



MORAY LOCAL REVIEW BODY

DECISION NOTICE

Decision by the Moray Local Review Body (MLRB)

- Request for Review reference: Case LR313
 - Application for review by Miss Emma Thorpe, c/o Neil Grant, Grant and Geoghegan against the decision of an Appointed Officer of Moray Council
 - Planning Application 24/01431/APP - retrospective consent for change of use of land to caravan storage at Level Farm, Birnie, Elgin, Moray IV30 8SR
 - Unaccompanied site inspection carried out by the MLRB on 6 November 2025
 - Date of decision notice: 3 December 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 November 2025.
- 1.3 The MLRB was attended by Councillors Neil Cameron, Juli Harris, Marc Macrae, Paul McBain, Draeyk van der Horn, Sonya Warren and Ben 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:

The proposal is contrary to the Moray Local Development Plan (MLDP) 2020 because it is located in the Elgin Countryside Around Towns designation and is a use that is not acceptable under the terms of associated MLDP Policy

EP4 "Countryside Around Towns". It subsequently fails to comply with the requirements of MLDP Policy DP5 (g) "Business and Industry" on the basis farm diversification proposals must comply with all relevant MLDP Policies. There are no material considerations that indicate otherwise.

- 2.2 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 no further representations received in response to the Notice of Review.
- 2.3 In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, both the Legal and Planning Advisers advised that they had nothing to raise at this time.
- 2.4 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.
- 2.5 Councillor McBain, having visited the site and considered the case in detail moved that the appeal be upheld and planning permission granted in respect of Planning Application 24/01431/APP as, in his opinion, the proposal complies with the policies on which the Appointed Officer refused it due to the following reasons:
 - 2.5.1 Policy EP4 "Countryside Around Towns" – the site cannot be seen from the road and, in his opinion, although the site has been there for a number of years, it does not adversely impact on the countryside; and
 - 2.5.2 Policy DP5 "Business and Industry" part g) – the use of the land for caravan storage aligns with the principles of farm diversification as many farms need to look beyond conventional agriculture for economic sustainability. Cllr McBain particularly noted that the National Farmers Union (NFU) in their submissions had stated that most diversification is in non-agricultural activities.
- 2.6 Councillor Macrae agreed with the view of Councillor McBain and seconded his motion further stating that diversification should not just mean farm related activities and that farms need to diversify to survive. He further noted that the proposal complies with all the National Planning Framework 4 (NPF4) policies.
- 2.7 Councillor van der Horn, having considered the case in detail moved, as an amendment, that the appeal be refused and the original decision of the Appointed Officer to refuse planning permission in respect of Planning Application 24/01431/APP be upheld as the proposed caravan storage use is contrary to MLDP 2020 policies EP4 "Countryside Around Towns" and DP5 (g) "Business and Industry", which aim to safeguard and enhance the rural setting around settlements. Councillor van der Horn noted that the land is designated for agriculture, and the development is not necessary for agricultural purposes, resulting in an inappropriate loss of agricultural land. Councillor van der Horn further noted that there is already adequate provision for caravan storage within the Elgin settlement boundary, making this proposal unnecessary and

potentially harmful to similar businesses. Councillor van der Horn was also of the view that tourism benefits are considered very unlikely to materialise which would not justify the development.

2.8 Councillor Harris agreed with the view of Councillor van der Horn and seconded his amendment.

2.9 In relation to Councillor van der Horn's comment regarding the proposal being potentially harmful to similar businesses within the Elgin settlement boundary, the Legal Adviser advised that respective business interests were not material planning considerations. This was noted.

2.10 Prior to voting, the Planning Adviser sought clarification as to whether consent would be subject to conditions recommended by transportation in relation to visibility splay and landscape and biodiversity conditions, should the MLRB be minded to grant planning permission.

2.11 In response, both Councillors McBain and Macrae agreed that planning permission would be granted subject to conditions recommended by transportation in relation to visibility splay and landscape and biodiversity conditions.

2.12 On a division there voted:

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

2.13 Accordingly, the amendment became the finding of the meeting and the MLRB agreed to refuse planning permission in respect of Planning Application 24/01431/APP as the proposal is contrary to MLDP 2020 policies EP4 "Countryside Around Towns" and DP5 (g) "Business and Industry".

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.