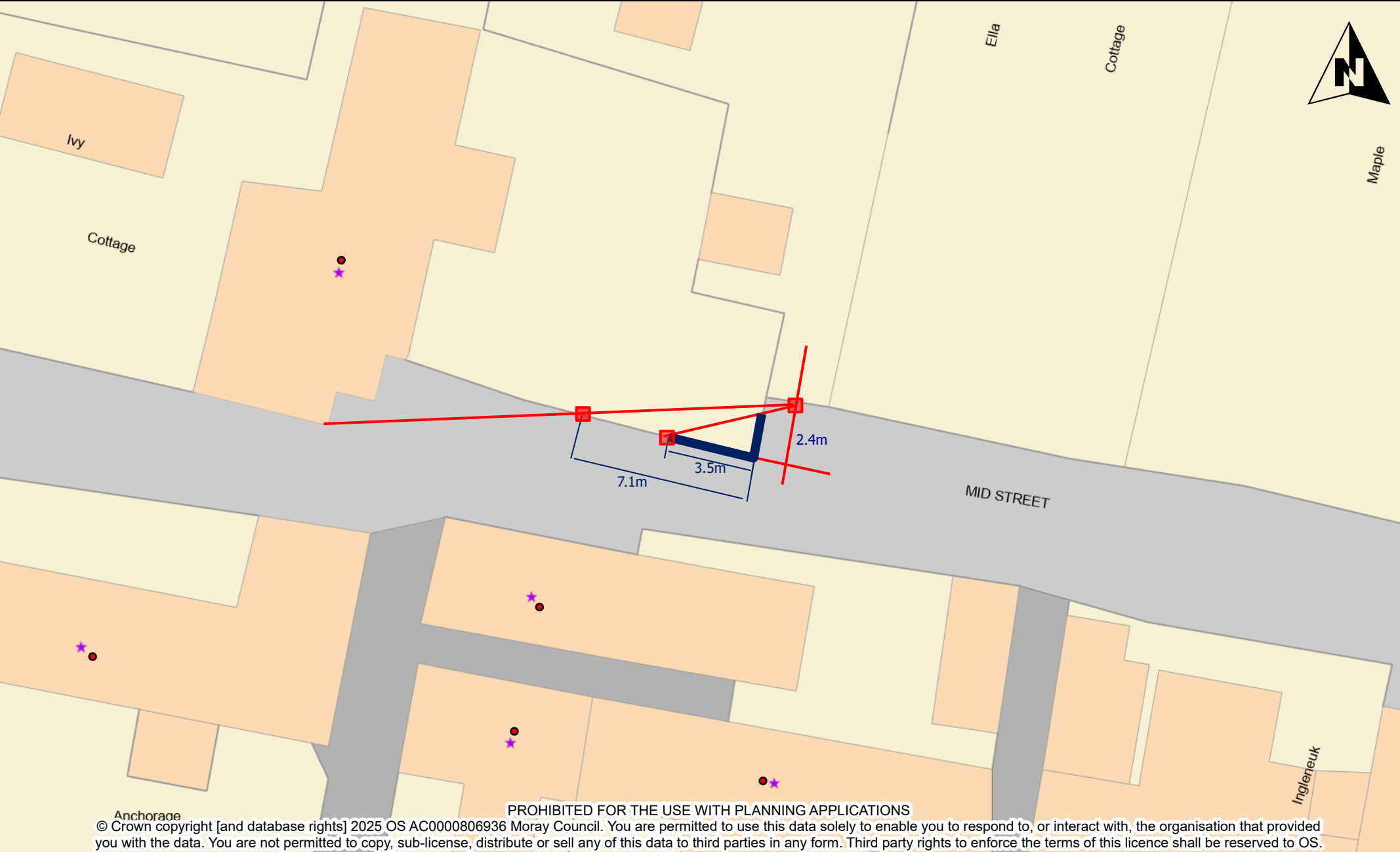
Consultee: TRANSPORTATION

Date 20 August 2025

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

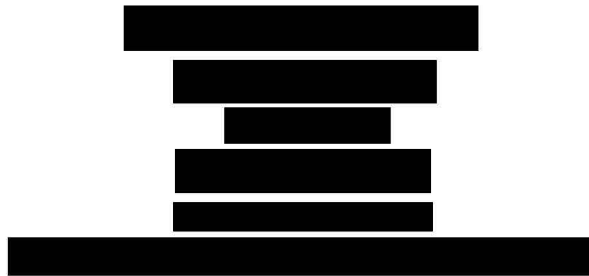
a Moray Council Map



Map Description: a Description of a Moray Council Map

Scale: 1:200 @ A4





11th August 2025

Development Management and Building Standards Manager
Economy, Environment and Finance
PO Box 6760
Elgin
Moray
IV30 1 BX

