

We would therefore deem any condition to land outwith our plot to be incompetent.

Despite this , however, we did, at the request of Moray council, request a letter from Delfur estates, the owner of the neighbouring land which is the subject of the overgrown shrubbery and vegetation, that they would cut back and maintain this area before during and after development.

As expected, having had several letters to Delfur ignored, there was no response to this request!

Considering planning refusal has essentially been refused on the grounds of 'road safety' we did suggest that Moray Council serve a section 179 notice of the Town & County planning Act 1997 on the owner of the neighbouring land because if there is a safety issue pertaining to our plot, it is an issue with several properties on the same stretch of road and traffic in general. Although, we would point out, that we have made many entrances and exits from/onto the plot and have never encountered a safety problem on the B9105.

We also find it hard to comprehend that Delfur Estates who, previously owned the plot we now own, had full planning permission for 1 No house and garage granted in 2002, can now stop others from achieving planning approval by refusing or not responding to any reasonable requests, but Moray Council could and can enforce the maintenance of his property to enable planning approval for our development.

Finally, if our appeal is unsuccessful, we will be looking to appeal to serve a 'Purchase Notice' on Moray Council, based upon the fact an adverse planning decision will have made our land incapable for reasonably beneficial use in its existing state (Sections 88-95 of 1997 Act Refer) due to the change in standards which Moray Council have adopted, together with the lack of enforcement by the council on proper maintenance of neighbouring land.

We trust our comments will viewed upon favourably and that common sense may prevail.