



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

**REFUSAL OF PLANNING PERMISSION**

**[Speyside Glenlivet]  
Full**

TO The Trustees Of The Ballindalloch Trust  
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: -

**Demolish remains of existing cottage and replace with traditionally designed one and a half storey dwellinghouse at Tomnaglien Cottage Ballindalloch Moray**

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

Date of Notice: **7th May 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: -

The proposal is contrary to adopted policy T2 of the Moray Local Plan 2008 which requires development proposals to provide a suitable and safe access from the public road for the following reason:

1. The proposed development would result in increasing the number and type of vehicles using the southerly access (onto the A96 trunk road to the west of the site) entering and leaving the traffic stream at a point where visibility is restricted thus creating interference with the safety and free flow of the traffic on the trunk road.

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

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

Reference	Version	Title
080089.ATKINSON		Site Plan, Visibility Plan, Approach, Two Side, Rear Elevations, Ground and First Floor Plan, Two Aerial Photographs

**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](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.