

# BUILDING PLOT AT CROSSROADS FARM, ROTHIEMAY, AB54 7JT



**MurdochMcMath&Mitchell**  
Solicitors & Estate Agents

We are pleased to Offer for sale this **BUILDING PLOT** located close to Crossroads Farm, Rothiemay. This is a unique opportunity to build in an idyllic location. The site has Planning Permission in principal for a one and a half storey dwellinghouse. The Plot has mains water onsite and is well located on the B9117 Road with good access to main roads including the A96.

**PRICE GUIDE - OVER £55,000.**

**Location** Rothiemay is the nearest Village. Travelling on the B9022 Huntly to Portsoy Road travel to Rothiemay crossroads and take the B9117 heading to Keith at the Crossroads. The Plot is located on the right hand side with a sign. The Plot has been cleared and is well defined.

Rothiemay enjoys a pleasant rural location in the Deveron Valley and is surrounded by beautiful Countryside. It has a Primary School, Hotel, Church and Shop. There is an active community with activities including badminton, bowling and tennis available. Rothiemay is situated approximately 7 miles from Huntly and 8 miles from Keith and more facilities can be found in these neighbouring towns including Primary and Secondary Schools together with an excellent range of Shops, recreational and sporting facilities in both Towns. The area provides easy access to Speyside, Donside, Deeside and the Cairngorms.





**FEATURES:-**

**IDYLLIC RURAL LOCATION NEAR THE VILLAGE OF ROTHIE MAY.**

**PLANNING PERMISSION IN PRINCIPAL FOR DWELLINGHOUSE (SEE ATTACHED).**

**HIGHLY RECOMMEND VIEWING.**

**Price Guide:** Offers over £55,000.

**Entry:** Entry by mutual arrangement.

**Viewing** By arrangement with Subscribers.

While the foregoing particulars are believed to be correct they are not guaranteed (and the measurements are for guidance only) and prospective offerers should satisfy themselves on all aspects concerning the subjects before offering.

The Subscribers, as Agents for the Seller, may fix a closing date for offers in respect of which they will notify all parties who have noted an interest with the Subscribers. The Seller reserves the right to accept any offer prior to such closing date and no responsibility will be accepted for expenses incurred by prospective purchasers in the event that the property is previously sold, let or withdrawn.

The photographs appearing in this Schedule obviously shows only certain parts and aspects of the property, which may have changed since taken. It should not be assumed that the property remains as displayed and no assumption should be made in respect of those parts, which are not shown in the photographs.

**Murdoch, McMath & Mitchell,  
Solicitors & Estate Agents,  
27/29 Duke Street, Huntly.  
Tel: (01466) 792291.  
Fax: (01466) 794280.**

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

**PERMISSION FOR DEVELOPMENT**

**[Keith And Cullen]**  
**Planning Permission in Principle**

TO Mrs Gillian Booth  
Crossroads Farm  
Huntly  
Moray  
AB54 7JT

With reference to your application for planning permission in principle under the above-mentioned Act, the Moray Council in exercise of its powers hereby **GRANT** planning permission for the following development:-

**Erect house on Site Adjacent To Cherry Tree Huntly Moray**

in accordance with the plan(s) docketted as relative hereto and the particulars given in the application, and where appropriate, subject to the condition(s) and reason(s) as set out in the attached schedule.

This permission does not carry with it any necessary consent or approval to the proposed development under the building regulations or other statutory enactments and the development should not be commenced until all consents have been obtained.

