



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR142
 - Site address: Upper Speyside, Craigellachie
 - Application for review by Mr Gavin Strathdee, c/o Mr Stewart Reid, Strathdee Properties Ltd against the decision of an Appointed Officer of The Moray Council
 - Planning Application 15/01707/APP for the proposed erection of dwellinghouse with detached garage
 - Unaccompanied site inspection carried out by the MLRB on 24 February 2016
 - Date of decision notice: 3 March 2016
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Decision

The MLRB agreed to dismiss the request for review and uphold the original decision of the Appointed Officer to refuse the above noted application.

1. Preliminary

- 1.1 This Notice constitutes the formal decision of the MLRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the MLRB at the meeting held on 25 February 2016.
- 1.3 The MLRB was attended by Councillors C. Tuke (Chair), G. Cowie, K. Reid and R. Shepherd.

2. Proposal

- 2.1 This is an application for planning permission for the proposed erection of dwellinghouse with detached garage at Upper Speyside, Craigellachie.

3. MLRB Consideration of Request for Review

- 3.1 The MLRB considered a request from the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse an application for the proposed erection of dwellinghouse with detached garage at Upper Speyside, Craigellachie.

- 3.2 There was submitted a 'Summary of Information' report setting out the reasons for refusal, together with copies of the Report of Handling, Notice of Review, Grounds for Review and supporting documents.
- 3.3 The MLRB agreed that it had sufficient information to determine the request for review.
- 3.4 With regard to the unaccompanied site visit carried out on 24 February 2016, Mrs Gordon, Planning Adviser, advised that Members were shown the site where the proposed development would take place.
- 3.5 The Planning Adviser advised the MLRB that the application had been refused on the grounds that the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of Policies H7, E7 , IMP1 of the Moray Local Development Plan 2015 and Housing the in the Countryside Supplementary Guidance in that the prevailing rural housing pattern is characterised by single small clusters of housing dispersed along the A941 corridor between Craigellachie and Dufftown with seven house plots have been approved - with houses yet to be erected - in the vicinity to the north west and south east. She noted that the introduction of a further plot into this locality, in addition to the consented plots, would result in unacceptable cumulative build-up of housing that would be detrimental to the rural character of the area.
- 3.6 Advising that, whilst currently screened by trees, the cumulative impact of these proposals would alter the character and appearance of the area through introduced activity i.e. increased traffic movements, refuse bin collections, which in turn would erode its rural character, the Planning Adviser also noted that the proposals involve the removal of woodland in excess of 0.1 ha, which include no compensatory planting to mitigate the effects of its removal, and as such, the proposal was contrary to the provisions of Policies ER2, E4 and Trees and Development Supplementary Guidance.
- 3.7 Referring to the Applicant's Grounds for Review, the Planning Adviser advised that the Applicant had stated that the site is located adjacent to a consented site and together these two potential houses would form a small cluster of dwellings. They also noted that nearby, there are a number of existing houses and consented sites which sit alone or in clusters and stated that the proposed dwelling would be no different to these existing arrangements and consistent with the existing settlement pattern.
- 3.8 The Applicant advised that, in their opinion, the neighbouring plot and proposed plot would form a small cluster which would integrate well into the area and would complement the woodland setting without changing the character of the area. They stated their belief that it is considered unlikely that the increased traffic of an additional dwelling will noticeably cause any problems.
- 3.9 Councillor Cowie, having had the opportunity to visit the site and consider the Applicant's Grounds for Review, moved that the review be dismissed and the Appointed Officer's decision be upheld to refuse the planning application.
- 3.10 Councillor Shepherd stated he was of the same opinion as Councillor Cowie

and seconded his motion.

- 3.11 The Chair stated his belief that the proposal would not constitute an unacceptable cumulative build-up and that the increase in traffic movements, in conjunction with currently approved plots, would not be significant. Accordingly, he moved that the review be upheld and planning permission be granted, subject to conditions to be determined should he find a seconder. There being no seconder, the Chair's motion fell.
- 3.12 There being no one otherwise minded, the MLRB agreed to dismiss the review and uphold the Appointed Officer's decision to refuse planning permission in respect of Planning Application 15/01707/APP.

Paul Nevin
Senior Solicitor (Property and Contracts)
Legal Adviser to the MLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to Applicant on determination by the Planning Authority of an application following a review conducted under Section 43A(8)

Notice Under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

1. If the Applicant is aggrieved by the decision of the Planning Authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the Applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. 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 V of the Town and Country Planning (Scotland) Act 1997.