



## MORAY LOCAL REVIEW BODY

### DECISION NOTICE

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Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR170
  - Application for review by Mr Gavin Strathdee, c/o Mr Stewart Reid, Strathdee Properties Ltd against the decision of an Appointed Officer of Moray Council
  - Planning Application 16/00944/APP to erect dwellinghouse with detached garage at North Hilton, Hilton Farm, Buckie
  - Unaccompanied site inspection carried out by the MLRB on 18 December 2016
  - Date of decision notice: 5 December 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 24 November 2016.
- 1.3 The MLRB was attended by Councillors C. Tuke (Chair), G. Cowie and R. Shepherd.

#### **2. MLRB Consideration of Request for Review**

- 2.1 A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse a planning application to erect a dwellinghouse with detached garage at North Hilton, Hilton Farm, Buckie.
- 2.2 There was submitted a 'Summary of Information' report setting out the reasons for refusal, together with documents considered or prepared by the Appointed Officer in respect of the planning application and the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

- 2.3 The MLRB agreed that it had sufficient information to determine the request for review.
- 2.4 With regard to the unaccompanied site inspection carried out on 18 November 2016, Mrs MacDougall, Planning Officer (Planning & Development), as Planning Adviser to this review, advised that Members of the MLRB were shown the site where the proposed development would take place and provided with a summary of the reasons for refusal and the Applicant's Grounds for Review.
- 2.5 The Planning Adviser advised the MLRB that the application had been refused on the grounds that the proposal was contrary to Policies H7 *New Housing in the Open Countryside*, IMP1 *Developer Requirements* and PP1 *Sustainable Economic Growth* of the Moray Local Development Plan 2015. She noted that the site, when viewed in conjunction with other approved and existing houses in the surrounding area, leads to an uncharacteristically high density of rural housing which results in an unacceptable build-up of residential development, to the detriment of the character of this open area of countryside. She also advised that the site, when viewed in conjunction with the two neighbouring approved house sites, will result in an inappropriate ribbon of development along the side of the disused railway to the detriment of the character of the surrounding countryside.
- 2.6 Referring to the Applicant's Grounds for Review, the Planning Adviser advised that the Applicant had stated that the proposal, when considered in context of nearby houses and plots, will integrate well as part of a housing cluster reflective of the existing settlement pattern. They advised that the settlement pattern was characterised by small clusters of housing and individual houses and that the proposal would form a similar cluster and would integrate with surrounding settlement pattern. The Applicant expressed their opinion that there would be no detrimental impact on rural character as the proposal would form a cluster of 3 houses with farmland around them to ensure rural dynamic was maintained.
- 2.7 The Applicant stated their belief that three homes could be considered acceptable before the ribbon policy is applied. Noting that the plot would not be visible from public roads due to undulating land, the Applicant stated that it would therefore be difficult to see how the rural character would change. The Applicant advised that the site has 50% existing boundaries and will have a backdrop of gorse covered embankment integrating the site with the landscape.
- 2.8 In concluding, the Applicant advised that there was a demand for rural housing and that there were no technical objections from statutory consultees. Stating their opinion, the Applicant advised that the proposal meets design requirements of Policy H7 and is an acceptable scale of house.
- 2.9 The Chair, having had the opportunity to visit the site and consider the Applicant's Grounds for Review, accepted the proposal was in an isolated location but stated that the addition of a further property in conjunction with the consented sites in close proximity was an unacceptable build-up. Accordingly, he moved that the review be dismissed and the Appointed Officer's decision be upheld to refuse planning permission in respect of Planning Application 16/00944/APP.

- 2.10 Councillor Shepherd stated he was of the same opinion as the Chair and seconded his motion.
- 2.11 Councillor Cowie stated he was of the same opinion as the Chair and Councillor Shepherd.
- 2.12 Thereafter, the MLRB agreed to dismiss Case LR170 and uphold the Appointed Officer's decision to refuse planning permission in respect of Planning Application 16/00944/APP.

**Paul Nevin**  
**Senior Solicitor (Property & 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.