Date of Notice: **16th December 2013**

**HEAD OF DEVELOPMENT SERVICES**

Environmental Services Department  
The Moray Council  
Council Office  
High Street  
ELGIN  
Moray IV30 1BX

**IMPORTANT NOTE**

**YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES**

**SCHEDULE OF CONDITIONS**

By this Notice the Moray Council has **GRANTED PLANNING PERMISSION IN PRINCIPLE** for this proposal subject to conditions as appropriate to ensure implementation of the proposal under the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

**CONDITION(S)**

Permission is granted subject to the following conditions: -

- 1 The approval hereby granted is for planning permission in principle and prior to the commencement of the development approval of matters specified in conditions, including the siting, design and external appearance of the building(s) the means of access thereto and the landscaping of the site shall be obtained from the Council, as Planning Authority.
- 2 The grant of planning permission in principle hereby granted for the proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the matters specified in conditions numbered 3 – 9 below.
- 3 Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no.2 above.
- 4 The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) shall be submitted in accordance with condition no.2 above.
- 5 Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no.2 above.
- 6 Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no.2 above.
- 7 Landscaping proposals showing any existing trees/hedges/shrubs to be retained or removed together with details of the type, position and number of all planting to be undertaken and details of all surfacing materials shall be submitted in accordance with condition no.2 above.

- 8 The design and materials of the dwellinghouse and landscaping proposals shall comply with the following requirements:-
- (a) tab A roof pitch of between 40-55 degrees;
  - (b) A gable width of no more than 2.5 times the height of the wall from ground to eaves level;
  - (c) Uniform external finishes and materials including slate or dark "slate effect" roof tiles;
  - (d) A vertical emphasis and uniformity to all windows;
  - (e) Proposals must be accompanied by a plan showing 25% of the plot area to be planted with native species trees, at least 1.5m in height;
  - (f) Where there is an established character, or style, of boundary demarcation in the locality (e.g. beech hedges, dry stone dykes) new boundaries must be sympathetic.
- 9 The dwellinghouse shall be limited to a maximum of 1 ½ storeys with an overall height limit of 7.0m, i.e. with any upper floor accommodation contained almost entirely within the roof space.
- 10 The roof of the dwelling hereby approved shall be finished in natural slate or a good quality artificial slate to be agreed in writing by the Council (as Planning Authority) prior to the commencement of development.
- 11 In the event that the development does not connect to the Scottish Water network, details of any alternative arrangements (covering environmental impact, adequacy, wholesomeness, capacity of supply for existing and proposed users and pollution risks) must be submitted to and approved by the Council (as Planning Authority) prior to commencement of development. The approved arrangements shall be installed prior to occupation of the dwellinghouse or completion of the building works whichever is the sooner.
- 12 Prior to any development works commencing:
- i) a detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land ) showing the visibility splay 2.4 metres by 160 metres and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as Planning Authority in consultation with the Roads Authority; and
  - ii) the visibility splay shall be provided in accordance with the approved drawing prior to any works commencing (except for those works associated with the provision of the visibility splay); and
  - iii) thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway in accordance with the agreed schedule of maintenance.
- 13 The width of the vehicular access shall be a minimum of 3.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The first 5m of the access track, measured from the edge of the public road, shall be constructed to the Moray Council specification and

surfaced with bituminous macadam.

- 14 No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.
- 15 An access lay-by 8.0m long by 2.5m wide with 30 degrees splayed ends shall be provided at the edge of the public road to allow visiting service vehicles to park clear of the public road. The vehicular access should lead off the lay-by. The lay-by must be constructed in accordance with The Moray Council specification and surfaced with bituminous macadam.
- 16 Parking provision shall be as follows:  
2 spaces for a dwelling with three bedrooms or less; or  
3 spaces for a dwelling with four bedrooms or more.  
The car parking spaces shall be provided within the site prior to the occupation or completion of the dwellinghouse, whichever is the sooner. The parking spaces shall thereafter be retained throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.
- 17 Any existing ditch, watercourse or drain under the site access shall be piped using a suitable diameter of pipe, agreed with the Roads Maintenance Manager (300mm minimum). The pipe shall be laid to a self-cleansing gradient and connected to an outfall.
- 18 A turning area shall be provided within the curtilage of the site to enable vehicles to enter and exit in a forward gear.
- 19 New boundary walls/fences shall be set back from the edge of the public carriageway at a minimum distance of 2.5m.

