



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR194
 - 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 17/01287/APP – Proposed erection of dwelling-house with integrated garage at Lower Ringorm, Elchies, Craigellachie, Moray
 - Unaccompanied site inspection carried out by the MLRB on 22 January 2018
 - Date of decision notice: 9 February 2018
-

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 January 2018.
- 1.3 The MLRB was attended by Councillors D Gatt (Chair), M Macrae (Depute Chair), D Bremner, G Cowie, M McLean, and D Ross.

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 would be contrary to the provisions of the adopted Moray Local Development Plan 2015, specifically policies E7, H7 and IMP1 and, as a material consideration, the associated Supplementary Planning Guidance “Housing in the Countryside” and the Guidance Note on “Landscape and Visual Impacts of Cumulative Build-Up of Houses in the Countryside” where, because of its unacceptable location/siting characteristic:

- a) the site is located in an open landscape setting which affords distance views both to and from the site and together with a lack of any meaningful and immediate backdrop and enclosure, the proposal would result in an obtrusive form of development which would not be integrated sensitively into the surrounding landscape; and
 - b) furthermore, as an additional dwelling, the introduction of this proposal would contribute to the further build-up of development in this locality and both individually and cumulatively, as a result of its location/siting, the proposal would detract from, and undermine the character, appearance and amenity of the surrounding open rural countryside, including the Speyside AGLV within which the proposal is located.
- 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 unaccompanied site inspection carried out on 22 January 2018, 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 Advisers wished to raise. In response, both the Planning and Legal Advisers confirmed that they had no preliminary matters that they wished to raise.
- 2.5 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.
- 2.6 Councillor Cowie, having had the opportunity to visit the site and consider the Applicant's grounds for review agreed with the opinion of the Appointed Officer in that the proposal was contrary to policies E7, H7 and IMP1 of the Moray Local Development Plan 2015 and moved that the appeal be refused on those grounds. This was seconded by Councillor Ross.
- 2.7 There being no-one otherwise minded, the MLRB agreed to dismiss Case LR194 and uphold the decision of the Appointed Officer to refuse planning permission in respect of planning application 17/01287/APP.

Mr 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.