



## MORAY LOCAL REVIEW BODY

### DECISION NOTICE

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Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR310
- Application for review by Mr Peter Seely against the decision of an Appointed Officer of Moray Council
- Planning Application 24/01517/APP – Change of use of woodland to garden ground and erect a domestic garage/workshop at Beulah, Garmouth, Fochabers, Moray
- Unaccompanied site inspection carried out by the MLRB on 12 March 2025
- Date of decision notice: 8 April 2025

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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 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 change of use an area of Ancient Woodland to domestic garden ground is unacceptable as it would result in the loss of an area of designated Ancient Woodland which is not supported by NPF4 Policy 6.
  - ii) The proposed garage would result in the removal of healthy trees from the site which would fail to comply with MLDP 2020 Policy EP7 which only permits the removal of healthy trees where it is technically unfeasible to retain these.
  - iii) The garage is considered an unacceptable scale and design for the prominent roadside location and would not be read alongside the main dwellinghouse which is set on the opposite side of an existing private access road, resulting in a detrimental impact on the rural wooded character of the area. The garage would contain a large box dormer which is not permitted by policy DP1. The proposals would also prejudice the special qualities of the Special Landscape Area and would therefore fail to comply with NPF4 Policies 4, 14, 6 and MLDP 2020 Policies DP1 and EP3.
- 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 van der Horn, having considered the case in detail, agreed with the view 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 24/01517/APP as the proposal does not comply with NPF4 policies 4 (Natural Places), 6 (Forestry, Woodland and Trees) and 14 (Design, Quality and Place) and MLDP 2020 policies EP7 (Forestry Woodland and Trees), DP1 (Development Principles and EP3 (Special Landscape Areas). Councillor McBain seconded this stating that the proposal would be a blight on the road which is surrounded by woodland on the left and right.
- 2.8 There being no-one otherwise minded, the MLRB unanimously agreed to refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application

24/01517/APP as the proposal does not comply with NPF4 policies 4 (Natural Places), 6 (Forestry, Woodland and Trees) and 14 (Design, Quality and Place) and MLDP 2020 policies EP7 (Forestry Woodland and Trees), DP1 (Development Principles and EP3 (Special Landscape 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.