



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR173
 - 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 16/01037/APP to erect dwellinghouse with detached garage at West Ringorm, Elchies, Craigellachie
 - Unaccompanied site inspection carried out by the MLRB on 25 January 2017
 - Date of decision notice: 24 February 2017
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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 26 January 2017.
- 1.3 The MLRB was attended by Councillors C. Tuke (Chair), G. Coull (Deputy Chair), G. Cowie and R. Shepherd.
- 1.4 Councillor Shepherd, having not taken part in the site visit, took no part in the relevant discussion or decision of this review and had left the meeting by this juncture.

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 erect a dwellinghouse with a detached garage at West Ringorm, Elchies, Craigellachie.

- 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 25 January 2017, the Senior 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 the Policies H7 *New Housing in the Open Countryside* and IMP1 *Developer Requirements* of the Moray Local Development Plan 2015 and, as a material consideration, the associated Supplementary Guidance 'Housing in the Countryside', where because of its siting/location when added to other recently approved sites, the proposal would result in a tight ribbon of new development along the edge of the woodland at the Wood of Ringorm. She stated that this would add to the cumulative build-up of new development at this location which would be detrimental to the rural character of the open countryside surrounding Craigellachie, this area having been identified as one in which there has been a significant growth in housing proposals and where further development, such as this proposal, would detract from the amenity and appearance of existing development and irreversibly alter the character of the countryside in this locality.
- 2.6 Referring to the Applicant's Grounds for Review, the Planning Adviser advised that the Applicant had stated that the dwelling will not be overtly prominent as it will have existing mature trees as a backdrop which would integrate the dwelling within the landscape setting. They stated that the proposal would form a cluster of 3 properties and, nearby, there are a number of similar type clusters and, as such, the proposed arrangement is similar in nature to other clusters and would integrate with the surrounding settlement pattern. The Applicant advised that the generous plot size would add to this integration.
- 2.7 Accepting that the proposal will increase the number of dwellings in the area, the Applicant advised that the proposal will not change the rural character of this part of the countryside. They noted that the site is bounded by at least 50% existing boundaries, which consists of post and wire fencing and mature tree growth, that the design requirements of Policy H7 are met and there has been no objection from statutory consultees.
- 2.8 Councillor Coull, referring to page 36 of the report, queried whether any screening was proposed between the site and the cluster to the south. In response, the Planning Adviser noted that trees currently exist in the area between the two sites and that there were no proposals at that time to remove these.
- 2.9 Having had the opportunity to visit the site and consider the Applicant's Grounds for Review, Councillor Coull stated that the proposal created a

distinct cluster with neighbouring approved plots and as such would integrate with the surrounding area where similar clusters existed, therefore complying with Policy H7 and IMP1 and associated supplementary guidance.

Accordingly, he moved that the review be upheld and planning permission be granted in respect of Planning Application 16/01037/APP.

- 2.10 As an amendment, the Chair stated that he was of the same opinion as the Appointed Officer and moved that the review be dismissed and the Appointed Officer's decision be upheld to refuse planning permission in respect of Planning Application 16/01037/APP.
- 2.11 Councillor Cowie advised that he was of the same opinion as the Chair and seconded his motion.
- 2.12 There being no seconder, Councillor Coull's motion fell.
- 2.13 Accordingly, the MLRB agreed to dismiss Case LR173 and uphold the Appointed Officer's decision to refuse planning permission in respect of Planning Application 16/01037/APP.



Paul Nevin
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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.