



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR198
 - Application for review by Mr Eric Forsyth c/o Mr Alistair Murdoch, Ashley Bartlam Partnership against the decision of an Appointed Officer of Moray Council
 - Planning Application 17/01460/APP for a proposed dwelling house and garage at Plot CP2 adjacent to Muir of Ruthrie, Aberlour, Moray
 - Unaccompanied site inspection carried out by the MLRB on 19 February 2018
 - Date of decision notice: 12 March 2018
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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 22 February 2018.
- 1.3 The MLRB was attended by Councillors D Gatt (Chair), M Macrae (Depute Chair), D Bremner, G Cowie, M McLean, A Patience 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 development is contrary to policies E9, H7 and IMP1 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:-

- The proposal located on the edge of Aberlour immediately out with the settlement boundary as defined in the MLDP would erode the distinction between the built up area and countryside contrary to the objectives of policy E9.
- Development on the edge of the settlement would detract from the setting of the existing houses on the edge of the settlement contrary to policy H7.
- Development on the edge of the settlement would increase development sprawl into the countryside and would not be part of the planned expansion of the settlement therefore would not be readily integrated into the surrounding landscape contrary to policy IMP1.

- 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 19 February 2018, the Chair stated 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.
- 2.4 The Chair asked the MLRB if they had sufficient information to determine the request for review. In response, the MRLB agreed that it had sufficient information.
- 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, 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 development is contrary to policies E9, H7 and IMP1 of the Moray Local Development Plan (MLDP) 2015.
- 2.7 There being no-one otherwise minded, the MLRB agreed to dismiss Case LR196 and uphold the decision of the Appointed Officer to refuse planning permission in respect of planning application 17/01460/APP on the grounds that the development is contrary to policies E9, H7 and IMP1 of the Moray Local Development Plan (MLDP) 2015 for the following reasons:-
- The proposal located on the edge of Aberlour immediately out with the settlement boundary as defined in the MLDP would erode the distinction between the built up area and countryside contrary to the objectives of policy E9.

- Development on the edge of the settlement would detract from the setting of the existing houses on the edge of the settlement contrary to policy H7.
- Development on the edge of the settlement would increase development sprawl into the countryside and would not be part of the planned expansion of the settlement therefore would not be readily integrated into the surrounding landscape contrary to policy IMP1.

Mrs Aileen Scott
Legal Services Manager (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.