Dear Sirs,

Wooden fence erected within conservation area without consent at Ivy Cottage, Mid Street, Kingston, Fochabers, IV32 7NR – Ref No: 25/00923/APP

I refer to your letter dated 5th August 2025 regarding the above and confirm that we would like to object to the fence erected at Ivy Cottage. Please see below our reasons for objection.

Firstly, we feel the fence is very oppressive and overbearing in nature, with an anti-social feeling. We have lived at [REDACTED] for over 20 years and previously there was a privet hedge which was lower in height and with gaps throughout, with nesting birds. The newly erected fence has created an oppressive feel to the street.

Secondly, the fence has caused a road safety issue as the neighbours who own [REDACTED] now have zero visibility when exiting their driveway. Their vision is totally impeded as they cannot see any oncoming vehicles until they are halfway out into the road. Mid street is a single laned road, therefore space is limited and due to Mr Anderson running a business from his home there are regular delivery vans coming and going which adds to the traffic. He alone has 5 vehicles, and it is a real concern for us as we have a young child who plays out on the street with her friends on bikes and scooters. We feel that Mr Anderson has created a road safety hazard as due to the insufficient sight distance and impeded forward visibility this is adversely affecting the safety of the road users and is increasing the risk of a collision by reducing reaction times and stopping distances.

Thirdly, Kingston on Spey is a conservation area and the erection of this fence is totally out of keeping with the rest of the properties in the village. It is a unique and distinctive village and therefore it is important to keep the character and appearance of the village and we feel that this fence is not in any way in keeping with this. If anything, it has a harmful impact upon the character of the village

and Mid Street. I do not believe that there are any other oppressive fences of this sort in the surrounding area as villagers respect the area and adhere to what is permitted.

Should you require any further information please do not hesitate to contact us.

I would appreciate it please if you could confirm receipt of this objection letter.

Your faithfully



Comments for Planning Application 25/00923/APP

Application Summary

Application Number: 25/00923/APP

Address: Ivy Cottage Mid Street Kingston Fochabers Moray IV32 7NR

Proposal: Retrospective application to erect timber fence and gate and paint external walls white at

Case Officer: Saaransh Kulshrestha

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Height of proposed development
- Road safety

Comment: I would like to object to the erection of the fence at Ivy Cottage because it is causing a road safety issue. When driving down the road from Ivy Cottage side you can not see if anyone from the two driveways at [REDACTED] are exiting. It is an accident waiting to happen, with parked cars one side and delivery vans up and down there is no room to avoid a car exiting the two driveways. They in turn can not see a vehicle until they are on to the street. Visibility has been affected because the fence is so high and has replaced the hedge and shrubs and I do not believe it is safe. Mr Anderson has not had an consideration for the safety of the other residents or road users who have to use the road on a daily basis. Also the village is a conservation area and this is not in keeping with the area, it has an overbearing, oppressive and quite threatening feel to it that does not fit in with the village. Therefore I would like to make an objection to the fence.

Comments for Planning Application 25/00923/APP

Application Summary

Application Number: 25/00923/APP

Address: Ivy Cottage Mid Street Kingston Fochabers Moray IV32 7NR

Proposal: Retrospective application to erect timber fence and gate and paint external walls white at

Case Officer: Saaransh Kulshrestha

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Inappropriate materials/finishes
- Poor design
- Road safety

Comment: In addition to my previous objection I notice the plans for 2 gas bottles to be stored on the outside wall of the kitchen at Ivy Cottage, on a plinth that is on the public road (Mid Street). Also on the plans it shows the gas bottle storage as being made from wood. Gas bottles should be stored in a fire proof container which is not made of wood or combustible material. The surrounding residents all have wood burning stoves and open fires therefore is this a safe location for them please? Is the distance between the nearest property sufficient and safe and is it safe to have them located on the road where he has impeded visibility for road users. I would appreciate if this can be looked into. Thank you

Comments for Planning Application 25/00923/APP

Application Summary

Application Number: 25/00923/APP

Address: Ivy Cottage Mid Street Kingston Fochabers Moray IV32 7NR

Proposal: Retrospective application to erect timber fence and gate and paint external walls white at

Case Officer: Saaransh Kulshrestha

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: No issue with the fence

Comments for Planning Application 25/00923/APP

Application Summary

Application Number: 25/00923/APP

Address: Ivy Cottage Mid Street Kingston Fochabers Moray IV32 7NR

Proposal: Retrospective application to erect timber fence and gate and paint external walls white at

Case Officer: Saaransh Kulshrestha

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: My neighbours new fence is an improvement for our area. I appreciate the privacy it gives us all.

