



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR187
 - Application for review by Mr Stewart Reid, Strathdee Properties Ltd against the decision of an Appointed Officer of Moray Council
 - Planning Application 17/01001/APP – Proposed erection of dwelling-house with integrated garage at Dufftown View, Craigellachie
 - Unaccompanied site inspection carried out by the MLRB on 25 September 2017
 - Date of decision notice: 25 October 2017
-

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 28 September 2017.
- 1.3 The MLRB was attended by Councillors Macrae (Chair), Feaver, Gatt and Patience.

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 an application on the grounds that the proposal is contrary to policies H7 and IMP1 of the Moray Local Plan 2008.
- 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 With regard to the accompanied site inspection carried out on 25 September 2017, the Chair stated that Members of the Moray Local Review Body (MLRB) were shown the site where the proposed development would take place and had before them papers setting out both the reasons for refusal and the Applicant's grounds for review.
- 2.4 The Chair asked if there were any preliminary matters which the Planning or Legal Adviser wished to raise.
- 2.5 In response the Planning Adviser advised that there was a typo on Page 13 of the papers in that the 2 historical planning applications should read 12/02104/APP and 15/00780/APP. The Legal Adviser confirmed that he and no preliminary matters that he wished to raise. This was noted.
- 2.6 The Chair asked the Committee if they had sufficient information to determine the request for review. In response, the Committee unanimously agreed that they had enough information.
- 2.7 The Chair, having had the opportunity to visit the site and consider the Applicant's grounds for review, agreed with the Appointed Officer's reasons for refusal detailed within the papers in relation to the proposal being contrary to policies H7 and IMP1 of the Moray Local Plan 2008 and moved that the review be dismissed and the Appointed Officer's decision upheld to refuse planning permission in principle in respect of Planning Application 17/01001/PPP.
- 2.8 There being no-one otherwise minded, the MLRB agreed to dismiss Case LR187 and uphold the Appointed Officer's decision to refuse planning permission in principle in respect of Planning Application 17/01001/PPP.

Paul Nevin
Senior Solicitor
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.