The Council's reason(s) for imposing the above condition(s) are:-

- 1 In order to ensure that the matters specified can be fully considered prior to the commencement of development.
- 2 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
- 3 As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
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- 7 As the approval is granted for planning permission in principle only and in

order that detailed consideration can be given to the matters specified.

- 8 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 9 To ensure that the dwelling integrates sensitively with its surroundings and is designed to take account of its prominent roadside location.
- 10 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area.
- 11 In order to ensure that the development is served by an adequate and wholesome water supply.
- 12 To enable drivers of vehicles entering or exiting the site to have a clear view so that they can undertake the manoeuvre safely and with the minimum interference to the safety and free flow of traffic on the public road, in accordance with 2008 Moray Local Plan Policy T2.
- 13 To ensure acceptable infrastructure at the development access, in accordance with 2008 Moray Local Plan Policy T2.
- 14 To ensure acceptable development that does not create any hazard to road users in the interests of road safety, in accordance with 2008 Moray Local Plan Policy T2.
- 15 To ensure acceptable infrastructure at the development access, in accordance with 2008 Moray Local Plan Policy T2.
- 16 To ensure an acceptable development in terms of parking provision and amenity of the area, in accordance with 2008 Moray Local Plan Policy T5.
- 17 To ensure acceptable infrastructure at the development access, in accordance with 2008 Moray Local Plan Policy T2.
- 18 To ensure acceptable development in the interests of road safety, in accordance with 2008 Moray Local Plan Policy T2.
- 19 To ensure acceptable development in the interests of road safety, in accordance with 2008 Moray Local Plan Policy T2.

#### REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

The proposal accords with the relevant provisions of the development plan relating to rural housing proposals and there are no material considerations that indicate otherwise.

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

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

Reference	Version	Title
		Site location plan

#### IMPORTANT NOTES ABOUT THIS DECISION

##### DURATION OF THIS PERMISSION

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended:

- (a) That in the case of any matter specified in conditions attached to the planning permission in principle, application for approval of matters specified in conditions must be made before:-
  - (i) that expiration of 3 years from the date of the grant of planning permission in principle; or
  - (ii) the expiration of 6 months from the date on which an earlier application for such approval for the same matters was refused; or
  - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed; whichever is the latest, and
- (b) That the development to which the permission relates must be begun not later than whichever is the later of the following dates:-
  - (i) the expiration of 3 years from the date of the grant of planning permission in principle; or
  - (ii) the expiration of 2 years from the final approval of the matters specified in conditions or in the case of approval on different dates the final approval of the last such matter to be approved.

If an application for approval of matters specified in conditions has not been made or the development has not begun within the specified dates this planning permission in principle shall lapse unless there is a specific condition attached to this permission which varies the stated timescales.

##### COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT

The following are statutory requirements of the Town & Country Planning (Scotland) Act 1997, as amended. Failure to meet their respective terms represents a breach of planning control and may result in formal enforcement action. Copies of the notices referred to below are attached to this permission for your use.

**NOTIFICATION OF INITIATION OF DEVELOPMENT - S.27A of the 1997 Act**, as amended requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission. Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development.

**NOTIFICATION OF COMPLETION OF DEVELOPMENT** - S.27B of the 1997 Act, as amended requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions. Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

**NOTIFICATION OF COMPLETION OF PHASED DEVELOPMENT** – Under S.27B(2) of the 1997 Act, as amended where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.

#### **ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT**

The following notes are provided for your information including comments received from consultees:-

**MANAGER (DEVELOPMENT MANAGEMENT)** has commented that:-

It is noted that your planning application proposes a septic tank and soakaway/infiltration drainage system and the suitability of the ground condition to accommodate this will be dealt with as part of your Building Warrant application. Full details of a ground assessment, trial pit investigations and percolation test results, from a suitably qualified person as contained within the Council's List of Approved Certifiers, will be required prior to obtaining a Building Warrant

An application for a Building Warrant and compliance with the Building Regulations are entirely separate from Planning procedures. Furthermore, the granting of Planning Consent does not guarantee approval of a Building Warrant.