I write to support good community co operation and am happy to be contacted.

Comments for Planning Application 25/00923/APP

Application Summary

Application Number: 25/00923/APP

Address: Ivy Cottage Mid Street Kingston Fochabers Moray IV32 7NR

Proposal: Retrospective application to erect timber fence and gate and paint external walls white at

Case Officer: Saaransh Kulshrestha

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

- Loss of privacy (being overlooked)

Comment: Mr Anderson was having problems with the neighbours peering into his house and not respecting his privacy and the fence looks better than the overgrown hedge that was previously too there.

Comments for Planning Application 25/00923/APP

Application Summary

Application Number: 25/00923/APP

Address: Ivy Cottage Mid Street Kingston Fochabers Moray IV32 7NR

Proposal: Retrospective application to erect timber fence and gate and paint external walls white at

Case Officer: Saaransh Kulshrestha

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I personally do not have any objection to application. I think fence is pretty and practical. It's better than shrubs. When I seen it I thought to myself it's a very nice fence. I want David to keep it. I think White House and grey fence would look lovely. And I don't have objections to gas bottles as it out of the way and other people have gas bottles as well.

Comments for Planning Application 25/00923/APP

Application Summary

Application Number: 25/00923/APP

Address: Ivy Cottage Mid Street Kingston Fochabers Moray IV32 7NR

Proposal: Retrospective application to erect timber fence and gate and paint external walls white at

Case Officer: Saaransh Kulshrestha

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I really like the fence that has been built round this property. It looks to be of good construction and makes the house and surrounding properties more aesthetically pleasing. It is great to see home owners maintaining their properties especially older ones to a high standard to make sure they continue their life as lovely family homes. Great addition.

Comments for Planning Application 25/00923/APP

Application Summary

Application Number: 25/00923/APP

Address: Ivy Cottage Mid Street Kingston Fochabers Moray IV32 7NR

Proposal: Retrospective application to erect timber fence and gate and paint external walls white at

Case Officer: Saaransh Kulshrestha

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: As a member of the public who used to live in Kingston (Lein Road) and who still visits relatives on Mid Street very often, I would like to express my support for the recent improvements. Building a fence and painting the external walls white has greatly enhanced the appearance and practicality of the property. The fence provides a much neater, more durable, and more secure boundary than the bushes that were previously there, while the white walls create a brighter, cleaner, and more timeless look, as well as protection against weathering. The gas bottles and shelter are positioned safely out of the way, causing no obstruction for street users and posing no fire risk, even to homes with wood burners. The street itself is very quiet, and as a driver I have never experienced any difficulty with visibility or access due to the fence. In my opinion, the only genuine obstruction on the street comes from the two cars regularly parked opposite [REDACTED] [REDACTED] which create more of a hazard than the improvements made to this property.

Received via email 22/08/2025

From: [REDACTED]
To: Planning-Comments <Comments.Planning@moray.gov.uk>;
Sent: 22/08/2025 15:50
Subject: Ivy cottage mid street Kingston 25/00923/APP

To whom it may concern we who live at [REDACTED] have no objections to the fence erected at above address as we feel it improves the property and looks tidier [REDACTED]

Comments for Planning Application 25/00923/APP

Application Summary

Application Number: 25/00923/APP

Address: Ivy Cottage Mid Street Kingston Fochabers Moray IV32 7NR

Proposal: Retrospective application to erect timber fence and gate and paint external walls white at

Case Officer: Saaransh Kulshrestha

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Member of the Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I walk my dog around the area every day, I understand that the fence is new and I find that it is neat and in keeping with other houses in the village. The previous bush was often overgrown and the fence is an improvement.

13TH AUGUST 2025.

