

## PLANNING APPLICATION: 09/01520/APP

*In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications*

### **The Proposal**

- The applicant seeks full planning permission for the change of use of a piece of amenity land to private garden ground. The piece of land in question is 2.1 metres wide by 9.8 metres long giving a total area of 20.58 square metres. The applicant also proposes to erect a 0.9 metre high post and wire fence along the north-eastern boundary where it fronts the public roadway.
- This application is retrospective in nature as the applicant has already erected the proposed fence and the applicant, for all intents and purposes, already occupies the ground for residential purposes.

### **The Site**

- The subject site is a residential property on the edge of the township of Tomintoul. The property contains a semi-detached single storey dwelling. This dwelling is finished in dry dash render with slate tiles used on the gabled roof. The properties to the north-west and south-east are also residential properties containing dwellings of similar style and size to the subject site dwelling. The properties from the south around to the west are larger residential properties containing older style dwellings. There is rural land to the north around to the east.

### **Policy / Objections-Representations / Consultations - See Appendix**

### **History**

**09/00681/FUL** - Erect extension at 8 Conglass Lane Tomintoul Ballindalloch Moray AB37 9HU. Permitted 20/05/2009.

### **Advertisement**

Application advertised in the Northern Scot due to there being no premises on an adjoining property with the advertisement expiring on the 08/10/2009.

Not advertised as a departure.

## **Observations**

### **Policy Implications**

The main issue for consideration is whether the loss of this piece of amenity land will harm the overall amenity of the area. For the following reasons it is considered that this will not be the case, that the application complies with policy and therefore is considered acceptable.

The reason why Council owns this small piece of land is unclear, but it is apparent that it serves no useful purpose in terms of serving the community given its small size and location. As stated previously the applicant has already incorporated the piece of land into their control and it can be seen that this gives no cause for concern.

### **Conclusion**

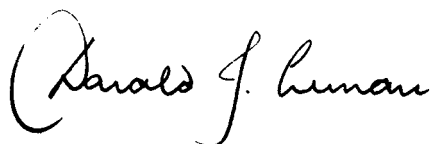
The change of use of this piece of land from Council amenity ground to private garden land will have no impact on the amenity of the area .

### **Recommendation**

In light of the above as the proposal conforms with relevant policies, there are no objections from statutory consultees and no written objections were received, it is considered that planning permission may be granted for the development as proposed.

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## **APPENDIX**

### **POLICY**

#### **Moray Structure Plan 2007 and/or Moray Local Plan 2008**

##### **Policy L/IMP1: Development in Built-up Areas**

In areas covered by this policy, (i.e. all land within settlement boundaries and rural communities), the Council will, in considering applications for planning permission, try to ensure that proposals for development do not harm the general character of the surrounding area. Applications will therefore take account of the main uses of land and buildings in the vicinity, the mix of such uses and the architectural quality of the area. The main concern of the Council is to ensure that development proposals should neither conflict with nor detract from the character, amenity and design of an area. This policy will not preclude appropriate new development and is not intended solely to maintain the status quo.

In interpreting and clarifying this policy, the Council will take into account the guidelines on Character, Amenity and Design.

##### **Policy L/ENV18: Public Amenity and Open Spaces**

The Council will protect existing 'green' space within its towns and villages which are deemed to contribute to the amenity and environment of built up areas. Within these areas there will be a general presumption against development which threatens to diminish the amenity value of individual locations.

This policy should be read in conjunction with S/ENV6 and L/IMP4.

### **OBJECTIONS-REPRESENTATIONS**

None received.

### **CONSULTATIONS**

**Environmental Health Manager, Development Services** - No response received.

**Contaminated Land, Development Services** - No objection.