



## **MORAY LOCAL REVIEW BODY**

### **DECISION NOTICE**

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Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR192
  - Application for review by Mr Stewart Reid, Strathdee Properties Ltd against the decision of an Appointed Officer of Moray Council
  - Planning Application 17/01252/APP for a proposed erection of a dwelling-house with integrated garage at Upper Moray Firth, Hilton Farm, Buckie
  - An unaccompanied site inspection was carried out by the MLRB on 27 November 2017
  - Date of decision notice: 13 December 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 30 November 2017.
- 1.3 The MLRB was attended by Councillors Councillors M Macrae (Chair), D Bremner, D Gatt, M McLean, A Patience and D Ross.

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

- 2.1 Councillor M McLean, having not taken part in the site visit for this Review, took no part in the relevant discussion or decision.

- 2.2 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 would be contrary to policies PP1, H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017) for the following reasons:

The prevailing rural settlement pattern in this area is characterised by single house plots and small clusters of housing dispersed across the countryside to the south of Buckie. In this case, five house plots have been approved on nearby ground to the east and north. The introduction of a sixth house plot into this locality (in addition to these consented plots) would result in an unacceptable cumulative build-up of residential development detrimental to the rural character of the area. Given these impacts, the proposal is considered to constitute an inappropriately located site which fails to satisfy the siting criteria of policies PP1, H7, IMP1 and associated Supplementary Planning Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017).

- 2.3 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.
- 2.4 With regard to the unaccompanied site inspection carried out on 27 November 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.
- 2.5 The Chair asked if there were any preliminary matters which the Planning or Legal Adviser wished to raise. In response, both the Planning and Legal Advisers confirmed that they had no preliminary matters that they wished to raise.
- 2.6 The Chair then asked the MLRB if they had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information.
- 2.7 The Chair having had the opportunity to visit the site and consider the Applicant's grounds for review stated that he agreed with the view of the Appointed Officer in that the proposal was contrary to policies PP1, H7 and IMP1 of the Moray Local Development Plan 2015 and Supplementary Guidance 'Housing in the Countryside' (2015) and Guidance Note on Landscape and Visual Impacts of Cumulative Build-up of Housing in the Countryside (2017) and moved that the review be dismissed and the Appointed Officer's decision upheld to refuse planning permission in respect of planning application 17/01252/APP.

- 2.8 There being no-one otherwise minded, the MLRB agreed to dismiss Case LR192 and uphold the Appointed Officer's decision to refuse planning permission in respect of planning application 17/01252/APP.

**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.