DEVELOPMENT MANAGEMENT AND BUILDING STANDARDS
MANAGER

ECONOMY ENVIRONMENT AND FINANCE

P.O. BOX 6760

ELGIN MORAY

IV30 1BX

13 AUG 2025

DEAR SIRS

WOODEN FENCE ERECTED WITHIN CONSERVATION AREA WITHOUT
CONSENT AT IVY COTTAGE, MID STREET KINGSTON
TOCHARBERS IV32 7NR - REF NO: 25/00923/APP.

WE REFER TO YOUR LETTER DATED 8TH AUGUST 2025
REGARDING THE ABOVE AND TO CONFIRM THAT WILL
BE OBJECTING TO THE FENCE THAT HAS BEEN
ERECTED AT IVY COTTAGE.

PLEASE SEE REASONS FOR OBJECTIONS.

1. HOW HAVE WE ONLY JUST RECEIVED COMMUNICATION
AFTER THE FENCE HAS BEEN ERECTED.
2. KINGSTON ON SPY AS YOU ARE AWARE IS A
CONSERVATION AREA AND NO WAY DOES THIS FENCE FIT
IN WITH SURROUNDING PROPERTIES.
3. WE FEEL THE FENCE IS LIKE A STOCKADE TOTALLY
ANTI-SOCIAL FEELING SURROUNDING IT ALL.
4. IT IS TOTALLY RESTRICTING OUR VIEW FROM
LEAVING OUR DRIVEWAY. WE HAVE ZERO VISIBILITY

ON LEAVING IF IT WASN'T FOR THE FACT OUR NEIGHBOUR TO THE LEFT OF US NO LONGER HAS A VEHICLE IT WOULD BE IMPOSSIBLE TO LEAVE OUR DRIVEWAY WITH CLEAR VISIBILITY WITH ON COMING VEHICLES AND PEDESTRIANS.

5. WE HAVE LIVED IN THE VILLAGE FOR FORTY YEARS AND HAVE ALWAYS COMMUNICATED WITH MR ANDERSON BUT AT NO TIME WAS THERE ANY COMMUNICATION ABOUT A FENCE BEING ERECTED.

6. WHEN WE APPLIED FOR PLANNING PERMISSION WE WERE TOLD NO FENCE SHOULD BE HIGHER THAN A METRE BECAUSE WE ARE WITHIN A CONSERVATION AREA.

7. AS IT IS WITH MR ANDERSON RUNNING HIS BUSINESS FROM HOME WITH NUMEROUS VEHICLES ON AND AROUND HIS PROPERTY IT HAS MADE THE WHOLE SITUATION WORSE WITH VISIBILITY COMING AND GOING TO OUR PROPERTY.

8. ONE OF THE GATES THAT HAS BEEN ERECTED IS OUTWITH MR ANDERSON'S PROPERTY / BOUNDARY.

9. WE FEEL THAT AS A CONSERVATION AREA THIS FENCE TOTALLY GOES AGAINST THE CHARACTER AND APPEARANCE OF THE VILLAGE AND THEREFORE WE ARE OBJECTING TO THE FENCE.

LOOK FORWARD TO HEARING FROM YOU SOON.

YOURS FAITHFULLY



OFFICER REPORT ON APPLICATION

For Report of Handling

Ref No:	25/00923/APP	Officer:	Saaransh Kulshrestha
Proposal Description/ Address	Retrospective application to erect timber fence and gate and paint external walls white at Ivy Cottage Mid Street Kingston Fochabers		
Date:	26/08/2025	Typist Initials:	S.K.

HISTORY

Reference No.	Description			
03/02310/FUL	Alter and extend existing cottage at Ivy Cottage Mid Street Kingston Fochabers Moray			
	Decision	Permitted	Date of Decision	18/12/03
10/01462/APP	Relocate position of existing heating oil tank at Ivy Cottage Mid Street Kingston Fochabers Moray			
	Decision	Permitted	Date of Decision	14/02/11
01/00040/FUL	Erect a conservatory and garden hut and retrospective application to form access driveway and erect walls at Ivy Cottage Mid Street Kingston Fochabers Moray			
	Decision	Permitted	Date of Decision	16/04/01
99/01386/FUL	Extend dwellinghouse at Ivy Cottage Mid Street Kingston Fochabers Moray.			
	Decision	Permitted	Date of Decision	30/09/99

ADVERT

Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Planning application affecting LB/CA	04/09/25	
PINS	Planning application affecting LB/CA	04/09/25	

DEVELOPER CONTRIBUTIONS (PGU)

Status	
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CONSULTATIONS		
Consultee	Date Returned	Summary of Response
Contaminated Land	11/08/25	No objections
Transportation Manager	20/08/25	Object – fence obstructs visibility of driveway for neighbouring property. Require fence to either be lowered or set back to provide a 2.4m x 5.0m visibility splay.

