



## MORAY LOCAL REVIEW BODY

### DECISION NOTICE

---

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR309
  - Application for review by Miss Elaine Robertson against the decision of an Appointed Officer of Moray Council
  - Planning Application 24/00996/APP – Replacement of existing single glaze wooden framed windows and door with double/ triple glaze PVC windows at 157 Mid Street Keith Moray AB55 5BJ for Fit Feet Footcare
  - Unaccompanied site inspection carried out by the MLRB on 12 March 2025
  - Date of decision notice: 8 April 2025
- 

#### Decision

The MLRB agreed to uphold the request for review and grant planning permission/planning permission in principle, subject to the conditions appended to this decision notice. Attention is also drawn to the informative notes which follow the conditions.

#### 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 13 March 2025.
- 1.3 The MLRB was attended by Councillors Macrae (Chair), Dunbar (Depute), Cameron, Harris, McBain, van der Horn and Williams

#### 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 planning permission on the grounds that:
- 2.2 The proposals are contrary to National Planning Framework 4 (NPF4) and Moray Local Development Plan (MLDP) (2020) for the following reasons:

- i) The proposed replacement windows and door do not match the style, material, or intricate detail of the existing original timber windows. The windows and door would result in a detrimental impact on the appearance and historic interest of the property and do not preserve or enhance the character and appearance of the Keith Mid Street Conservation Area. Therefore the proposals would fail to comply with NPF4 Policy 7 and MLDP2020 Policy EP9.
- 2.3 The Summary of Information report set out the reasons for refusal, including the documents considered or prepared by the Appointed Officer regarding the planning application. It also included the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.
- 2.4 In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Planning Adviser advised that she had nothing to raise at this time.
- 2.5 The Legal Adviser advised that the Applicant had requested a Hearing on their Notice of Review Application however it was for the Moray Local Review Body (MLRB) to decide whether it had sufficient information within the agenda or whether further a further procedure, such as a Hearing, was required in order to be able to determine the Planning Application.
- 2.6 The Chair then asked the MLRB if it had sufficient information to determine the request for review. In response, the MLRB unanimously agreed that it had sufficient information to determine the case.
- 2.7 Councillor Cameron, having visited the site and considered the case in detail, stated that, during the site visit, he had observed several buildings on Mid Street, Keith that had replaced windows and doors with materials other than UPVC and moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 24/00996/APP as, in his opinion, the proposal is an acceptable departure from NPF4 Policy 7 (Historic Assets and Places) and MLDP 2020 Policy EP9 (Conservation Areas) as there were several properties on Mid Street, Keith that had replaced their windows and doors with materials other than wood therefore the Keith Mid Street Conservation Area had already been detrimentally impacted. This was seconded by Councillor Harris who further added that the proposal would make the premises more accessible for less able people.
- 2.8 Councillor McBain, having visited the site and considered the case in detail, stated that he agreed with the decision of the Appointed Officer and moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 24/00996/APP as the proposal fails to comply with NPF4 Policy 7 (Historic Assets and Places) and MLDP 2020 Policy EP9 (Conservation Areas). This was seconded by Councillor van der Horn.
- 2.9 On a division there voted:

For the Motion (4):	Councillors Cameron, Harris, Dunbar and Macrae
For the Amendment (3):	Councillors McBain, van der Horn and Williams
Abstentions (0):	Nil

2.10 Accordingly, the Motion became the finding of the meeting and the MLRB agreed to uphold the appeal and grant planning permission in respect of Planning Application 24/00996/APP as the proposal is an acceptable departure from NPF4 Policy 7 (Historic Assets and Places) and MLDP 2020 Policy EP9 (Conservation Areas).

**Mr Sean Hoath**  
**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.

## IMPORTANT NOTE

### YOU ARE OBLIGED TO COMPLY WITH THESE CONDITIONS AND NOTES

#### SCHEDULE OF CONDITIONS

By this Notice, Moray Council has **GRANTED PLANNING PERMISSION** for this proposal subject to conditions as appropriate to ensure implementation of the proposal under the Town & Country Planning (Scotland) Act 1997, as amended. **It is important that these conditions are adhered to and failure to comply may result in enforcement action being taken.**

#### CONDITION(S)

Permission is granted subject to the following conditions: -

The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which the permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

#### ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

The following notes are provided for your information, including comments received from consultees:-

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

Please contact the Building Standards Duty Officer in order to ascertain whether a Building Warrant will be required for these proposals between 2pm and 4pm or telephone on 03001234561. No appointment is necessary. Alternatively e-mail [buildingstandards@moray.gov.uk](mailto:buildingstandards@moray.gov.uk)

#### LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference	Version	Title
02		Proposed elevation
BNF12563		Location Plan

## **IMPORTANT NOTES ABOUT THIS DECISION**

### **DURATION OF THIS PERMISSION**

In accordance with Section 58 (i) of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

If the development has not commenced within this period then this permission shall lapse unless there is a specific condition attached to this permission which varies the stated timescale.

### **COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT**

The following are statutory requirements of the Town & Country Planning (Scotland) Act 1997, as amended. Failure to meet their respective terms represents a breach of planning control and may result in formal enforcement action. Copies of the notices referred to below are attached to this permission for your use.

#### **NOTIFICATION OF INITIATION OF DEVELOPMENT**

S.27A of the 1997 Act, as amended requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission. Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to Moray Council, as planning authority, the attached Notification of Initiation of Development.

#### **NOTIFICATION OF COMPLETION OF DEVELOPMENT**

S.27B of the 1997 Act, as amended requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions. Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to Moray Council, as planning authority the attached Notification of Completion of Development.

#### **NOTIFICATION OF COMPLETION OF PHASED DEVELOPMENT**

Under S.27B(2) of the 1997 Act, as amended where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete.

When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.



## THE MORAY COUNCIL

### NOTIFICATION OF INITIATION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Application Number

Date Decision Issued

Location and Description of  
Development

**Please note that all suspensive conditions must be discharged prior to  
commencement of development**

<b>Date works are to Commence</b>	
---------------------------------------	--

**Name, Address and contact details of developer**

.....

.....

.....

**The Full name and Address and contact details of the landowner, if a  
different person**

.....

.....

.....

**Where an agent is appointed, their full name and contact details**

.....

.....

.....

Signed

Name (Print)

Date

.....

.....

.....

**Please complete and return this form to:**

**The Moray Council, Development Management Manager, Council Offices, High  
Street, Elgin, Moray IV30 6UG**

**OR**

**E-mail: [development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)**



## THE MORAY COUNCIL

### NOTIFICATION OF COMPLETION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Application Number

Date Decision Issued

Location and Description of  
Development

<b>Date of completion of works</b>	
------------------------------------	--

**Name, Address and contact details of developer**

.....

.....

.....

**The Full name and Address and contact details of the landowner, if a  
different person**

.....

.....

.....

**Where an agent is appointed, their full name and contact details**

.....

.....

.....

Signed

Name (Print)

Date

.....

.....

.....

**Please complete and return this form to:**

**The Moray Council, Development Management Manager, Council Offices, High  
Street, Elgin, Moray IV30 6UG**

**E-mail: [development.control@moray.gov.uk](mailto:development.control@moray.gov.uk)**