



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

REFUSAL OF PLANNING PERMISSION

**[Keith And Cullen]
Full**

TO Mr And Mrs Cowie
c/o C M Design
1-5 Pinetree House
Pinefield Crescent
ELGIN
IV30 6HZ

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:-

Renovate and reuse remains of existing lime kiln to create dwellinghouse at Braehead Quarry Keith Moray AB55 5NU

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

Date of Notice: **23rd April 2010**



HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The 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, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

1. The proposal is contrary to the provisions of the approved Moray Local Plan 2008 policies H8, E10, EP9 and IMP1
2. The site is within the Countryside Around Town (CAT) designation that surrounds Keith and as new build development, the proposal is not one of the specified exceptions to the presumption against development in the CAT.
3. It would create a precedent for further undesirable development elsewhere within the CAT designation. Structures such as this recessed lime kiln, whilst substantial, do not read as free standing buildings, so their presence cannot be relied upon to justify new dwellings.
4. At the time of considering the application, a contaminated land assessment had not been satisfactorily concluded so as to determine whether the site would be appropriate for the use applied for. Therefore, the nature, extent and potential impacts of any contamination, and subsequent remediation method statement (if necessary) cannot be determined or agreed upon at this time.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
080142.COWIE.02		Detailed planning proposal

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

None.

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, The 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.