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:	<ul style="list-style-type: none"> • Objection response • Response to transport 	
Main Issues:	<ul style="list-style-type: none"> • Objection response: Rationale behind the erection of the fence • Response to transport: Proposal for provision of mirror and neighbour's consent on it. 	

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)			

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
NPF1 - Tackling the Climate	N	
NPF2 - Climate mitigation and adaptation	N	
NPF3 - Biodiversity	N	
NPF4 - Natural Places	N	
NPF7 - Historic assets and places	N	
NPF14 - Design, quality and place	N	
NPF-22 – Flood Risk and water management	N	
PP1 Placemaking	N	
DP1 Development Principles	Y	Road safety concerns
EP2 Biodiversity	N	
EP3 Special Landscape Areas	N	
EP9 Conservation Areas	N	

REPRESENTATIONS						
Representations Received					YES	
Total number of representations received - 11						
Names/Addresses of parties submitting representations						
Name	Address					
Mr And Mrs R Cairns	Willow Cottage 7NP	Beach Road	Kingston	Fochabers	IV32	
Roy And Rebecca Robinson	Rosemary Cottage 7NR	Mid Street	Kingston	Fochabers	Moray	IV32
Miss Brenda Clark	2 Willow Place	Elgin	IV30 4BQ			
Mrs Noi Giddings	Rowan Cottage	Lein road	Kingston	IV32 7NW		
Mr William Harper	Cherry Trees	Lein Road	Kingston on Spey	IV327NW		
Mrs D McQuade	The Wards	Garmouth	IV327RB			
Mr Graeme Roger	Ingleneuk	Lein Road	Fochabers	IV32 7NW		
Mrs Rebecca Robinson	Rosemary Cottage 7NR	Mid Street	Kingston	Fochabers	Moray	IV32
Mr William Brough	West Cote	Beach Road IV32 7NP	Kingston	Fochabers	Moray	
Ms Karen Cameron	East Bank, South Road	Garmouth	Fochabers	IV32 7LU		
Mrs Dilys Grant	Bay View	Beach RD	Kingston	IV32 7NP		
Summary and Assessment of main issues raised by representations						
Issue: Objections to the application						
Comments (PO): Issue: Road safety concerns regarding impact on visibility of adjacent driveway of Willow Cottage.						

Comments: Erection of the high boundary fence at the SE corner of Ivy Cottage does impede with the visibility of drivers using Mid Street. This concern has been raised with the applicant and discussed in detail with the Council's Transportation. Multiple possible solutions were discussed with the interested parties and transportation have decided to object to the proposal based on these concerns unless the fence is lowered in height or set back to achieve the necessary visibility splay.

Issue: Materials used for the construction of the gas bottle storage are not fire-proof.

Comments: This is not a material planning consideration. The provision of the gas storage has been withdrawn from the proposal.

Issues: The fence is oppressive and overbearing in nature resulting in an anti-social feeling.

Comments: The nature and style of fencing with the use of timber and grey paint finish are an acceptable alteration to the existing low height stone boundary wall. There are similar boundary fences and boundary treatments already in place in this area. The issue related to the height of the fence and the obstruction it creates for the road users are a separate issue, commented over by Transportation management team.

Issue: The representator supports the proposal stating that it looks better than an overgrown hedge and will add to the overall character of the area offering a practical, low maintenance and durable solution for privacy and security.

Comment: Points noted.

Issue: The gas bottles are safely out of way and cause no obstruction for street users

Comment: Noted.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Legislation:

Section 25 of the 1997 Act as amended required applications to be determined in accordance with the development plan, namely the adopted National Planning Framework 4 and adopted Moray Local Development Plan 2020 unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve or enhance the character or appearance of conservation areas.

The main planning issues are considered below:

Site:

The site is a detached cottage located in Kingston, within the Kingston Conservation Area and the Lossiemouth to Portgordon coast Special Landscape Area.

The house sits with its side gable on to Mid Street, with its rear garden on the corner of Mid Street where it leads to Beach Road. The front garden is to the east, sitting to the front of a neighbouring property. The neighbouring properties to the north sit perpendicular to the house subject to this application. To the immediate east of the house is the driveway to a neighbouring property, accessed from Mid Street.