If you have not already done so and you may wish to satisfy yourself about the adequacy of ground conditions separately at this stage, if so I recommend that you contact the Building Standards Section directly at Environmental Services, The Moray Council, Council Offices, High Street, Elgin, IV30 1BX, telephone(01343) 563243.

Please note that any proposed discharges to land or the water environment will require authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. For further details refer to SEPA website [http://www.sepa.org.uk/water/water\\_regulation/regimes.aspx](http://www.sepa.org.uk/water/water_regulation/regimes.aspx).

SCOTTISH NATURAL HERITAGE has commented that:-

The applicant is reminded that all wild birds, their nests and their eggs are protected by law under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and that it is their responsibility to develop the site in accordance with all wildlife legislation and that works should be timed carefully to avoid the times of year when wild birds are likely to be nesting, i.e. the breeding season.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

Visibility splays relate to the visibility available to a driver at or approaching a junction in both directions. It is related to the driver's eye height, object height above the road, distance back from the main road known as the 'X' distance and a distance along the main road known as the 'Y' distance. The Y distance is related either to the design speed of the road and a corresponding 'stopping sight distance' or in some circumstances may be based on observed '85th percentile vehicle speeds'. Advice on this matter can be obtained by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk) and reference to the following pages on the Council web site

Transportation Service Requirements for Small Developments in the Countryside Full document <http://www.moray.gov.uk/downloads/file79761.pdf>  
Checklist <http://www.moray.gov.uk/downloads/file68812.pdf>

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing [road.maint@moray.gov.uk](mailto:road.maint@moray.gov.uk)

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.



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

None

**DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF PLANNING  
PERMISSION IMPOSED (S.58/59 of 1997 ACT)**

None

**TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION**

The terms, or summary of terms of the Agreement can be inspected at:-

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.

**The Moray Council**

**NOTIFICATION OF INITIATION OF DEVELOPMENT**

**Section 27A Town and Country Planning (Scotland) Act 1997**

Planning Application Reference No: 13/01909/PPP

Date issued:

I hereby give notice that works as detailed under the above planning application will commence on:

Signed: ..... Date: .....

THE FOLLOWING INFORMATION MUST BE PROVIDED:

1. Name and address of person carrying out the development:

.....  
.....

2. The full name and address of the landowner, if a different person:

.....  
.....

3. Where a site agent is appointed, their full name and contact details:

.....  
.....

4. The date of issue and reference number of the grant of planning permission:

.....  
.....

Please return this form, duly completed to: - The Moray Council  
Development Management  
Development Services  
Environmental Services Department  
Council Office,  
High Street  
Elgin IV30 1BX

Or email to: - [development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)

**IMPORTANT**

It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.

Please complete and return this form.

## The Moray Council

### NOTIFICATION OF COMPLETION OF DEVELOPMENT

Section 27B Town and Country Planning (Scotland) Act 1997

**Planning Application Reference No:** 13/01909/PPP

**Date issued:**

I hereby give notice that works as detailed under the above planning application will be completed on: .....

Signed: ..... Date: .....

Please return this form, duly completed to: - The Moray Council  
Development Management  
Development Services  
Environmental Services Department  
Council Office  
High Street  
Elgin IV30 1BX

Or email to: - [development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)

### **IMPORTANT**

**It is important that the Environmental Services Department is advised when the development has been completed as failure to do so may result in enforcement action be taken.**

**Please complete and return this form.**



Town & Country Planning  
 (Scotland) Act, 1997  
 as amended

**APPROVED**  
 16/12/10

Development Management  
 Environmental Services  
 The Moray Council