



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR311
 - Application for review by Mr Dhyan Perera, c/o Mr Greig Munro, Coast2Coast, against the decision of an Appointed Officer of Moray Council
 - Planning Application 24/01056/APP to erect dwellinghouse on site at Tomnamoon, Altyre, Forres
 - Unaccompanied site inspection carried out by the MLRB on 11 June 2025
 - Date of decision notice: 23 June 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 in principle was considered by the MLRB at the meeting held on 12 June 2025.
- 1.3 The MLRB was attended by Councillors Macrae (Chair), Dunbar (Depute), Cameron, Harris, McBain, Van der Horn, Warren, 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 development is contrary to Moray Local Development Plan 2020 Policies DP4 Rural Housing and DP1 Development Principles and to National Planning

Framework Policies 14 Design, Quality, and Place and 17 Rural Homes for the following reasons:

- i. The contemporarily designed dwellinghouse fails to respond to its rural setting by virtue of its height (in excess of 9m), its bulk and flat roof wrap around with roof deck feature.
- ii. It is out of keeping with the surrounding area given its scale, density and character is not appropriate for its setting and would fail to integrate into the surrounding landscape.
- iii. The proposal would adversely affect the site and the surrounding area due to its dominant impact detrimentally altering the character of the area.

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. There were further representations received from interested parties and these and the applicant response were also included in the report.

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 and the Legal Adviser both advised that they had nothing to raise at this time.

2.5 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.

2.6 Councillor Van der Horn, having visited the site and considered the application 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 24/01056/APP as the proposal does not comply with MLDP 2020 Policies DP4 (Rural Housing) and DP1 (Development Principles) and NPF4 policies 14 (Design, Quality and Place) and 17 (Rural Homes), specifically due to the height of the property being over 6.75m. This was seconded by Councillor Harris.

2.7 Councillor Dunbar, having visited the site and considered the application in detail, moved an amendment that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 24/01056/APP as she was of the opinion that the proposal complies with MLDP 2020 policy DP1 (Development Principles) as the drawing showing the building to scale in the landscape shows that it is not excessive in size, NPF4 policy 14 (Design, Quality and Place) as it is an innovative design and reuses a brown field site, and NPF4 policy 17 (Rural Homes) as it would be supporting the Local Housing Strategy as

priority 1 is to improve access to housing across all tenures. She was further of the opinion that it was an acceptable departure from MLDP 2020 policy DP4 (Rural Housing) as 9.1m in height is not excessive when you visit the site and see the location. This was seconded by Councillor McBain who added that the Planning Permission in Principle (PPP) (21/01873/PPP) shows a building of 9.1m in height.

2.8 The Planning Adviser responded by advising there were conditions on the PPP that the house had to be within the design guidelines which is a height not exceeding 6.75m.

2.9 On a division there voted:

For the Motion (5)	Councillors Van der Horn, Harris, Cameron, Macrae and Warren
For the Amendment (3)	Councillors Dunbar, McBain and Williams
Abstention (0)	Nil

2.10 Accordingly, the motion became the finding of the meeting and the MLRB agreed to refuse the appeal and uphold the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 24/01056/APP as the proposal does not comply with MLDP 2020 Policies DP4 (Rural Housing) and DP1 (Development Principles) and NPF4 policies 14 (Design, Quality and Place) and 17 (Rural Homes).

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.