Proposal:

The application seeks retrospective planning permission for the erection of a timber fencing atop existing walls to the front and rear of the house, bring the boundary treatment in this area to 1.8 metres. This also incorporates a 1.8 metre high gate to Mid Street. In addition to these retrospective works it is proposed to paint the house white.

The plans show the erection of a gas storage shelter, however this is outwith the red line boundary of the application. Following discussion with the applicant, it was clarified that any free standing structure of this scale, subject to it being within the curtilage of the house, is considered to be permitted development under Class 3AA of the General Permitted Development Order.

Retrospective Applications

This application is part retrospective in nature. The proposal is subject to the same level of scrutiny as applications that are submitted in the usual, pre-emptive manner.

Climate Change and Biodiversity (NPF4 Policies 1, 2 & 3):

The development and will result in minimal impact in terms of climate change. As such, NPF4 Policies 1 Tackling the Climate and Nature Crisis and 2 Climate Mitigation and Adaptation do not hold significant consideration for this application. Similarly, biodiversity enhancement would not be commensurate with the scale and nature of this development and as such would not deviate from NPF4 Policy 3.

Siting and Design (NPF4 7 & 14 / MLDP DP1, EP9):

NPF4 Policy 7 together with Policy EP9 Conservation Areas seek to ensure that new development preserves and enhances the established traditional character or appearance of the area, highlighting that this will typically require the use of traditional materials and style. NPF4 Policy 14 and MLDP Policy DP1 together set 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.

The general typology of houses are single storey traditional houses with sloping roofs and white painted exterior walls. These houses are arranged organically, typical of towns and villages along the Moray Coast.

Generally, the erection of high boundary fencing around a front garden is not acceptable, as it results in the front of a property being closed off from public view. However, in this instance, it is recognised the property subject to this application sits with its gable to the adjacent public (unadopted) road. The erection of a higher boundary enclosure in this location is not considered to detract from the character and appearance of the surrounding conservation area, on the basis the front of the house looks onto the front of the neighbouring row of cottages, with existing neighbouring outbuildings already offering high walls and means of enclosure. The use of timber is not out of keeping with the surrounding area, noting it used as boundary enclosure at other properties in the conservation area. The proposed alterations to the boundary are therefore acceptable in terms of design and subsequently preserves the character of conservation area.

Fencing atop the wall to the rear is also considered suitable and is typical of rear gardens in the surrounding area, noting the wall at this location is relatively high (1.6 metres), bringing the boundary enclosure to 1.8 metres.

The painting of the house in white colour is typical of many traditional houses in the surrounding area, making it an acceptable alteration to the building's appearance.

Natural designations (EP3, NPF-04)

NPF4 Policy 4 states development proposals in SLAs will only be supported if development proposals do not have significant adverse impacts on the integrity of the area or the identified qualities.

Under EP3 of MLDP 2020, development proposals within SLA's will only be permitted where they do not prejudice the special qualities of the designated area set out in the Moray Local Landscape Designation Review, adopt the highest standards of design in accordance with Policy DP1 and other relevant policies, minimise adverse impacts on the landscape and visual qualities the area is important for and is for an appropriate extension to an existing building. Within settlements, proposals should conform to relevant policies of the MLDP and reflect the traditional settlement character in terms of siting and design.

In this instance the development is a householder application and has been proposed as an improvement to the existing site boundary and the building. In terms of scale, materials and finishes, it uses paint for walls and grey coloured timber for the boundary fence which is very common and acceptable in such residential developments. The proposal is therefore considered to reflect the traditional settlement character, and the proposal is therefore does not have an adverse effect on the SLA, in line with policy requirements.

Transportation:

Although Mid Street is private (and not adopted by the Roads Authority) it is a public right of way and includes publicly maintained street lighting. It is also narrow and subject to high on street parking demand for the adjacent properties. The new boundary fence to the front of the property (eastern end), although replacing a previous high hedge, restricts visibility for vehicles exiting the neighbouring property (Willow Cottage).

Whilst it is acknowledged that vehicle speeds are low, a vehicle exiting blind onto this narrow road would be considered to not only present a risk of collision with a pedestrian or another vehicle, it potentially also results in driver confusion with another vehicle having to reverse when meeting the exiting vehicle part way through their manoeuvre. This is not acceptable.

