



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

**REFUSAL OF PLANNING PERMISSION**

**[Forres]  
Application for Planning Permission**

TO      Mr Graham Forbes  
         c/o C M Design  
         St Brendans  
         69 South Guildry Street  
         Elgin  
         Moray  
         IV30 1QN

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 existing building and erect flatted development (8 no units) and associated infrastrucutre works at Castle Inn 29 Caroline Street Forres Moray**

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

Date of Notice:                      **12th October 2011**

**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 policies of the approved Moray Structure Plan (Policy 2(f)) and the Moray Local Plan (Policy BE2, BE3, H3, T5 & IMP1) for the following reasons:
  - The Castle Inn is a listed building of significant local importance and is a focus for the community in relation to the history and heritage of the area. A case has not been presented that convincingly justifies its demolition. The proposed replacement building is also not of comparable quality in terms of construction and design. This would be to the detriment of the conservation area and the wider locality.
  - To approve this demolition with little or no justification other than redevelopment costs, without due consideration of alternative uses, would set a precedent for the demolition of other listed buildings in other locations in Moray in similar circumstances. The Council are committed in its policies to protecting listed buildings and to seeking new alternative uses.
  - Transportation considers that only 5 parking spaces could be provided within the parking area. The proposed development would have a shortfall of 8 parking spaces.

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

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

Reference	Version	Title
090011.TABOO.P12	A	Site and location plan
090011.P10		Floor Plans, Site and Location Plan
090011.P11		Elevations

**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.