



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR215
 - Application for review by Mr and Mrs J Irvine-Morse, c/o Mr C Keir, Plans Plus against the decision of an Appointed Officer of Moray Council
 - Planning Application 18/00659/APP – Erect new dwelling house at a plot at Deerhill, Grange, Keith, AB55 6UN
 - Unaccompanied site inspection carried out by the MLRB on 23 October 2018
 - Date of decision notice: 30 November 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 25 October 2018.
- 1.3 The MLRB was attended by Councillors Alexander, Bremner, Coy, Gatt, Patience and 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 is unacceptable and contrary to the provisions of the adopted Moray Local Development Plan 2015 (Policies H7 and IMP1) and, as a material consideration, the associated Supplementary Planning Guidance 'Housing in the Countryside' where, because of its siting/location characteristics, the proposal is located in a prominent location when viewed

from the south west and given the size and scale of the house design proposed, the proposal would lead to an obtrusive form of development which does not relate to the surrounding countryside. As such, the location and siting characteristics of the proposal are unacceptable and in failing to integrate sensitively into the surrounding landscape, the development would detract from the character, appearance and amenity of the rural countryside area within which it is located.

- 2.2 A Summary of Information report set 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 23 October 2018, the Chair stated that all members of the Moray Local Review Body (MLRB) present, were shown the site where the proposed development would take place and had before them papers which set out both the reasons for refusal and the Applicant's grounds for review.
- 2.4 In response to a question from the Chair as to whether the Legal and Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.
- 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 Bremner, having had the opportunity to visit the site and consider the Applicant's grounds for review, agreed with the decision of the Appointed Officer in that the proposal would not blend into the landscape and moved that the appeal be refused and the original decision of the Appointed Officer upheld.
- 2.7 There being no-one otherwise minded, the MLRB agreed to dismiss Case LR215 and uphold the Appointed Officer's decision to refuse planning permission in respect of Planning Application 18/00659/APP.

Mrs A 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.