Upon consultation with the Council's Transportation team, it was considered that the high fence gives rise to conditions detrimental to the road safety of road users and would not support this (retrospective) proposal.

MLDP 2020 DP1 (ii) states that development proposals must provide safe entry and exit from the development, including appropriate types of junctions, provide safe access to and from the road network, address any impacts on road safety and local road network. Since, there are concerns related to road safety raised from the erection of the fence, it is not in compliance with the requirements of the policy DP1 and cannot be supported.

Recommendation:

Refuse.

REASON(S) FOR DECISION

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

The retrospective proposal for the fence atop the wall to the front (east) of the house restricts visibility for users of the neighbouring driveway, giving rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan 2020 Policy DP1 - Development Principles.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

APPLICATION TYPE AND DECISION LEVEL	
Application type (as per hierarchy)	LOCAL
Decision Level	Delegated Power

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

CONDITIONS AND REASONS FOR APPROVAL (if applicable)

N/A

REASON(S) FOR REFUSAL (if applicable)

The retrospective proposal for the fence atop the wall to the front (east) of the house restricts visibility for users of the neighbouring driveway, giving rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan 2020 Policy DP1 - Development Principles.

INFORMATIVES – NOTES FOR APPLICANT

2d THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

2d Please contact the Building Standards Duty Officer in order to ascertain whether a Building Warrant will be required for these proposals between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail buildingstandards@moray.gov.uk.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

Reference No.	Version No.	Title/Description
0249-01-01-02-001	F01	Location plan
0249-01-01-02-003	F01	Proposed site and roof plan
0249-01-01-02-004	F01	Existing and proposed site plan
0249-01-01-02-005	F01	Proposed gate detail
0249-01-01-02-006	F01	Proposed fence and store detail

DETAILS OF MATTERS SPECIFIED IN CONDITIONS (AMC PROPOSALS ONLY)

Details of matters in respect of which approval, consent or agreement which have been granted or refused.

Reference number of application for planning permission (PPP) in respect of which the condition(s) was imposed.

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AGREED WITH APPLICANT (S. 32A REFERS)		
Any variation made/agreed with applicant?		NO
Description of variation:		

DURATION OF PERMISSION – DIRECTION BY LOCAL AUTHORITY TO USE DIFFERENT TIME PERIOD(S) (SECTION 58 AND 59 OF 1997 ACT REFERS)		
Change in time-period(s) from that specified in S.58 and S.59 (standard time conditions)?		NO
Details of change and effect of Direction		
Duration of Consent – (Admin to update Decision screen – Date Temporary Consent Expires)		

NOTIFICATION TO SCOTTISH MINISTERS (UNDER CIRCULAR 3/2009)

Covering letter details provided		NO
Checklist identifying information completed and saved (NOTSCO)		NO

NOTIFICATION TO HISTORIC SCOTLAND

Non-standard covering letter required		NO
Checklist identifying information completed and saved (LBCNHS)		NO

DOCUMENTS TO BE STAMPED APPROVED/REFUSED

Full set of plans (see list above)	Y
Drainage Impact Assessment	
Method statements	
Maintenance scheme	
Other (please list below)	

1.

INFORMATION TO ACCOMPANY DECISION NOTICE

Consultation responses	
Other (please state below)	

1.

Planning Officer Signature

Saaransh Kulshrestha

Date: 10/10/2025



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

REFUSAL OF PLANNING PERMISSION

**[Fochabers Lhanbryde]
Application for Planning Permission**

TO

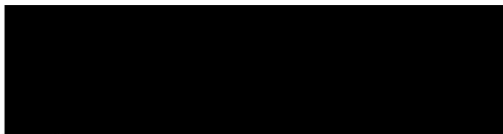


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Retrospective application to erect timber fence and gate and paint external walls white at Ivy Cottage Mid Street Kingston Fochabers

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

Date of Notice: **23 October 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 retrospective proposal for the fence atop the wall to the front (east) of the house restricts visibility for users of the neighbouring driveway, giving rise to conditions detrimental to the road safety of road users contrary to Moray Local Development Plan 2020 Policy DP1 - Development Principles.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
0249-01-01-02-001	F01	Location plan
0249-01-01-02-003	F01	Proposed site and roof plan
0249-01-01-02-004	F01	Existing and proposed site plan
0249-01-01-02-005	F01	Proposed gate detail
0249-01-01-02-006	F01	Proposed fence and store detail

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

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.